

# **THE VERMONT BYWAYS PROGRAM**

## ***Program Manual***

**approved**  
**Vermont Scenery Preservation Council**  
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**approved**  
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## **TECHNICAL REFERENCES FOR THE VERMONT BYWAYS PROGRAM**

(Available from the Agency of Transportation)

- Designating Vermont Byways: A Fieldguide
- Scenic Evaluation Method
- An Analysis of the Economic Impacts of Scenic Byway Treatments to Vermont: A Pilot Study
- A Workbook & Guide for Valuing Vermont Byway Changes: Pilot Study Application
- Bicycle Touring in Vermont & Vermont's Scenic Byways Program
- Phase I Report
- What's Scenic?

## **INTRODUCTION**

Vermont roads play an integral role in the state's economy, its heritage, its character and in the everyday lives of citizens, but they represent a challenging public asset to manage, given that roads must serve the needs of a broad and diverse set of users.

Vermont's roads are a critical part of the state's rural New England character and this character is a fundamental part of the state's appeal to residents, newcomers and tourists. Roads are the public-owned vantagepoint from which most Vermonters and visitors see the state. Therefore, most Vermonters would prefer to see the rural charm of these roads maintained.

While roads are an important part of our character, they also serve vital public safety, welfare, and economic needs. Many roads must continually evolve to meet new societal demands. Historically, a wide variety of users - e.g., residents, tourists, bicyclists, tractors, and logging trucks - were able to comfortably share Vermont roads. Now, as the number of residents and tourists in the state increases, our road system must accommodate existing and potentially greater demands, and as a result, competition for the use of these roads is increasing.

This situation makes transportation investment choices more complicated. For example, actions designed to preserve scenic quality for tourists and residents may unintentionally make it more difficult for goods to be transported and for farmers to move their machinery. On the other hand, investments designed solely to improve the flow of commercial traffic may end up diminishing a road's rural character; this may diminish a community's appeal to tourists and the quality of life for residents.

Thus, a three-way tension exists on many Vermont roads between the resident, the business user, and the tourist. In order for Vermont to continue to be a good place to live, to operate a business and to visit as a tourist, solutions need to be sought to balance these needs and provide a road system that works for everyone.

## **The National Program**

In 1991, through the Intermodal Surface Transportation Efficiency Act (ISTEA), the U.S. Congress created the National Scenic Byways Program as an effort to "identify, designate, and promote scenic byways and to protect and enhance the archeological, cultural, historic, natural, recreational, and scenic qualities of the areas through which these byways pass."

## **What Is a Vermont Byway**

A "Vermont Byway" is a highway or other public road that may be associated with other transportation resources that have special scenic, historic, recreational, cultural, archeological and/or natural qualities, and that has been formally designated by the Vermont Transportation Board. A Vermont Byway can be designated and managed with a focus on any or all of these six qualities. A wide range of road types are included: village streets, country lanes, gravel roads in the Green Mountain National Forest, State roads, and Interstate highways.

The national program created an opportunity to directly address Vermont's three part resident/tourist/business

challenges cited above - i.e., the need to make transportation investments to strengthen the economy while also managing and protecting community character. The national program gives states wide latitude to define their own ways of participating in the national effort, and so Vermont has tailored a byways program to meet its own needs and circumstances. The Vermont Byways Program establishes a process to integrate growth management, economic development, and transportation investments. The Program provides a framework for different interest groups (e.g., selectboards, landowners, tourism representatives, bicyclists, homeowners, farmers, woodproducts, business people, and state and regional agencies) to reach agreement on corridor-wide strategies that balance their diverse issues. It recognizes that byways display the blending of human heritage and natural resources. Working landscapes such as those relating to forestry, farming, transportation, and industry possess merit in their own right as examples of past and present activities showing interaction with the environment. The Program also gives communities the opportunity to participate in a national system of byways that will be promoted nationally and internationally by the U.S. Department of Transportation/Federal Highway Administration (USDOT/FHWA).

All in all, the Program gives the state a strong tool to address one part of the always changing challenge relative to how we make our roads safe and efficient for a wide range of users while we still protect the qualities of this state that make Vermont so appealing - its unspoiled rural scenery and farmscapes, picturesque villages, and small historic and human-scale urban centers.

### **Why Should a Community Consider Byway Designation?**

Communities should consider the Vermont Byways Program if they have special roads that offer the traveler or residents experiences that should be either promoted to encourage economic development and/or managed to ensure that the resources are intact and available for future generations. There are three general reasons why a community might consider designation.

- (1) It can be a source of federal transportation funds to assist with improvements related to either tourism or resource conservation. Federal funds can be used for road safety improvements, pedestrian and bicycle facilities, rest areas, shoulder improvements, recreation area investments, protecting cultural and historic resources along the road, and provide tourist information and interpretive facilities.
- (2) It can be used as a marketing tool at the local, state, and national level to assist with tourism development. The USDOT/FHWA is promoting the national scenic byway network to an international audience. Many states have taken their byways programs and used them as targeted marketing programs.
- (3) It can provide a framework for a community or a group of communities to create a management strategy for special resources (e.g., historic, natural, cultural, scenic, or recreational) that lie along the byway. Consequently, any effort to create a byway will begin by identifying what is special about a road and then developing a long-term strategy for the road and its corridor that involves some combination of *conserving* these special characteristics, *promoting* them to potential visitors and making the necessary *investments* to ensure a safe and satisfying experience for the traveler.

### **The Purpose of this Program Manual**

This Program Manual describes the Vermont Byways Program and how communities can participate. It generally describes the inventory and nomination processes, the relationship to the 1977 Vermont Scenic Road Law and the National Scenic Byways Program.

As indicated previously there are a number of companion documents that provide guidance in possible ways to address the various aspects of the Program. One possible option is the Vermont Byways Fieldguide, which

provides detailed information on a method to assess, evaluate and nominate a road for designation as a “Vermont Byway”. The issues and considerations that are identified in this document should be considered when preparing a nomination and corridor management plan even if the forms and procedures are not used. The Vermont Scenery Preservation Council (VS<sup>P</sup>C) maintains a library of byways programs and corridor management plans from around the country that Vermont communities may want to consider when developing a methodology and approach for their byway inventory, assessment, strategy and corridor management plan development.

It should be noted that the Vermont Byways Program complements the Vermont Scenic Road Law. The aspects of the Vermont Scenic Road Law program that prevented its use by many Vermont communities are addressed in the Vermont Byways Program (i.e., there is more flexibility for communities to perform ongoing management and maintenance). For those communities who wish to “keep the road in its condition at time of adoption,” as stated in the Scenic Road Law - that option still exists.

## BACKGROUND

This Vermont Byways Program continues the state's commitment to scenic landscape protection. But it also breaks new ground for how better transportation decisions can be made by involving the perspectives of a range of groups who are at times in conflict. The Program is a successful example of how scenery preservation, property rights issues, land use planning, municipal management, and economic development can all be balanced in the transportation planning process.

The challenge of managing the character of Vermont's roads has evolved over a period of three decades. Starting in 1966, with the establishment of the Vermont Scenery Preservation Council, road character management focused on the protection of scenic character. Even that effort had antecedents going back to the late 1930s. Key milestones in Vermont's work relative to scenery preservation include the Outdoor Advertising Law, numerous studies on Vermont's scenic qualities, publication of *Vermont Backroads*, and the reactivation of VSPC in 1993.

An important predecessor to the Program was the Scenic Road Law, passed in 1977, and the resulting designation of three road segments - Middlebury Gap (Route 125), Smugglers' Notch (Route 108), and Cavendish (Route 131). However, outside of a few communities, the Law was not widely used and was, in fact, avoided by many communities due to the perception of its restrictions on roadway maintenance. It became clear that a new approach to meet the current expanded objectives of Vermont towns and regions was needed, and this became an objective of the Program.

Paralleling the continuing concern for Vermont's scenic landscapes, the last three decades also illustrate another aspect of Vermont's culture that has great relevance to the new Program -- resource planning and regulation. Since 1970, Vermont has had in place one of the most sophisticated land use control mechanisms in the nation - Act 250. In 1988, Act 200 was passed to encourage communities to plan for growth and to establish a coordination mechanism for state agency, regional, and town plans. As in most states, Vermont also has programs to manage wetlands, sensitive ecosystems, groundwater, and other natural resources. Many communities have historic preservation districts. Most communities have zoning. When put together, Vermont has an extensive set of growth and resource management tools available to communities.

This commitment to protection of natural, cultural, and scenic resources has been accompanied by an increasing concern for economic development. The weakened economy of the early 1990's coincided with a statewide and national concern that closer scrutiny be given to land use and resource management regulations. These new concerns placed another challenge before the Program: be sensitive to and fully incorporate the needs and concerns of the property owners and businesses that are participating in a Program. In accordance with the National Scenic Byways Program, the Program deliberately seeks to encourage economic development in byway communities so that the Program can produce both aesthetic and economic benefits.

While the focus of Scenic Road designation under the 1977 law was the physical character and condition of the roadway itself (i.e. within the road right of way), the Program, as keyed to the National Scenic Byways Program "looks" to the areas adjacent to the roadway which are serviced by the roadway by providing access to these features. It is the intent of the Program to foster stewardship of resources by promoting balanced activities and uses.

The Program also expands the strictly scenic preservation focus of earlier efforts to encompass a broader definition of what can and should be managed and/or promoted within a roadway corridor. Today's Program gives equal recognition to the archeological, cultural, historic, natural, recreational, and scenic resources that exist in the state. Scenery management is just one aspect of byway management under the new Program, not the Program's sole focus.

Therefore, the Program reflects a multifaceted approach to encourage communities, preservationists,

business owners, and property owners to work together to generate economic activity in a manner that protects Vermont's rural and scenic character.

### **The State Scenic Roads Law**

The Vermont Scenic Roads Law (Public Act No. 58 of 1977) remains in effect and operative in accordance with the law as explained in Designating Scenic Roads - A Vermont Fieldguide (June 1979). This program allows for both town and state designations. The purpose of scenic road designation is to protect the character of existing roadway area identified at the local level as being important to preserve.

### **The National Scenic Byways Program**

The National Scenic Byways Program was originally funded through the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) and was continued under the 1998 reauthorization. The purpose of the federal program is "to identify, designate, and promote scenic byways and to protect and enhance the archeological, cultural, historic, natural, recreational, and scenic qualities of the areas through which these byways pass."

The federal funding is supporting efforts across the country to develop byways programs, to make roadway and roadside improvements, and to produce interpretive and promotional materials to make the traveling public aware of these roadside resources. Vermont obtained federal funding under this program to develop the Vermont Byways Program. Roads that are designated under this Program will become eligible for additional funding to enhance their recreational functions and protect archeological, cultural, historic, natural, and scenic resources, as well as to make safety improvements where needed.

The national program provides for designations for National Scenic Byway or All-American Road. These designations can be achieved by following the guidelines outlined in the Nomination Guide (1997) and in the Scenic Byways Advisory Committee Report (FHWA-PD-93-053).

In order for a road to qualify for the National Scenic Byways Program, the road must have state designation, a corridor management plan adopted by the nominating committee containing roadway route(s) proposed for designation, and exhibit intrinsic resources (at least one of the six categories for National Scenic Byway status and at least two for All-America Road status). These six "intrinsic qualities", or intrinsic resources, that potentially merit a road's special designation are:

- ❖ archeological
- ❖ cultural
- ❖ historic
- ❖ natural
- ❖ recreational
- ❖ scenic

Some areas may wish to manage and promote just one category of resource such as outdoor recreation or historic resources. Other places may wish to combine two or more resource categories in their management strategy.

The National Scenic Byways Program (FHWA Policy 5.18.95) defines the six intrinsic resources as follows:

#### ***Archeological Quality***

*Those characteristics of the scenic byways corridor that are physical evidence of historic or prehistoric human life or activity that are visible and capable of being inventoried and interpreted. The scenic byway corridor's archeological interest, as identified through ruins, artifacts, structural remains and other physical evidence, have scientific significance that educate the viewer and stir an appreciation for the past.*

#### ***Cultural Quality***

*Evidence and expressions of the customs or traditions of a distinct group of people. Cultural features include, but are not limited to, crafts, music, dance, rituals, festivals, speech, food, special events, vernacular architecture, etc., and are currently practiced. The cultural qualities of the corridor could highlight one or more significant communities and/or ethnic traditions.*

#### ***Historic Quality***

*This resource encompasses legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or manmade, that are of such historic significance that they educate the viewer and stir an appreciation of the past. The historic elements reflect the actions of people and may include buildings, settlement patterns, and other examples of human activity. Historic features can be inventoried, mapped, and interpreted. They possess integrity of location, design, setting, material, workmanship, feeling, and association.*

#### ***Natural Quality***

*Those features of the visual environment that are in a relatively undisturbed state. These features predate the arrival of human populations and may include geological formations, fossils, landform, water bodies, vegetation, and wildlife. There may be evidence of human activity but the natural features reveal minimal disturbances.*

#### ***Recreational Quality***

*Outdoor recreational activities directly associated with and dependent upon the natural and cultural elements of the corridor's landscape. The recreational activities provide opportunities for active and passive recreational experiences. They include, but are not limited to, downhill skiing, rafting, boating, fishing, and hiking. Driving the road itself may qualify as a pleasurable recreational experience. The recreational activities may be seasonal, but the quality and importance of the recreational activities as seasonal operations must be well recognized.*

#### ***Scenic Quality***

*This resource offers a heightened visual experience derived from the view of natural and manmade elements of the visual environment of the scenic byway corridor. The characteristics of the landscape are strikingly distinct and offer a pleasing and most memorable visual experience. All elements of the landscape - landform, water, vegetation, and manmade development - contribute to the quality of the corridor's visual environment. Every thing present is in harmony and shares in the intrinsic qualities.*

## FOCUS OF THE VERMONT BYWAYS PROGRAM

### Guiding Principles

The Program was developed in accordance with a set of guiding principles. These principles were used to shape the Program and they are used to evaluate byway nominations. All nominations for Vermont Byways should attempt to meet as many of these principles as possible.

The “working landscape” is an essential part of Vermont, as well as being an important part of the quality of life for Vermonters. It is essential that the traditional resource based activities - farming, logging, mining - be protected and supported. Therefore, Vermont’s byway system must accommodate the working landscape. Every designated byway must be able to provide access for resource-based industries where they exist. Designated byways should seek to address:

- The enhancement and conservation of the byway’s resources;
- The strengthening of local economies;
- Safety for a broad range of users;
- The interests and concerns of land owners along the byway;
- The needs of local residents and resource-based industries. These groups must be considered and accommodated as well as the interests of tourists and tourist-based industries.
- Facilities for non-vehicular/multi-modal use; and
- Reducing movement conflicts between the “through” driver and the traveler viewing the scenery.

The Program provides protection for owners of private property in that (1) existing land use regulations need not be modified, (2) the Program does not have powers of zoning or condemnation, (3) residents in or along a corridor are not required to participate, (4) the Program is intended to promote economic growth and development in a balanced manner, and (5) the Program and/or data collected as part of the Program are not intended to be used in an Act 250 hearing, nor would it preclude any land development otherwise permitted by existing zoning.

### Statewide Program Principles

- *Locally defined*; municipal policies and regulations, if they exist, not an over-arching state plan, are the basis for deciding whether a road should be considered for designation within a municipality.
- *Flexible*, to accommodate the varying needs and capacities of Vermont’s towns and regions.
- *Balance*, between promotion/protection of resources and maintaining quality of life.
- *Incentives*, to communities and property owners to conserve their roads at the local municipal level, rather than imposing regulations and requirements from above.
- *Innovation in the areas of road design*, travel information systems, and maintenance criteria, with full consideration for protecting and enhancing the qualities upon which byway designation is based.
- *Education*; seek out opportunities to the six intrinsic qualities.

## **Nomination Process**

Byways should offer the traveler an unusual and distinctive “Vermont experience”. Communities should also work to ensure that the nominating committee will continue to offer that quality byway experience into the future. The nominating committee shall assume responsibility for:

- An inventory and assessment of all the corridor’s resources;
- A public participation process;
- The active participation of private property owners throughout the entire process;
- The involvement of municipal elected officials, Regional Planning Commissions, Transportation Advisory Committees (TACs), Municipal Planning Organizations, Regional Marketing Organizations (RMOs), and other relevant regional/state agencies;
- Informing land owners early in the planning process when a particular feature or characteristic of their property is being seriously considered for inclusion in a map, inventory, or plan of a byway;
- The approval of the local selectboard in each town that wishes to participate in the byway nomination; and
- The involvement of highway and corridor users including but not limited to bicyclists, pedestrians, and the tour bus industry.

The nomination for a designation should start with the formulation of a corridor concept by defining the goals and objectives to be achieved by byway designation. A preliminary corridor concept definition should be written and reviewed locally and by the VSPC using existing materials available. From this input, a decision can be made to continue to pursue actual designation. Assuming the preliminary look is positive, then the work for an actual application for designation would be started. This would be accomplished by preparing a corridor management plan which includes inventorying of those characteristics related to the goals. The final step would then be a corridor management plan that is locally adopted by the nominating committee and is used in the nomination/designation process and to guide functioning of the byway.

## HOW DOES THE PROGRAM WORK?

The steps for completing the Program nomination process are described below in general terms.

### **1. Create the Nominating Committee**

A nominating committee may be made up of any group, public or private, state or local. The only requirement is that all nominating committees should seek to represent the interests of a wide range of people and organizations along the road. These would include, but not be limited to the following: local and state government, Chambers of Commerce, landowners along the byway, users of the highway, business people who will be impacted by the byway, Regional Planning Commissions, citizen and advocacy groups, and other groups such as federal agencies. In all cases, a nominated road must have clear support from local government and if the roadway is state-owned, the Agency of Transportation (VTrans) must participate in the designation process. If multiple applications for segments of one road are submitted, VSPC will work with local groups to encourage a unified nomination.

### **2. Involve the Public**

A thorough community participation process must be a part of the nomination effort in order to define why a community or communities want a byway designation, how the desired designation fits with state program objectives and how they will manage the roadway if designated. If a byway nomination is not being submitted by a governmental agency, a byway nominating committee should be formed. Informal meetings and workshops including property owners, users of the highway, and interested parties should be held both before, during, and after the application has been defined and prepared. A formal, advertised public hearing on the nomination must be held prior to submittal. Finally, letters of support from the selectboards, planning commissions, Chambers of Commerce, etc., of the applying town or towns must accompany the nomination to verify that there is local acceptance. Selectboard support is required, all others are strongly encouraged.

A successful byways program will be one that represents a partnership of the public and private sectors, with benefits flowing to all participants. Because a byway can go through or impact such a wide variety of environments and types of land, the list of potential partners is large. The key to successfully bringing these groups together is in identifying how each potential partner might stand to be impacted by a byway, and designing the nomination to maximize the benefits and address concerns.

Nominating committees are also encouraged to think regionally. Most byways will pass through more than one town and therefore multi-town cooperation will be necessary. In order to coordinate the byway with other transportation activities, the Regional Planning Commission and VTrans should be notified when a nominating committee is formed and should be involved throughout the designation process. For those communities lying on or near a state or provincial border, contact should be made with cross-border neighbors and opportunities explored for cooperation.

### **3. Define Local Objectives**

The Program is designed to be a tool for communities and regions. Communities define what they want their byway to accomplish, whether it be promotion, resource protection, or a combination of both. A first step for any designation process should be a clear definition of byway objectives. Clear objectives will help guide the inventory and assessment steps.

### **4. Determine the Appropriate Program Level**

Vermont Byway nominating committees may choose to operate their byways at one of two levels: state

or national. Each nomination must indicate which designation level is requested.

- **Vermont Byways** are intended to meet the criteria for National Scenic Byways, specifically they offer at least one of the six intrinsic qualities which are of statewide significance, are accessible to the average two wheel drive vehicle, offer space and facilities for pedestrians and bicyclists to the extent possible, promote the resources at a statewide level, and offer an experience that is directed to both local residents and to visitors from outside the local area. State level byways and national byways must prepare and adopt a corridor management plan.
- **National Byway (and All American Road)** is intended to have all the characteristics of a Vermont Byway plus demonstrate that these roads are of national significance. National byways will receive marketing exposure from FHWA and a higher priority for funding of byway grant applications.

## 5. Related Characteristics

The Program is designed to be very open and inclusive. Therefore, any community that believes it has a road with significantly important resources is welcome to submit a nomination. The two-level feature indicated above allows communities to choose a designation and management approach that is appropriate for their resources and needs. In addition to the above, two other issues should be noted:

- (1) Only Class 1, 2, and 3 roads are eligible for federal funds should the local community decide to move in that direction.
- (2) There is no minimum length criterion, but any road or road segment nominated must demonstrate that it offers the traveler high levels of access (visual and/or physical) to the designated resources throughout the majority of the byway's length. Short segments or individual sites of significance located within long stretches of insignificant roadway will not merit the full roadway's designation. While there is no requirement that all communities along a designated byway participate in the Program, it is encouraged that "connectivity" be achieved where possible. That is, ideally, all communities along a byway should agree to the designation and participate at some level.

## 6. Designating a State Byway

For communities wishing a state byway designation:

### 6.a Inventory and Assess the Corridor

An important aspect of the Program is that it uses an inventory and assessment approach that allows communities to be specific in their Corridor Management Plan. All communities or groups of communities that wish to have a roadway designated as a state byway must complete an application (see Appendix A) that includes a basic description of the road, an inventory of each of the six intrinsic qualities (see the "Vermont Byway Fieldguide"), and a plan for how the road will be managed for promotion and/or resource protection. For a definition of Corridor Management Plan Guidelines, see Appendix B. This was prepared by the Federal Highway Administration.

In the securing of inventory data in the pre-application and application process the following guidelines should operate:

- (1) The specific characteristics to be inventoried should be identified in the corridor management plan.
- (2) Prior authorization should be secured from the property owners before any on-site data gathering is performed.
- (3) Information generated is not intended to be used for purposes outside of the byways realm as identified in the management plan.
- (4) The local nominating committee should reflect all of the interests and resources of the corridor to ensure adequate representation for the development of the goals and objectives of the corridor designation.

The inventory and assessment forms used by each byway nominating committee must involve a simple but complete step-by-step process for identifying each of the six intrinsic resources in the byway. If none of the six resources are present, the road does not qualify for designation.

The response to these criteria may be given in a simple narrative description that makes a common sense argument for how the proposed byway will impact traveler's activity, eating, lodging, and retail purchase behaviors.

Along with the resource quality evaluation, there is a requirement that the *transportation characteristics* of the road be considered. The types of issues that should be addressed include current road character, current users, motorists, provision for multimodal uses, opportunities for intermodal connections, existing/potential conflicts between users, and needed investments in the road to make it suitable as a byway.

The nomination application must evaluate the current and future need for improved visitor services (i.e., rest rooms, telephones, or improved signing).

The promotion of economic development and conservation of resources are goals of the Program, and should be addressed in the development of the goals and objectives for the corridor, as well as in the development of the corridor management plan. Communities need to consider the level and type of development that is appropriate for their corridor and develop strategies to ensure that the goals are met.

### **6.b Identify Key Theme for the Byway**

Based on the above inventory and assessment work, the nominating committee should decide which one or more of the intrinsic resources should be documented in the corridor management plan. These core resources should be woven into a general theme that will guide the preparation of the corridor management plan. From a tourism development perspective, while it is desirable to offer a range of activities and experiences along a byway, it is also important to have a clear, cohesive message and theme that characterizes the entire corridor.

### **6.c Complete a Nomination Package and Corridor Management Plan**

The basic sequence for every nomination is as follows:

- (1) Set up a steering committee.
- (2) Request an application package from the State Scenic Byways Coordinator.
- (3) Complete the application and corridor management plan.
- (4) Hold one or more public workshops to build support for the nomination and to develop the byway objectives. Hold a formal public hearing on the nomination.

- (5) Obtain the written support of the local board of elected officials. If the road is state-owned, obtain consent from the State Scenic Byways Coordinator at VTrans.
- (6) Submit the nomination to VSPC for recommendation to the Vermont Transportation Board.

The preparation of a corridor management plan ensures that the nominating committee has a strategy for how it will build on the chosen theme for the byway and how it will maximize the benefits to be derived from byway designation. It also states, on paper, the objectives for the byway. This is particularly important given that Vermont is likely to have dramatically different byways around the state. For instance, a byway created to focus on historic resource protection will have a very different agenda than a byway intent on attracting tour buses.

The corridor management planning requirements are designed to be as simple as possible and to easily build from the inventory work performed above. The corridor management plan will be critical to assist VSPC in evaluating how state and federal byways grant monies should be used for each byway. It also ensures that communities think carefully about what the impacts of designation are likely to be on property owners and on the general community. The Vermont Byways Fieldguide is an example and reference for how this may be done.

#### **6.d VSPC Evaluation and Decision Making**

To accomplish a successful Program, VSPC will provide technical assistance, resources, information and guidance from the initial corridor concept review, through the development of the corridor management plan, and to the completed designation application.

VSPC is made up of a broad range of representatives from both the public and private sectors and is appointed by the Governor. VSPC is the group of statewide interest that will receive nominations for designations as official “Vermont Byways”, evaluate these nominations, and make recommendations to the State Transportation Board to take action to make that designation official. The evaluation will be in accordance with this Program Manual and, where appropriate, with National Scenic Byways guidelines to insure eligibility for federal grant participation. Interest areas that will be represented will include but not be limited to the following: forestry, agriculture, legislative, economic development, industry, regional planning, environmental, tourism, legal, historic preservation, transportation, conservation, and statewide planning. VSPC will review the application according to criteria defined below:

- (1) Does the byway have at least one of the six intrinsic resources in sufficient quantity and quality that it meets the guidelines of the Program?
- (2) Does the byway meet the minimum criteria concerning road classification?
- (3) Does the applicant include a corridor management plan or strategy that identifies the goals and objectives, inventory and assessment of the resources, a transportation strategy, visitor services evaluation and strategy, economic development strategy, management entity and responsibilities of the partners involved in the project, theme development and interpretation strategy, and an outline for the parties responsible for maintaining the certification of the byway?
- (4) Does the applicant demonstrate support for the designation by locally elected officials in the towns along the corridor?
- (5) Does the applicant identify resources that are at particular risk? What strategies have been developed to protect them?
- (6) Does the applicant identify potential adverse impacts of designation to the existing users of the roadway? How have those impacts been addressed?
- (7) Does the applicant include evidence of public notice?

Upon consideration of the nomination package, which includes written materials, maps, and photos,

VSPC will make one of the following recommendations to the State Transportation Board:

- (1) The nomination be approved without conditions and recommended for designation.
- (2) The nomination be approved subject to conditions. In this case, the nominating committee must meet with VSPC to discuss the conditions and consider revising the nomination. If VSPC's concerns are resolved, the nomination will follow the channel described in (1).
- (3) The final alternative outcome is a decision by VSPC that the road does not merit designation. Under such circumstances, the nominating committee will be invited to meet with VSPC to discuss how the nomination could be improved or redirected and to determine if a re-nomination will be accepted.

#### **6.e Maintenance, Monitoring, Recertification, and Decertification**

Five years following the initial designation and at each subsequent five year point, each byway shall be reviewed to determine if it merits recertification. This review shall be performed by the local nominating committee. Evidence will be provided that the byway's quality has not eroded (e.g., pictures or slides of the byway shall be re-shot from the same perspectives or evidence of the continued or enhanced presence of cultural or historic resources shall be provided). Evidence shall be submitted on the work done to advance the promotion of the byway. Evidence shall also be submitted on the progress made on the corridor management plan.

If the road's quality has eroded, VSPC shall work with the community to evaluate the corridor management plan to determine what went wrong, and how it could be fixed. If there is no interest or commitment by the management entities for improving the byway, then it would be appropriate to decertify. This would result in removal from all promotional materials and no longer being eligible for federal and state grant monies.

Failure of a local nominating committee to submit a five-year review will be grounds for decertification.

*According to the federal program, **local commitment** means assurance provided by communities along the byway that they will undertake actions to preserve the archeological, cultural, historic, natural, recreational, and scenic integrity of the byway and the adjacent area as identified in the corridor management plan.*

## **CONCLUSION**

The idea of byways is not a new concept: ever since Americans began riding in cars, there have been communities, states, and private organizations promoting the routes that offered the best experiences and scenery. What is new is that Vermont and many other states are participating in a federal program to enhance byways across the entire USA and to encourage people to see America by foot, on bicycle, and by car.

The Program provides a formal way for Vermont communities to identify, conserve, and promote roads that have special scenic, historic, and recreational qualities and to then make transportation improvements along the corridor that will benefit and sustain the byway. It recognizes a broad range of qualities - archeological, cultural, historic, natural, and recreational - as well as scenic quality.

The Program is designed to be comprehensive and yet simple. It has been designed to make participation easy, and to encourage cooperative efforts between state and local government, and between the public and private sectors. It ensures that all aspects important to Vermont's byways - archeological, cultural, historic, natural, recreational, and scenic resources, transportation services, economic development, and byway management - are considered before a road is designated. Yet, the process for nomination and decision-making is open and non-bureaucratic.

This Program lays a firm foundation for helping Vermont citizens and visitors to protect, appreciate, and benefit from the state's most special roads.

## **APPENDIX A**

### **DESIGNATION CHECKLIST**

- ❑ The nominating committee develops a locally adopted Corridor Management Plan.
- ❑ The nominating committee requests in writing application materials from the State Scenic Byways Coordinator.
- ❑ The nominating committee develops a public hearing process that provides a forum for discussing the designation and its potential impacts on participating communities and the region.
- ❑ The nominating committee submits application materials to the Scenery Preservation Council for its review.
- ❑ The Scenery Preservation Council meets with the nominating committee to discuss application materials.
- ❑ The Scenery Preservation Council holds a public hearing in the host community to receive comment(s) on the application.
- ❑ The Scenery Preservation Council votes to recommend the route be designated and transmits the application to the Transportation Board.
- ❑ The Transportation Board holds a public hearing to receive comment(s) on the application.

The Transportation Board votes to designate the route as a Byway.

## APPENDIX B

### THE ELEMENTS OF A GOOD CORRIDOR MANAGEMENT PLAN

Your corridor management plan should provide a comprehensive understanding of your route and your plans to preserve and enhance it. This is especially true if you are intending to seek National Scenic Byway designation. The Federal Highway Administration lists 14 components that must be in any CMP submitted for national designation. Even if you aren't intending to seek national designation, you can't go wrong including them in your plan. Here they are:

1. A map identifying the corridor boundaries, location intrinsic qualities, and land uses in the corridor.
2. An assessment of the intrinsic qualities and their “context” (the areas surrounding them).
3. A strategy for maintaining and enhancing each of those intrinsic qualities.
4. The agencies, groups, and individuals who are part of the team that will carry out the plan, including a list of their specific, individual responsibilities. Also, a schedule of when and how you'll review the degree to which those responsibilities are being met.
5. A strategy of how existing development might be enhanced and new development accommodated to preserve the intrinsic qualities of your byway.
6. A plan for on-going public participation.
7. A general review of the road's safety record to locate hazards and poor design, and identify possible corrections.
8. A plan to accommodate commercial traffic while ensuring the safety of sightseers in smaller vehicles, as well as bicyclists, joggers, and pedestrians.
9. A listing and discussion of efforts to minimize anomalous intrusions on the visitor's experience of the byway.
10. Documentation of compliance with all existing local, state, and federal laws about the control of outdoor advertising.
11. A plan to make sure that the number and placement of highway signs will not get in the way of the scenery, but still be sufficient to help tourists find their way. This includes, where appropriate, signs for international tourists who may not speak English fluently.
12. Plans of how the byway will be marketed and publicized.
13. Any proposals for modifying the roadway, including an evaluation about design standards and how proposed changes may affect the byway's intrinsic qualities.
14. A description of what you plan to do to explain and interpret your byway's significant resources to visitors.