



Keeping the Beauty in the Byway

Continuity in Scenic Byway Designations

Picture yourself driving along a scenic byway. As your car reaches the top of a small hill, you pull over and get out to enjoy the view. Behind you stretch miles of farmland, and a river shimmers in the distance. Beyond that, you can see the deep, serene shades of a forest.

You turn to look at the scenic byway route ahead. There, next to a quaint bed and breakfast, workers have just erected the sixth of a row of billboards that casts a long shadow over the roadway.

Sound crazy? Maybe so, but it's what billboard lobbyists are pushing for when they propose that state scenic byways programs exclude commercial and industrial areas from scenic byway designation, in what they call "segmentation." *It is critical that local scenic byway sponsors understand this issue and how it can endanger the continued character of their scenic byway.*

Unfortunately, "segmentation" means that the billboard industry may continue to construct new billboards along any stretch of the roadway that is not included in the scenic byway designation. The billboard industry promotes this policy to get around Federal regulations barring the construction of new billboards on designated scenic byways.

Why Have A Continuous Byway?

Scenic byway programs are aimed at identifying, protecting, and promoting our most scenic roads. The best scenic byways provide travelers a continuous experience rich in scenery, history, and the



culture of the area. *Continuity* is extremely important; the way to achieve it is to include the entire proposed byway in the scenic byway designation. Excluding sections of the road undermines the visitor's journey and undercuts community efforts to improve the whole scenic road, not just parts of it. Exempting sections of the road from designation is like tearing pages out of a book: it destroys the story.

What Does Federal Law Say?

Banning new billboards on designated scenic byways is a common-sense regulation intended to help preserve the beauty of the road. The federal Highway Beautification Act (23 U.S.C. §131(s)) prohibits new billboards along designated scenic

byways that are interstate, National Highway System, or federal-aid primary roads. In very limited circumstances, where areas contain *none* of the byway’s intrinsic qualities, states may exclude these blighted portions of the road from designation. “Segmentation” should be used sparingly, if ever, because scenic byway designation should beautify the road and protect it from billboard blight. But the billboard industry’s goal is to exploit this provision on scenic byways and ensure “business as usual” — so that designation *has no effect* on their ability to construct new billboards.

Model State Scenic Byway Policy language regarding continuity of designation:

A Dangerous Loophole in Scenic Byway Policy

Permitting parts of the road to be excluded from designation poses a serious threat to the scenic integrity of designated byways. Excluding portions of byways from designation not only exposes them to unchecked billboard proliferation, but is likely to encourage further visual degradation along the roadway, marring the landscape for both residents and visitors alike.

By comparison, consider historic districts. Communities protect historic districts by adopting regulations to preserve the historic character of a neighborhood.

“State scenic byways shall be continuous in designation ; no exclusions shall be permitted along the designated corridor.”

Frequently, these districts include buildings that do not

contribute to the historic character of the place. Nevertheless, these buildings are subject to tight guidelines and design controls to ensure they become more in keeping with the district and do not detract from the whole.

Similarly, parts of scenic byways that do not contribute to the overall byway should be enhanced over time so that they, too, contribute to a continuous scenic byway. Many commercial and industrial areas are

Suggested State Scenic Byway Policy language only if complete continuity is not possible:

“The Scenic Byway corridor shall be as continuous as possible. Selected sections of a byway may be excluded if *all* of the following conditions are present:

- The section of the roadway is zoned for industrial or commercial use;
- The section of the roadway contains substantial and ongoing commercial or industrial use, and those uses are visible from the main traveled way;
- The section of the roadway contains none of the intrinsic qualities for which a scenic byway may be designated; and
- The local byway sponsor has requested the exclusion and demonstrated that the section of the roadway meets the three above conditions.

However, such exclusions are the exception. Corridors with too many exclusions will not be eligible for designation.”

already attractive or can become so with care and investment over time. Just because a portion of the byway is zoned commercial or industrial does not make it an appropriate place for billboards. But billboard lobbyists propose instead that such areas should be allowed to get uglier and uglier over time, destroying any potential to beautify that section of the byway. However, time and again studies and common sense bear out that the more attractive the byway is, the better it will be for the region's economy, environment, and quality of life.

States Can Establish Stricter Standards

States are free to establish stricter requirements for continuous designation of a scenic byway than the minimum standards that FHWA has set. The model language below for maintaining continuous scenic byways can help your state set high standards for the long-term, continued beauty of your scenic byways.