SPONSOR: Sen. Katz & Rep. Schwartzkopf
Sens. Blevins, Bunting, Bushweller, Cloutier, DeLuca, Ennis, Hall-Long, Henry, Peterson, McDowell, Marshall, Sokola, Sorenson & Venables;
Reps. Brady, Heffernan, Hudson, Jaques, Kowalko, Lavelle, Manolakos, Miro, Ramone, B. Short & D.E. Williams

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 241

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE BRANDYWINE VALLEY NATIONAL SCENIC BYWAY.

WHEREAS, in September of 2005, the Brandywine Valley National Scenic Byway (hereinafter, the "National Scenic Byway") became the first designated National Byway in the State of Delaware; and

WHEREAS, the National Scenic Byway corridor, as defined below, contains some of the most beautiful and historically significant roads and scenery in the State of Delaware; and

WHEREAS, the preservation, maintenance and enhancement of the National Scenic Byway should be a collaborative effort – one which draws upon the individual and shared expertise of residents, civic associations, businesses, planning organizations, historic and conservation groups, and tourism organizations, among others; and

WHEREAS, the General Assembly finds that the public interest would be served by the formation of a permanent, interdisciplinary advisory board to assist policymakers and other stakeholders in the ongoing effort to preserve, maintain and enhance the nationally recognized historic, cultural and scenic qualities of the National Scenic Byway.

NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 17 of the Delaware Code, by adding a new subchapter VIII to read as follows:

Subchapter VIII. Brandywine Valley National Scenic Byway.

§ 220. Findings and Intent.

(a) The Brandywine Valley National Scenic Byway (the "National Scenic Byway"), which includes Delaware Route 52 within the State of Delaware from Rodney Square to the Pennsylvania Line and Delaware Route 100 from its intersection with Delaware Route 52 to the Pennsylvania line, was designated in 2005 as the first National Byway in the State of Delaware. The General Assembly hereby finds that the historic, cultural and scenic qualities of National Scenic Byway are unique and worthy of special consideration.

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(b) In recognition of the foregoing, it is the intent of the General Assembly to establish a permanent, interdisciplinary advisory board comprised of such individuals as provided below, to assist policymakers and other stakeholders in preserving, maintaining and enhancing the National Scenic Byway.

§ 221. Establishment of Board.

(a) There is hereby established a Brandywine Valley National Scenic Byway Advisory Board, which shall be chaired by the Secretary or his or her designee and comprised of members serving for terms of three (3) years each. The following organizations shall be entitled to appoint a representative to the Board:

(1) Department of Natural Resources and Environmental Control;

(2) Department of State;

(3) Delaware Tourism Office;

(4) New Castle County;

(5) City of Wilmington and/or the Wilmington Convention and Visitors Bureau;

(6) Kennett Pike Association;

(7) Delaware Greenways;

(8) Delaware Nature Society;

(9) Centreville Civic Association;

(10) Brandywine Conservancy;

(11) Maintenance Corporation of Westover Hills;

(12) Westover Hills Woods Association; and

(13) The Harriett Tubman Underground Railroad Byway.

(b) In addition to the foregoing, the Board shall also include a representative of the hospitality industry; a representative of the Brandywine Valley museum community (including but not limited to the Hagley Museum, Longwood Gardens, Winterthur Museum and Gardens and the Brandywine River Museum); a representative of the Greenville, Centreville or Montchanin business community; and such other members as shall be nominated and appointed from time to time. Members appointed pursuant to this subparagraph (b) shall be nominated by a majority vote of the existing members and appointed by the Secretary.

(c) The Board shall adopt bylaws that provide for operating procedures such as election of officers, appointment of committees, designation of a quorum, conducting of meetings, and other matters that will promote the efficient operation of the Board in the performance of its duties under this chapter.

§ 222. Duties and Responsibilities of Board.

The Board shall assist in and make recommendations regarding the protection, preservation, designation, development, operation, management and promotion of the National Scenic Byway. In connection with the foregoing, the responsibilities and powers of the Board shall include:

(a) In an advisory capacity, reviewing and participating in the development of regulations and laws that impact the National Scenic Byway, at all levels of government;

(b) Securing funding to operate programs that enhance and preserve the National Scenic Byway for residents and visitors;

(c) Recommending policies and standards related to the National Scenic Byway;

(d) Participating in the update and implementation of the Corridor Management Plan and any associated reports, studies and plans; and

(e) Preparing and submitting the biennial report described in section 223 hereunder; and

(f) Such other responsibilities and powers consistent with the Board's role as an advisory body as shall be determined from time to time.

§ 223. Reports.

The Board shall prepare and submit a report of its activities and accomplishments to the General Assembly no later than June 30, 2014 and every second year thereafter.

SYNOPSIS

The Brandywine Valley National Scenic Byway was designated in 2005 as Delaware's first (and thus far, only) National Scenic Byway. In recognition of its unique historic, cultural and scenic qualities, this bill establishes a permanent, interdisciplinary advisory board – Brandywine Valley National Scenic Byway Advisory Board – to assist policymakers and other stakeholders in preserving, maintaining and enhancing the National Scenic Byway.

To ensure broad representation and expertise, the Board will be comprised of representatives from state, local and county governments, civic associations, conservation groups, tourism officials, business representatives and other stakeholders. Among other things, the Board will review and participate in the development of regulations and laws that impact the Byway; assist in securing funding to operate programs to enhance and preserve the Byway; and participate in the update and implementation of the Corridor Management Plan. In addition, the Board shall submit a biennial report of its activities and accomplishments to the General Assembly.

Author: Sen. Katz