# State Scenic-Historic Byway Program Guidelines

## *Qualities of a State Designated Scenic-Historic Byway and Backway*

State Scenic-Historic Byways and Backways (inclusively referred to as byways in this document) are roads that include intrinsic qualities in a roadway's corridor character. To qualify as a byway, a roadway corridor must possess strong and extraordinary characteristics of at least one of the following intrinsic qualities:

- **Scenic Quality** is the heightened visual experience from the view of natural and manmade elements of the environment. The characteristics of the landscape are strikingly distinct and offer a pleasing and most memorable visual experience.
- **Natural Quality** applies to those features in the visual environment that are in a relatively undisturbed state. These features may include geological formations, fossils, landforms, bodies of water, vegetation, and wildlife. There may be evidence of human activity, but the natural features reveal minimal disturbances.
- **Historic Quality** encompasses legacies of the past that are distinctly associated with natural or manmade elements of the landscape that are of such historic significance they educate the viewer and stir an appreciation for the past. The historic elements may include buildings, settlement patterns, and other examples of human activity.
- **Cultural Quality** is evidence and expressions of the customs or traditions of a distinct group of people. Currently practiced cultural features include, but are not limited to, crafts, music, dance, rituals, festivals, speech, food, special events, and vernacular architecture.
- **Archeological Quality** involves physical evidence of historic or prehistoric human life or activity that is visible and capable of being inventoried and interpreted.
- **Recreational Quality** involves outdoor recreational activities directly associated with and dependent upon the other intrinsic qualities. Active and passive recreational opportunities may include downhill skiing, rafting, boating, fishing, and hiking. Driving the road itself may qualify as a pleasurable recreational experience.

## *Definitions of a Byway and Backway*

Byway: Improved and paved roads that accommodate two-wheel drive vehicles would be designated as State Scenic-Historic Byway.

Backway: Less improved roads that may require four-wheel drive or high clearance vehicles would be designated as State Scenic-Historic Backway.

## *Evaluating Scenic Qualities*

When evaluating visual qualities, it is helpful to break the composition into foreground, middle ground, and background. Single dramatic and outstanding elements may be a relatively rare occurrence in some

regions of Montana. In many areas, striking and memorable scenic views will be comprised of diverse exemplary visual elements in each of the fore, middle, and back grounds. Marginal scenic views may possess singular distinct features but lack a balanced composition of regionally significant elements. Understanding how these elements play in the landscape will help in the identification of truly scenic views.

Note, much of the viewing of a byway occurs while in a moving vehicle, where foreground views become fleeting glimpses. A foreground rich with varied materials and textures provides an interesting moving picture of striking contrast. From a vehicle, the middle ground and background often provide a stronger focal point of greater study. These views will offer longer viewing times, providing a slowly moving symphony of color, form, and contrast, while the foreground details complement the background as soloists in the symphony. To some out-of-state visitors, the wide-open and mountain splendor may seem overwhelming compared to views they are accustomed to, an obvious difference in perspective exemplifies the perceptions of out-of-state visitors. The process for evaluating a corridor includes many aspects. When evaluating a route for a byway, the criteria below should be considered.

1. **Establish the study area:** National experience has shown that the most popular scenic routes do not require extensive side detours from a state's highway system. Other states' experience also shows the least popular routes are those which require the traveler to turn back the way they came, unless a worthy attraction exists at the end of the route. In some areas, parallel roads might merit evaluation of more than one route to determine the best choice for Scenic designation. Additionally, the study area should not be limited to jurisdictional boundaries.

   When choosing a route for a State Scenic-Historic Byway, what may at first appear to be the proper beginning and ending may change after the route is evaluated. In this regard, the study area should include an area large enough to at least include the nearest access to the state highway system at both the proposed beginning and ending. The best beginning and ending points would also fall at or near a community. The width of a corridor's study area should encompass the entire view from the roadway, as viewed from both directions of travel. You may also wish to consider tourist amenities and attractions adjacent to the roadway corridor, but out of view, such as a boat ramp that is a mile off the scenic route.

2. **Determine the intrinsic quality focus for the route:** A State byway designation is more than erecting a sign and noting it on the state highway map. It is also marketing, preservation, enhancement, and interpretation. It may also be more than just the scenic quality as it could be historic, cultural, or any of the six intrinsic qualities.

   Ask yourself what makes this route special, and what unique resources are available. The local sponsor group will have to rally around the intrinsic qualities and develop a theme that will satisfy visitors. The primary quality/s should be noted, and additional complementing features should be investigated (e.g., combine this with a tour of country churches along the route). If the primary quality is limited to certain seasonal periods, activities and amenities to reinforce that period should be investigated.

3. **Locate major natural visual elements on a map:** When evaluating a route, views from both directions of travel must be considered. Additionally, it is beneficial that more than one person evaluates the route. Each person will have a different perception and may see important elements that another person has missed. A topographic map is useful in pinpointing scenic features and tourist amenities.

   As you indicate natural elements on a map, consider the individual features (e.g., a five-mile drop through a valley could be marked as a five-mile-long circle on the map with a note stating "scenic

valley"). Try to grasp the individual elements that comprise the views of the valley from both directions. The identification of individual elements becomes more important when a local sponsor begins to implement a management plan for preservation or enhancement of the corridor. Pictures or videos of the visual elements could be submitted with the application requesting designation as supporting documentation.

4. **Investigate and report on additional supporting elements:** Research of supporting intrinsic qualities might include checking with the county or state historical society, ethnic heritage organizations, water resource boards, and local parks and recreation organizations.

   Local associations such as Chambers of Commerce, local government offices, 4-H, garden, equestrian, fishing, or gun clubs may yield organized events that support or contribute to individual intrinsic qualities. By identifying all supporting elements of a State Scenic-Historic Byway designation, the corridor can be reviewed in its entire context, not just on the basis of several key features.

5. **Establish appropriate beginning and end points of the route:** With a completed inventory of the study area, the beginning and ending points can be established based on the continuity of intrinsic qualities and supporting tourist amenities.

   Segments of the corridor that are inconsistent with the goals of State Scenic-Historic Byways may be excluded / segmented from State Scenic-Historic Byway designation.

6. **Landform diversity:** Montana is a beautiful state comprised of both subtle and dramatic visual features. An understanding of the visual features creates a greater appreciation of the landscape. The scenic beauty can be broken into three major visual components: landform, natural elements (primarily vegetation), and modifications.

   Landform, or physiography, is the visual element that provides the most impact to the viewer. While Montana is considered a *Plains and a Pacific Northwest* state (continental divide), it is comprised of several distinct landforms that give diversity to the scenery. Since all was covered with glaciers, much of the topography we see today is a result of glacial erosion, deposits, or melt water. Understanding the difference between these geographical areas, how they were formed, and what unique characteristics they offer can reveal new appreciation for their intrinsic beauty. When evaluating a route, one must keep the major landforms in context. Prairie areas should not be directly compared to the Badlands. Striking examples of each type of landform information should be used to represent the multi-faceted character of Montana's scenic beauty. Additionally, landforms that are particularly unique offer additional opportunities for scenic interpretation.

7. **Vegetative diversity:** Montana possesses natural forest cover, yet it does have a diverse pallet of vegetative cover with many opportunities for interpretation. It is an uncommon transition zone of western and eastern plant life, all competing for the area's sometimes sparse moisture. Scenic interpretation should recognize and celebrate the different types of grasslands and forests, and not focus on only one type of vegetation.

   The vast grasslands and crops are broken by landform changes of hills, creeks, valleys, and bodies of water. It is where the landform changes that the native plant life also changes. Natural forests are found only where sufficient water exists to support them. Trees and shrubbery will dominate the north facing slopes of valleys and mountains, where the precious rain and dew is the last to evaporate from the southern sun. Scenic views will therefore change with landforms and also with viewing direction.

Unique ecosystems provide opportunities for further interpretation, and can provide unique contrasts of vegetation, texture, color, and landform. Adjacent bodies of water also provide interesting viewing of plant life and wildlife in addition to the accompanying changes of landform.

8. **Visual modifications:** Visual modifications include changes in the natural environment due to man. Modifications can be positive, such as the neon lights along the Las Vegas Sunset Strip, a Nevada State Scenic-Historic Byway. A ski slope or golf course may be considered a negative visual impact in regard to the natural resource or view that was compromised for the development. However, the recreational opportunities could also reinforce State Scenic-Historic Byways designation. Each visual modification must be reviewed in the context of the surrounding views and qualities of a potential State Scenic-Historic Byway.

   Negative modifications may consist of overhead utility lines, uncontrolled outdoor advertising or development. A visual modification's impact to scenic interpretation may be strong enough to leave a viewer with negative feelings. Such an impact is inconsistent with the goals of the State Scenic-Historic Byways Program and should be avoided. The effects of existing negative visual modifications can be minimized through visual screening, relocation, or rehabilitation. Corridor management planning can be effective at minimizing future negative visual modifications.

## *Sponsor Responsibilities*

The sponsor of a proposed byway or backway must:

- Submit a complete application to MDT's State Scenic-Historic Byway Program. Provide all requested information to the State Scenic-Historic Byways Program Coordinator (Program Coordinator) in a timely manner.
- Ensure the byway complies with all state and federal requirements.
- Gain support of the jurisdiction(s) responsible for the roadway as well as support from the communities and adjacent property owners along the route.
- Develop a Corridor Management Plan (CMP) to be submitted with the application or within two (2) years of the designation. If the CMP is not in development within two years of approval, the byway designation will be null and void.
- Update the CMP at least every ten years to ensure accuracy and relevancy to changing needs and activities of the byway.
- Implement the criteria, goals, and activities outlined in the CMP.
- Funding for the installation and maintenance of the byway route signing will be the responsibility of the sponsor. Signage requests must be submitted to the appropriate MDT District Administrator and be compliant with the Manual on Uniform Traffic Control Devices.
- Be responsible for development of a byway marketing campaign. Funding for the promotion and advertising of the byway will be the responsibility of the sponsor.
- Advertise/make available local contact information for public inquiries and requests for information of the byway route.
- Be responsible for coordination of local State Scenic-Historic Byway resources and activities.
- Establish a Byway Management Group that will manage, market, and maintain the byway for the life of the byway.

## *Clarification of Key Sections in the Application*

Application materials must be complete, legible, and organized in a manner to ensure clarity of the proposed byway. When necessary to further explain or promote the proposed byway, other relevant material may be submitted. Letter(s) of support are also encouraged and recommended.

Below is additional information for each section found within the application:

Section I

Sponsors must be a local government and cannot be an individual, private entity, or organization. Examples of eligible sponsors include city, county, state, Tribal government, and locally operated federal agencies.

Section II

Section II outlines the basic eligibility requirements that a proposed byway must meet for consideration of byway nomination. The list is not all inclusive but highlights the key requirements. Byways must also meet the requirements outlined in Montana Code Annotated and the Administrative Rules of Montana.

Section III

Provide complete contact information for the government agencies that have jurisdiction for and are responsible for maintaining the roadway(s) within the proposed byway. If support is not unanimous from these agencies, then the roadway is not eligible for nomination.

Section IV

Section IV requests detailed information about the proposed byway. Maps, used to identify key marks, points of interest, and general information are required to be submitted with the application.

The following information is required to be submitted for this section.

A) Proposed route name;

B) Proposed route designation (byway or backway); and

C) Route Location - *Map(s) Required*

1. Identify and list all roads that will be included within the proposed byway. (i.e., US HWY 12, MT 200, Secondary 234, etc.)
2. Provide the beginning and ending points for the proposed byway. Be as specific as possible by identifying intersections and/or mile markers on the roadways if possible. (Example: beginning point: mile maker 100 on US HWY 12, ending point: mile marker 250 on US HWY 12).
3. Provide the overall length of the proposed byway in English units (miles not kilometers).

D) Specify how the proposed byway will safely accommodate the expected growth in traffic volumes and its current physical state. Include current traffic volumes in the form average annual daily trips (AADT) and forecasted growth in traffic volumes, should the roadway be designated as a byway. Identify if there are currently any shared use paths or bike lanes which may be impacted by the change in traffic flow along the proposed byway.

E) Provide contact information for all abutting landowners of the proposed byway. Only public and tribal lands can abut the proposed byway and byways must be contiguous along the proposed route. All agencies whose lands abut the proposed byway must be in concurrence with the byway proposal and demonstrate their support.

F) Describe any travel restrictions that affect vehicular traffic as well as commercial traffic. Include all height and width restrictions currently in place for the proposed Byway, if any. Is the route seasonal or year-round?

Section V

Information provided above, in section *Qualities of a State Designated Scenic-Historic Byway or Backway* can help provide further information on how to address the requirements in this section.

A) List all intrinsic qualities that are contained within the proposed byway. Identify which are considered predominate quality(s) and why. Include all other details that apply for each quality listed. The following are intrinsic qualities to be noted within the application.

1. **Scenic Quality** is the heightened visual experience from the view of natural and manmade elements of the visual environment. The characteristics of the landscape are strikingly distinct and offer a pleasing, most memorable visual experience.
2. **Natural Quality** applies to those features in the visual environment that are in a relatively undisturbed state. These features may include geological formations, fossils, landforms, water bodies, vegetation, and wildlife. There may be evidence of human activity, but the natural features reveal minimal disturbances.
3. **Historic Quality** encompasses legacies of the past that are distinctly associated with natural or manmade elements of the landscape that are of such historic significance they educate the viewer and stir an appreciation for the past. The historic elements may include buildings, settlement patterns, and other examples of human activity.
4. **Cultural Quality** is evidence and expressions of the customs or traditions of a distinct group of people. Currently practiced cultural features include, but are not limited to, crafts, music, dance, rituals, festivals, speech, food, special events, and vernacular architecture.
5. **Archeological Quality** involves physical evidence of historic or prehistoric human life or activity that is visible and capable of being inventoried and interpreted.
6. **Recreational Quality** involves outdoor recreational activities directly associated with and dependent upon the other intrinsic qualities. Active and passive recreational opportunities may include downhill skiing, rafting, boating, fishing, and hiking. Driving the road itself may qualify as a pleasurable recreational experience.

B) List additional supporting documentation

1. Describe why the proposed route would attract travelers. Include a description and general condition of tourist features and amenities. This would include: information centers, rest areas, recreational opportunities, historical or interpretive sites, monuments, or buildings listed on the State or National Registry of Historic Places, hotels, campsites, picnic areas, museums, automobile service, and restaurants.

   For additional supporting documentation, consider including information such as annual or frequent events (e.g., re-enactments, music festivals, demonstrations, guided or self-guided tours) that are directly associated with and dependent on the intrinsic qualities of the proposed byway.

2. Provide a narrative explaining how a byway designation would stimulate the economy. Example: provides an area for new business opportunities to be built that focus on the tourism industry (tours, campgrounds, restaurants, etc.). Include in the explanation how the proposed

byway will provide new marketing strategies and how it will impact the businesses located within it.

3. Explain if the intrinsic qualities of the proposed byway will be preserved if designation is granted versus if the intrinsic qualities of the proposed byway will not be preserved for future generations if designation is not granted.

Section VI

Montana Code Annotated requires that there be a Management Group that maintains and manages the byway and all associated activities. This section seeks understanding on membership and how the Management Group will function.

Section VII

Either a Conceptual Corridor Management Plan (CCMP), or a Corridor Management Plan (CMP) must be submitted with the application to be considered complete. If a CMP has been developed, no narrative of the Conceptual Corridor Management Plan is necessary.

The CCMP is a plan for the proposed byway and describes the process in which a corridor management plan is to be developed. The components to be included in the conceptual plan are how the sponsoring organization proposes to:

A) enhance and protect the Scenic-Historic Byway, including:

1. A vision statement of how the byway will serve the traveling public now and, in the future, (e.g., any additional tourist amenities, roadway improvements, improvements to interpretive sites).
2. General concepts for maintaining and enhancing the intrinsic qualities (e.g., signing maintenance agreements, developing plans for restoration/preservation).

B) Develop essential services, and:

1. General concepts of how existing development might be enhanced, and new development accommodated while still preserving the intrinsic qualities of the corridor (e.g., conduct an architectural review, develop zoning regulations, acquire easements, provide economic incentives, and require new utilities to be underground).
2. Litter control plan (i.e., Frequency with which roadside litter will be picked up and by whom? If tourism increases, address whether trash collection at tourist amenities will be increased as necessary).
3. General concepts for the management of mitigating visual intrusions.

C) Promote and market the byway at the local and regional level, including marketing concepts with target groups and objectives. Provide a first- and second-year plan with a long-range plan.

If applying with a Conceptual Corridor Management Plan, the proposed byway can be designated but not indicated on the Montana State Tourism map until the CMP is submitted to and reviewed for consistency with state code, by the State Scenic-Historic Byways Program office. A corridor management plan must be developed or in development within two years of a scenic-historic byway designation. If not, the byway designation will be null and void.

The Corridor Management Plan shall:

A) Be compliant with federal guidelines.

B) Serve as a visioning tool to provide direction for enhancing and marketing the corridor, but not as:

1. A land management document;
2. Zoning tool or mandate;
3. Highway improvement scoping or prioritization document; or
4. Highway management document.

C) Accommodate commerce and commercial vehicles.

D) Maintain a safe and efficient level of highway services.

E) Preclude the local or tribal government having adopted the CMP from establishing goals or commitments outside the local or tribal government's jurisdiction; and

F) Accommodate all jurisdictions affected or to be affected.

G) Be updated not less frequently then every ten years.

Content requirements for CMPs are outlined in the FHWA Docket No. 95-15 of the Federal Register. To ensure it is compliant with federal guidelines, please visit 95-12211.pdf (govinfo.gov).

Signatory Page

The signatory page includes a place for the sponsor to sign as well as the local and/or tribal governments, which may be responsible for the proposed byway, or are adjacent landowners. Their signature demonstrates support of the proposed byway as advertised in the application.

## *Application Review Process*

Upon receiving an application, MDT's State Scenic-Historic Byway Program Coordinator will review the application to ensure it is complete and that the proposed route is eligible. The Program Coordinator may contact the sponsor for additional information, project clarification, or communicate any other pertinent information during the preliminary review process.

Applications that are eligible and complete, will be reviewed by the State Scenic-Historic Byways Advisory Council (AC). Activities of the AC will be coordinated by the Program Coordinator. The role of the AC is to review applications for byway designation and make recommendations to the Transportation Commission.

Ultimately, the evaluation of a byway application will result in one of three possible recommendations:

- **State Scenic-Historic Byway Designation:** Applies to corridors that satisfy all federal and state requirements and program guidelines.
- **Denial with conditions:** Applies to applications with incomplete information or those that require corrective action to bring the corridor to a standard of minimum acceptance. The conditions would specify what additional information is required to make a final recommendation, and/or what corrective action is required for designation, and a time frame would be established for a response to be considered.
- **Denial:** Applies to applications that are inconsistent with the goals of the Montana State Scenic-Historic Byways Program or that do not meet eligibility criteria. Reasons for denial will be communicated in writing.

Routes designated as a byway or backway with a completed CMP will be added to the State's highway map during the next printing cycle and posted on MDT's Byways webpage.

## *Scenic-Historic Byway Statutory Code and Information*

Montana Code Annotated (MCA) 60-2-601 and 602

Administrative Rules of Montana (ARM) 18.14.201 through 208

Title 23, Section 162 of the United States Code (USC)

Montana's Scenic-Historic Byways webpage: https://mdt.mt.gov/travinfo/scenic.aspx

FHWA's National Scenic Byways Program website: https://www.fhwa.dot.gov/hep/scenic_byways/

## *What a Byway Designation Will Not Do*

The byway designation of a roadway will not:

- Prioritize the route for funding for roadway maintenance purposes
- Prohibit commercial vehicles
- Put further restrictions on land use
- Make funding available to the byway sponsor for the maintenance and marketing of the byway
- Make the byway automatically qualify for the National Scenic Byways Program
- Impose additional authority to pass or enforce laws or regulations that limit private property, highway users, or the activities of the agency responsible for the roadway
- Force the government agency responsible for the road to change project designs and maintenance practices

## *Information on How to Nominate an Existing State Scenic-Historic Byway into the National Scenic Byway Program*

The National Scenic Byway Program is administered by the Federal Highway Administration and has its own rules and requirements. For more information on how to nominate an existing State Scenic-Historic Byway for national designation, please visit, Nominations - National Scenic Byways Program - Planning, Environment, & Real Estate - FHWA (dot.gov)

## *Who to Contact for Information Regarding the State Scenic-Historic Byway Program*

If you have additional questions or wish to nominate a route, please contact:

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