

# NOTICE OF INTENT

## Department of Culture, Recreation and Tourism Office of the Secretary

### Segmentation of Louisiana Byways (LAC 25:XI.101)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Culture, Recreation and Tourism (CRT) intends to promulgate a rule entitled "Segmentation of Louisiana Byways" in accordance with R.S. 56:1948.7.B.

Pursuant to Act 741 of the Regular Session of the Louisiana Legislature, the secretary of CRT is authorized to promulgate rules and regulations that set forth the procedure and criteria by which certain segments of highway may be excluded from the Louisiana byways system. This proposed rule will set forth such a procedure and such criteria.

#### **Title 25**

### **CULTURE, RECREATION AND TOURISM**

#### **Part XI. Office of the Secretary**

#### **Chapter 1. Byways**

#### **§101. Segmentation of Louisiana Byways**

A. A specific segment of an existing or proposed Louisiana byway may be excluded from the Louisiana byway system upon recommendation to, and determination by, the secretary (secretary) of the Department of Culture, Recreation and Tourism (CRT).

B. An authority, agency, organization or interested resident of an area with an existing or proposed Louisiana byway may recommend to the secretary exclusion of a specific segment of the byway.

C. A segment may be recommended for exclusion only if the adjacent land is zoned commercial or industrial or contains a permanent structure at which commercial or industrial activity is conducted. In an unzoned area, the excluded segment may include portions of the byway up to 800 feet away from the actual area regularly used for the commercial or industrial activity, including its structures, yards, parking and grounds. An excluded segment may also include an area up to 800 feet between any two such commercial or industrial areas.

D. A recommendation for exclusion must be submitted to the secretary in writing and include the following:

1. identification of the byway as designated in accordance with R.S. 56:1948;
2. identification of the designated entity that suggested

byway in accordance with R.S. 56:1948.4;

3. Identification of the beginning and ending of the segment recommended to be excluded, measured in relation to permanent public features of the byway such as intersecting highways, municipal and parish boundaries and public buildings.

4. A description of the zoning on the adjacent land, including the name of the zoning authority, if zoned; or if unzoned, a description of the commercial or industrial activities located on the adjacent land, including the name of any businesses and the boundaries of the regularly used areas of such businesses.

5. A report of the differences between the segment to be excluded and the other portions of the byway relative to the criteria for Louisiana byway designation in R.S. 56:1948.3.

E. Upon receipt of a recommendation, the secretary will send a copy of the recommendation and accompanying documents to the Louisiana Department of Transportation and Development, the entity identified in Subsection D.2. above, and the local byway district, if any, with a request for written comment within 30 days on the suitability of the recommended segment for exclusion.

F. Not less than 45 days after the notice in §101.E above, the secretary will determine whether to exclude the recommended segment, based upon the lack of natural, scenic, cultural or historic features within the segment, compared to the presence of such features along the other portions of the affected byway. The beginning and ending of any excluded segment will be at those points of visible change in the appearance of the adjacent features along the byway, subject to the limitations of §101.C above.

G. An excluded segment may nevertheless be included by CRT, the Department of Transportation and Development, the local byway district and other local authorities in official signage and mapping of the byway and other purposes solely to preserve system continuity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1948.7.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 22:

Interested persons may submit written comments on the proposed rule until 4:30 p.m., February 28, 1996 to: Mark H. Hilzlm, Secretary of the Louisiana Department of Culture, Recreation and Tourism, Box 94361, Baton Rouge, LA 70804-9361.

A public hearing on the proposed rule will be held on March 6, 1996 at 10 a.m. in the Third Floor Conference Room, Capitol Annex, Baton Rouge, LA.

Mark H. Hilzim  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Segmentation of Louisiana Byways**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule will result in costs or savings to the Department of Culture, Recreation and Tourism or any state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule will have any effect on revenue collections of any governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Landowners or leaseholders of property along Louisiana byways and eligible for exclusion may benefit from increased potential land uses as a result of exclusion from byways regulations.

Organizations or residents interested in excluding segments of existing or proposed Louisiana byways from the Louisiana byway system may recommend such exclusions to the secretary of CRT. These organizations or residents must accompany their recommendations with a description of the segment to be excluded and a report to justify the exclusion. This report may require clerical or technical assistance in its preparation. Specific costs would depend upon the ability of the recommending interest to personally prepare the report and the extent to which the interest might need outside assistance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may allow for increased economic development opportunities on excluded segments. These increased opportunities may increase competition and employment.

Mark H. Hilzim  
Secretary  
9601#075

John R. Rombach  
Legislative Fiscal Officer