

erating and maintenance costs, desirability and marketability, and visibility and prominence of the features to be named.

(f) Subsequent to the approval of a philanthropic naming rights plan by the Commission, the Executive Director and the Deputy Executive Director for Historic Sites, working with the agency's Development Director, shall have the authority to independently review and approve naming proposals consistent with said plan. In reaching this decision, they shall consider whether the gift is from a potentially controversial source, how the donation is to be acknowledged on the site, and any other relevant factors. If, in the opinion of the staff the gift could be controversial, staff may refer the proposed gift to the Commission for final approval.

(g) All assets for which naming rights will be offered shall be valued as a function of the aggregate campaign goal within the philanthropic naming rights plan.

(h) All naming rights shall be approved for a specific term, which shall not be longer than the useful life of the property or facility, as determined by the Commission, unless otherwise established in the naming rights plan approved by the Commission.

(i) The Commission shall have the authority to rescind the naming of any property or component of any property if, in the Commission's opinion, the individual, civic or charitable group is found to have participated in any behavior which would have a negative impact on the site or agency or would discredit the work of the agency in any way.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Mark Wolfe

Executive Director

Texas Historical Commission

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For further information, please call: (512) 463-6100



CHAPTER 21. HISTORY PROGRAMS

SUBCHAPTER E. TEXAS HISTORIC ROADS AND HIGHWAYS PROGRAM

13 TAC §21.31, §21.32

The Texas Historical Commission (THC) proposes new §21.31 and §21.32 under new Subchapter E relating to the Texas Historic Roads and Highways Program.

In 2009, the Texas Legislature established the Texas Historic Roads and Highways Program under House Bill 2642, which amended Texas Government Code Chapter 442 to add §442.025.

The purpose of the Texas Historic Roads and Highways Program is to establish a program for the identification, designation, interpretation, and marketing of Texas historic roads and highways. Under Texas Government Code Chapter §442.025, the Texas Historic Roads and Highways Program is the responsibility of the THC in partnership with the Texas Department of Transportation (TxDOT).

New §21.31 establishes definitions specific to the Texas Historic Roads and Highways Program.

New §21.32 is proposed to provide consistent implementation of the Texas Historic Roads and Highways Program. Section 21.32(a) establishes the authority of THC and TxDOT to enter into a memorandum of understanding to implement the Texas Historic Roads and Highways Program. Section 21.32(b) clarifies that the designation of a road or highway under this program is not, and may not be considered to be, a designation under the National Historic Preservation Act (54 U.S.C. §300101 *et seq.*). Section 21.32(c) establishes that THC and TxDOT may pursue federal funds dedicated to highway enhancement for the program. Section 21.32(d) states that TxDOT is not required to construct or erect a marker under this section unless a grant or donation of funds is made to cover the cost of the design, construction, and erection of the marker. Section 21.32(e) states that money received to cover the cost of a marker under this subsection shall be deposited to the credit of the state highway fund.

Mark Wolfe, Executive Director, has determined that for the first five-year period the new rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these rules.

Mr. Wolfe has determined for each year of the first five-year period the new rules are in effect the public benefit anticipated as a result of the rules will be increased appreciation of historic roads and highways in Texas and their educational and tourism benefits to the state.

Additionally, Mr. Wolfe has determined there may be a positive effect on small or micro businesses in communities that have a connection to historic highway routes by encouraging heritage tourism in those communities.

Comments on the proposal may be submitted by mail to Mark Wolfe, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276. Comments will be accepted for 30 days after publication in the *Texas Register*.

New §21.31 and §21.32 are proposed under §442.005(q), Texas Government Code, which provides THC with the authority to promulgate rules and conditions to reasonably effect the purposes of this chapter.

The proposal of these rules implements §442.005 and §442.025 of the Texas Government Code.

No other statutes, articles, or codes are affected by these new rules.

§21.31. Definitions.

The following words and terms shall have the given meanings when used in this subchapter unless the context clearly requires otherwise:

(1) "Commission" means the Texas Historical Commission.

(2) "Department" means the Texas Department of Transportation.

(3) "Historic Highway" means the following officially designated highways within the State of Texas as shown on the Rand McNally Official 1923 Auto Trails Map, Districts 12 and 18, or any other highway so designated by the Texas State Legislature:

(A) Bankhead Highway (Texarkana-Dallas-Fort Worth & El Paso)

Highway

(B) Meridian Highway, Mineral Wells Branch Meridian

(C) Southern National Trail (Old Spanish Trail)

(D) Del Rio-Canadian Highway

(E) North Texas Highway

(F) King of Trails

(G) Central Texas Highway

(H) East Texas Highway

(I) Puget Sound to Gulf Highway

(J) Fort Worth-Brady-Fort Stockton Highway

(K) Jefferson Highway

(L) Jefferson Davis Memorial Highway

(M) Ozark Trail

Henry Exall Highway, "X" All Highway

(N) Henry Exall Memorial Highway, Eastern Loop Highway, "X" All Highway

(O) Texas-Louisiana Highway

(P) Pecos Valley Highway

(Q) Albany-Bronco Highway

way

(R) Paris-Houston Highway, Red River to Gulf Highway

(S) Austin to Houston Highway

(T) Gonzales to San Augustine Highway

(U) Wichita Falls and Comanche Highway

(V) Southwest Trail of Texas

(W) Denton-Whitesboro Highway

(X) Tyler-Henderson-Nacogdoches Highway

(Y) Fort Worth-Farwell-Frisco Highway

(Z) Middlebuster Highway

(AA) Wichita Valley Highway

(BB) Waco-Corsicana Highway

(CC) Ben Milam Highway

(DD) Jim Hogg Highway

(EE) Throckmorton Highway

(FF) Hobby Highway

(GG) Charles Schreiner Highway

(HH) Culberson Highway

(II) SAP Route

(JJ) East and West Texas Highway

(KK) Mississippi River Scenic Highway

(LL) Postal Highway

(MM) Star Highway

(NN) Denison-Whitesboro-Fort Worth-Gulf

(OO) Abo Pass Highway

(PP) Texas, Oklahoma, Kansas Route

(QQ) San Antonio-Del Rio

(RR) Lone Star Trail (Beaumont to Brownsville)

(SS) Kansas-Oklahoma, Texas and Gulf Highway

(TT) Gulf to Panhandle Highway

(UU) Dallas-Canadian-Denver Highway

(VV) Lee Highway

(WW) Lone Star Trail (Timpson to El Paso)

(XX) Colorado to Gulf Highway

(YY) Dixie Overland Highway

(ZZ) Coast to Coast Route

(AAA) Southwest Trails

(BBB) Air Line

(CCC) Mineral Wells Trail

(DDD) Atlantic-Pacific Highway

(4) "Historic Roads and Highways Program" means the program operated by the Commission in cooperation with the Department to identify, designate, interpret and market Texas historic roads and highways.

§21.32. *Historic Roads and Highways Program.*

(a) The Commission and the Department may enter into a memorandum of understanding to establish a program for the identification, designation, interpretation, and marketing of Texas historic roads and highways.

(b) The designation of a road or highway under a program established under this section is not, and may not be considered to be, a designation under the National Historic Preservation Act (54 U.S.C. §300101, et seq.).

(c) To supplement revenue available for the program, the Commission and the Department may pursue federal funds dedicated to highway enhancement for the program or seek private donations of funds, services, or in-kind contributions or local government participation.

(d) The Department is not required to construct or erect a marker under this section unless a grant or donation of funds is made to cover the cost of the design, construction, and erection of the marker.

(e) Money received to cover the cost of a marker under this subsection shall be deposited to the credit of the state highway fund.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Bratten Thomason

Division Director

Texas Historical Commission

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