State Scenic-Historic Byways Program FAQ

Question: What is the purpose of the State Scenic-Historic Byway Program?

Answer: Montana's Scenic-Historic Byways Program is designed to promote and enhance tourism and the understanding and appreciation of the state's heritage in concert with the preservation, protection, and enhancement of the State's scenic, historic, and cultural resources.

Question: What is the difference between a Byway and a Backway?

Answer: A Byway is an improved and paved road that accommodates two-wheel drive vehicles, and a Backway is a road that may require four-wheel drive or high clearance vehicles.

Question: What elements must a roadway have in order to be eligible for State byway designation?

Answer: To be nominated as a State Scenic-Historic Byway the proposed stretch of roadway must meet the following requirements. The roadway must:

- Abut publicly owned lands or tribal government-owned lands within the boundaries of an Indian reservation.
- Possess unusual, exceptional, and/or distinctive scenic, natural, historical, cultural, archaeological, or recreational features.
- Be suitable for the prescribed type(s) of vehicular use and accommodate expected traffic volumes.
- Be an existing route and have legal public access.
- Have strong local support and proponents must demonstrate coordination with relevant agencies.
- Have the support of the local government agency(ies) that are responsible for the maintenance and operation of the proposed road.

Question: Who is eligible to nominate a roadway as a State Scenic Byway?

Answer: Federally recognized tribal governments and local governments (county, a consolidated government, an incorporated city or town, a school district, or a special district) are eligible to nominate a roadway.

Question: What must be done in order for a roadway to be nominated as a State Scenic Byway?

Answer: A proponent must follow all requirements for nomination, by submitting all required documents to the Montana Department of Transportation, including but not limited to an application, maps, letters of support, and a corridor management plan.

Question: What is a corridor management plan?

Answer: A corridor management plan (CMP) is a plan that describes how the maintenance of the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a

byway corridor will occur, while providing for accommodation of increased tourism and development of related amenities.

Question: Will Corridor Management Plans restrict land and highway use?

Answer: The Corridor Management Plans required for Federal and State Scenic-Historic Byway designations do not have any legal standing themselves. However, they do provide the public, adjacent property owners, local governments and highway agencies with an opportunity to document exactly what the designation does and does not do prior to deciding whether they support the designation. Without such a document, some individuals or organizations could forever point to the designation as justification for their efforts to impose restrictions or prevent highway improvements.

Question: Can a roadway be designated as a National Scenic Byway without it first being designated as a State Scenic Byway?

Answer: No, a roadway must first be designated as a State Scenic-Historic Byway before it can be nominated as a National Scenic Byway or an All American Road.

Question: If a roadway is designated as a State Scenic-Historic Byway, will it automatically qualify for the National Scenic Byways Program?

Answer: No. To be considered as a National Scenic Byway or All-American Road, a State, Indian tribe, or Federal land management agency must nominate the roadway to the National Scenic Byways Program. The roadway must already be a designated State Scenic-Historic Byway as well as meet the criteria of the National Scenic Byways Program, outlined in Title 23 Sec. 162 of the United States Code. More information can be found here.

Question**:** Will State Scenic-Historic Byway designation impose additional restrictions on private property owners and highway users?

Answer: Other than the additional Federal outdoor advertising restrictions that apply to scenic byways, scenic byway designation does not provide any Federal, State, or local government with any additional authority to pass or enforce laws or regulations that limits private property use or the activities of vehicles. However, because of concerns raised with earlier legislation, Montana's Scenic-Historic Byway statute specifically states that the designation will not affect property owners, highway users, or the activities of the agency responsible for the highway.

Question: Will State Scenic Byway designation force MDT to change project designs and maintenance practices?

Answer: There are no Federal or State design requirements tied to Scenic-Historic Byway designations. Although a corridor management plan may identify some special design or maintenance requirements tied to a specific route, MDT would have to agree to these requirements.

Question: Will State Scenic-Historic Byway designation give Federal agencies such as the Forest Service more control over State highways?

Answer: MDT has a separate memorandum of understanding with the Forest Service that describes roles and responsibilities for the two agencies for MDT highways that cross US Forests throughout Montana. Four of the National Forest Service Scenic Byways in Montana are on MDT owned and maintained highways. The Forest Service has not attempted to use this designation to impose additional requirements on MDT since the designations occurred in the late 1980's and early 1990's.