

BY-LAWS OF THE RHODE ISLAND SCENIC ROADWAYS BOARD
ADOPTED: April 8, 2020

I. Purpose

A. Purpose

The Board interprets its statutory purposes in the broadest sense: scenic vistas in Rhode Island are a very important part of the beauty, natural environment, history and culture of Rhode Island, both to persons living in Rhode Island and to visitors. Identifying, designating, promoting, protecting and preserving scenic roadways has valuable aesthetic, cultural, social and economic benefits to our citizens.

B. Effect of ByLaws

When adopted and effective, these ByLaws will complement the organizational and operational regulations previously incorporated in the “Rules of the Rhode Island Scenic Roadways Board (290-RICR-50-00-1)” filed with the Office of the Rhode Island Secretary of State on July 2, 2018 aka. “Rules of the RI Scenic Roadways Board”.

C. History

Pursuant to RIGL 24-15-9 the Rules of the RI Scenic Roadways Board were amended and became effective as a document separate from these bylaws on July 2, 2018.

II. Organization and Operation

A. The Board – Pursuant to RIGL 24-15 the Scenic Roadway Board is created consisting of eleven (11) Members.

1. **Powers and Duties:** The powers and duties of the Board include, but are not necessarily limited to:
 - i. Establish standards for regulating and limiting the construction or establishment of a highway which is inconsistent with the purposes of RIGL 24-15-9.
 - ii. Meeting, as necessary, to apply established standards in determining the merits of any applications submitted;
 - iii. Reviewing municipal, state or federally funded or assisted improvement, construction, or alteration of scenic roadways;
 - iv. Working with property owners and public officials for the enhancement and public enjoyment of scenic roadways.

- v. To conduct a training course for newly appointed and qualified members
 - vi. To approve and submit, an annual report within ninety (90) days after the end of each fiscal year to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state of its activities during that fiscal year.
2. **Committees.** The Board may create standing and special committees, as may be deemed advisable from time to time, to assist the Board or its staff. Committee members shall be appointed by the Chairperson. Such committees may include persons who are not Members of the Board.
3. **Members:**
- i. **Vacancies.** Should a vacancy occur on the Board either through resignation or for other reasons, the Secretary shall notify the appointing authority. The vacancy shall thereupon be filled by the appointing authority as provided in Section 24-15-10 of the General Laws of Rhode Island.
 - ii. **Attendance at Meetings.** Members who miss more than three consecutive regular meetings without having submitted to the Secretary a notice of any reason for such absence shall be asked by letter to become more active on the Board. In the event of further absence, the Board may decide by majority vote to send a recommendation to the appointing authority, asking that the appointment be reconsidered.
 - iii. **Leave of Absence.** Members may request, in writing, a leave of absence for up to six months upon application to the Chairperson, who shall be empowered to approve said leave.

B. Meetings:

1. **Scheduling meetings.** The Board shall set the date, time and place of its regular meetings for the coming calendar year at the regularly scheduled December meeting of the year preceding. This schedule shall be set forth as required by the Open Meetings statute.

Notice of each meeting shall be sent to each Member by electronic transmission given at least two (2) business days before the meeting, except where a longer period may be otherwise prescribed in these Rules.

2. **Special meetings.** Upon request of any three (3) Board members, the Chairperson shall schedule a special meeting. The Chairperson may also call a special meeting. Meeting information shall be made known by the Secretary.
3. **Quorum.** Six (6) members of the Board shall constitute a quorum for the conduct of any business and a majority vote of those present and voting shall be required for action.
4. **Public Meetings.** All activities of the Board shall be conducted in accordance with the State's Open Meetings statute.
5. **Agenda for Meetings.** Prior to each meeting, the Chairperson shall prepare an agenda. The agenda for each meeting shall include the following: approval of the minutes of the previous meeting; items for action or discussion; other business. Any member of the Board may place an item on the agenda. Copies of the agenda shall be sent to each Board member, at least two (2) business days before a meeting. Agenda shall also be sent to any person or organization requesting them.
6. **Meeting Records and Voting.** Minutes of each Board meeting shall be compiled by the Secretary (assisted by RIDOT staff within the constraints of available resources), no later than two weeks after the meeting. The Secretary shall record the names of all members of the Board present or absent at each meeting as part of the minutes of that meeting. The Board shall take action by voice vote, except that on the request of any member action shall be by a roll call vote. The names and votes of those voting on a voice vote shall be recorded by the Secretary and made a part of the minutes. In the case of a tie vote, a motion shall be recorded as defeated. All voting will be conducted using the Majority Rule. A member

voting on the prevailing side of a question may move for reconsideration of that question. Such motion shall be made and acted upon not later than adjournment of the first meeting following the meeting at which the question was initially decided.

C. Officers of the Board.

1. **Titles and Terms of Office.** The Board shall select the following officers from its membership:

Chairperson
Vice-Chairperson
Secretary

All terms of office shall be for one year, and officers may continue to serve until replaced. Each term of office shall commence following the meeting in which elected (generally February), and shall continue until the next general election of officers unless otherwise deemed necessary and proper. In the event of resignation or replacement of an officer, a special Nomination Committee will be appointed and an Election will be held within two (2) months of the notice of resignation.

2. **Duties of Officers of the Board.**

The Chairperson shall preside at all meetings of the Board. In his or her absence the Vice-Chairperson or temporary Chairperson shall preside. The officer presiding shall call for each item in the order appearing on the agenda, unless otherwise determined by vote of the Board. The officer presiding shall recognize members desiring to speak and may, in his/her discretion, authorize any other person to address the Board. He/she shall receive motions and seconds, conduct votes on each question, and determine the prevailing side. The officer presiding shall vote on each question. As authorized, the Chairperson shall represent the Board and take official actions on its behalf. The Chairperson shall appoint members of committees. The Chairperson shall direct the work of staff and consultants.

The Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice-

Chairperson shall perform the duties and exercise the powers of the Chairperson until such time as a new Chairperson is elected.

The Secretary (with assistance of RIDOT staff within the constraints of available resources), shall make arrangements for all meetings of the Board, shall notify all members thereof, and shall distribute the agenda for each meeting. He/she shall keep accurate and complete records of attendance and of the proceedings of the Board, recording all votes and performing all duties incident to this office. The secretary shall also keep written minutes of the Board meetings. In the absence of the Chairperson and the Vice-Chairperson, a regular or special meeting of the Board shall be called to order by the Secretary. The first order of business shall then be the election of a temporary Chairperson by the Board, to preside for the remainder of that meeting. Any member of the Board may serve as Temporary Chairperson.

3. Nomination and Election of Officers.

- i. **Eligibility.** All members of the Board are eligible to hold office (including members of the Nominating Committee).
- ii. **Nominating Committee.** The Chairperson will appoint a Nominating Committee in December of each year. The Nominating Committee shall consist of a minimum of three (3) Board members. It shall be the duty of the Nominating Committee to announce to the full Board a single slate of three (3) candidates prior to the Election of Officers. Nominations may be accepted from the floor before balloting during the Election of Officers Meeting.
- iii. **Election of Officers Meeting.** Pursuant to RIGL 24-15-10.1 the Board shall annually elect in February a chair, vice-chair and secretary from among the members. The board may elect from among its members such other officers as it deems necessary. Notice of the meeting and a sample ballot will be mailed to each Board

member at least one (1) week prior to the meeting.

- iv. **Voting.** Election of officers will be held by written ballot unless a motion is passed to allow for unanimous acceptance of the slate.

D. Involvement of Municipalities

The Board hereby establishes the policy of working closely with municipalities in its procedures regarding scenic roadways based on the premise that the Scenic Roadway program will be more effective when coordinated with action by the municipality to preserve and protect the scenic features on either side of any scenic roadway. Development or alteration of the land along a scenic roadway may have a significant impact on the qualities which led to the roadway's designation by the Board.

Municipalities are encouraged to coordinate plans for development or alteration of land adjacent to a scenic roadway with the Board and to protect land adjacent to a scenic roadway by limiting inappropriate development and by adopting special overlay zoning or other measures. The Board wishes to work with municipalities to include scenic roadways in the natural and cultural resources element of their comprehensive master plans and to adopt corridor management strategies for scenic roadways.

E. Background Information on Scenic Qualities

In order to carry out its Purpose, the Board may compile and maintain information regarding roads in the state with scenic characteristics. Such information may come from consultants retained by the Board, information submitted by the public and from other sources. The Board shall make this information available to municipalities, RIDOT, other state agencies and other interested parties.

F. Review of Applications for Designation of a Scenic Roadway.

1. Applications received by the Board shall be referred to the Application Review Committee, which shall be

composed of not less than three (3) members of the Board appointed by the Chairperson.

2. The Application Review Committee shall review all nominations for completeness, and may request additional information from the applicant if needed.
3. The Application Review Committee shall use the criteria for designation as set forth in Section 1.4 of the Rules of the RI Scenic Roadways Board to evaluate the eligibility of the roadway.
4. The Application Review Committee shall submit a report of its findings on each nomination to the Board. The report will state specific reasons for its conclusion that the nominated road meets or does not meet the criteria as set forth in Section 1.4 of the Rules of the RI Scenic Roadways Board.
5. The Board shall consider the report of the Application Review Committee and any official comment from the Director of RIDOT for a State highway.
6. The Board shall conduct a public hearing pursuant to Section 1.5c of the Rules of the RI Scenic Roadways Board to determine whether the nominated roadway meets the criteria set forth in Section 1.4 of the Rules for designation.
7. The Board shall consider the measures taken, or to be taken, by the municipality to preserve or enhance the scenic character of the roadway under consideration and whether a municipality has developed or is developing a formal corridor management plan.
8. The Board shall consider written and oral comments on the application from officials, owners of property fronting the proposed scenic roadway, and the public.
9. The Board shall vote to approve or disapprove the application, and the minutes shall state the reasons for the Board's action. Provided however, that no application in the Town of Westerly for designation of a highway or road, or portion thereof, as a scenic roadway shall be considered unless the owners of a majority of the lineal lot frontage abutting the highway

or road file a written statement or statements agreeing to the designation with the director or governing municipal body within the sixty (60) days immediately following the application.

G. Review of Applications for Alterations to Scenic Roadways.

1. It is the intent of the Board to encourage close coordination on projects which have the potential for major impacts to the scenic roadway during the entire planning and design process. Cooperation and early identification of problem areas can help to resolve potential conflicts in the early stages of the process.
2. The Board shall use the criteria for permission to perform construction, repair or alteration of Scenic Roadways as set forth in Section 1.6 of the Rules of the RI Scenic Roadways Board to evaluate the application.
3. A project is considered to have an adverse effect when it damages or destroys scenic resources or characteristics which contribute to the roadway's designation as scenic.

Adverse effects include, but are not limited to:

- (1) Physical destruction, damage or alteration of all or part of the scenic roadway or its scenic resources as defined in Section 1.4 of the Rules of the RI Scenic Roadways Board;
 - (2) Alteration of the character of the roadway's setting;
 - (3) Introduction of visual, audible, or atmospheric elements that are out of character with the roadway or alter its setting;
 - (4) Neglect of a scenic roadway resulting in deterioration or destruction of the roadway or its scenic resources; and
 - (5) Transfer, lease, or sale of publicly-owned property without adequate provision for its continued preservation.
4. Utility Permits & Minor Alterations may be approved by the chairperson or referred to the full Board based upon review and conference with the technical staff

and pursuant to Section 1.6 C.2. of the Rules of the RI Scenic Roadways Board

H. Access to Files and Records.

1. Requests for Records. It is the policy of the Board that its files and records shall be available for inspection by the public consistent with Rhode Island General Laws Chapter 38-2. All files and records of the Board are available for public inspection unless they are specifically exempted by these rules or unless their disclosure is prohibited by state or federal law or by order of a court of competent jurisdiction. A request for inspection of records shall reasonably describe the records sought in a way that will permit their identification and location by the Board. All requests for information will be submitted in writing to: Rhode Island Scenic Roadways Board, c/o Scenic Roadways Coordinator, 2 Capitol Hill, Providence, RI 02903. If the description of records sought in the request is not sufficient to allow the Board to identify and locate the requested records, the requester will be notified that additional information is needed. The Scenic Roadways Coordinator shall consult with the Chairperson and/or the board's legal counsel as necessary. The Board will make every reasonable effort to assist in the identification and description of records sought and to assist the requester in formulating his/her request. Inspection of records shall be during regular business hours of the RIDOT.
2. Appeal of Denial of Request. A denial of inspection of records sought under these regulations may be appealed to the Chairperson in writing.
3. Fees for Copying Records. If copies of records are provided, fees for reproduction shall be charged at a reasonable rate in accordance with Rhode Island General Laws 38-2-4(a).