

MICHIGAN SCENIC ROAD DESIGNATIONS AND INVENTORY

JUNE 2017



1100 N. Main Street, Suite 102
Ann Arbor, MI 48103
info@scenicmichigan.org
231-753-8116

INTRODUCTION

In an effort to protect and preserve the natural aesthetic of local roadways, many communities in Michigan have sought to secure a “scenic” roadway designation. Often referred to as a “scenic byway,” local jurisdictions can apply for a designation from a few different federal, state and local transportation agencies and departments.

Local jurisdictions can also apply for designations that aim to preserve and promote roadways with special or unique historic, recreational, cultural or archeological significance. While these designations are widely used throughout Michigan, it can be difficult to source information on how roads can receive such a designation, how a designation may limit development and outdoor advertisements (e.g., billboards), and where existing road designations are located.

This report, on behalf of *Scenic Michigan*, summarizes the various “scenic byway” designation options in Michigan as of June 2017, noting their specific enabling legislation, application process, funding opportunities, and limits on outdoor advertisements. In addition, a comprehensive map is included that identifies the locations of existing designations.

DESIGNATION OPTIONS

According to the Federal Highway Administration (FHWA), “scenic byway” refers to a public road with special scenic, historic, recreational, cultural, archeological and/or natural qualities that have been recognized as such through legislation or some other official declaration. The FHWA recognizes approximately 150 such designated roadways throughout the United States.

According to the Michigan Department of Transportation (MDOT), there are three unique “byway” designations that fall under the Pure Michigan Byway Program: (1) State Scenic Byway; (2) State Recreational Byway; and (3) State Historic Byway.

At the local level, a county road commission and/or a city or village can apply for a “Natural Beauty Road” designation.

The following sections summarize different federal, state and local designation options.

Federal Designations

The **National Scenic Byways Program** falls under the FHWA through the U.S. Department of Transportation (USDOT). The Scenic Byways Program was established in Title 23, Section 162 of the Intermodal Surface Transportation Efficiency Act of 1991, and reauthorized and expanded in 1998 (TEA-21) and again in 2005 (SAFETEA-LU). The program was established as “a grassroots collaborative effort” to help recognize, preserve and enhance selected roads throughout the United States. There are nearly 100 miles of National Scenic Byways designated in Michigan. However, at this time, the National Scenic Byways Program is not being funded, is no longer accepting grant applications, and is currently not moving forward with new designations.

For the National Scenic Byways that are already designated, there are some sections of the legislation that address controls and limitations on outdoor advertising. Title 23, Section 131(s) describes control of outdoor advertising along designated scenic byways:

“Scenic Byway Prohibition.--If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047

of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.”

Title 23, Section 131(t) further defines a *primary system* and a *Federal-aid primary system* referenced in 131(s):

“Primary System Defined.--For purposes of this section, the terms ‘primary system’ and ‘Federal-aid primary system’ mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.”

Title 23, Section 131(s) references subsection 131(c), which explains what signs, displays, or devices are allowable along designated scenic byways:

“Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term ‘free coffee’ shall include coffee for which a donation may be made, but is not required.”

(Note: See the following link, https://www.fhwa.dot.gov/real_estate/oac/index.cfm, for additional information regarding Outdoor Advertising Control.)

Other federal designations:

National Forest Scenic Byway (USDA Forest Service)

The USDA Forest Service began the development of the National Forest Scenic Byway system in 1987 with 10 byways. In 1991 the ISTEA (Intermodal Surface Transportation Efficiency Act) highway bill established the National Scenic Byways program (NSBP). Some of the National Forest program goals, which may overlap with the NSBP, include showcasing National Forest and Grassland scenery, increasing public awareness of the National Forest system, and contributing to the nation’s overall scenic byways effort.

These roads link the public to some of the most special vistas and landscapes our public lands have to offer. There are currently two National Forest Scenic Byways in Michigan’s Upper Peninsula: the Black River in western Gogebic County, and Whitefish Bay along the Lake Superior shoreline in Chippewa County. Together these two Byways are approximately 47 miles in length. The Black River National Forest Scenic

Byway was designated in 1992 and is maintained by the Gogebic County Road Commission with assistance from the U.S. Forest Service. The Whitefish Bay National Forest Scenic Byway was designated in 1989 and is maintained by the Chippewa County Road Commission and the U.S. Forest Service.

NPS Park Roads & Parkways Program (National Park Service)

The Park Roads & Parkways Program is operated and administered jointly by the National Park Service and the Federal Highway Administration. A goal of the NPS is to provide a transportation system that aids in the movement of visitors while leaving the scenery as well as the historical and natural features unimpaired for future enjoyment. There are currently no roads in this category in Michigan.

BLM Back Country Byways Program (Bureau of Land Management)

These are roads designated by the Bureau of Land Management as scenic byways. These roads may also be classified as National Scenic Byways or National Forest Scenic Byways. These roads occur in the western United States and are classified into four types of roads based on the surface of the roads and the types of vehicles that can navigate the roads. There are currently no roads in this category in Michigan.

FWS Refuge Roads Program (Fish and Wildlife Service)

The Refuge System and the National Scenic Byways have similar goals in that they are both intended to help protect natural areas. Even though there are five National Wildlife Refuges and one International Wildlife Refuge in Michigan, there are currently no Refuge Road designations in Michigan.

Native American Scenic Byways Program

The passage of the SAFETEA-LU in August of 2005 allowed for the Federal Highway Administration to provide byway funding to Native American tribes so that they could nominate roads as Indian Tribe Scenic Byways. There are currently no roads in this category in Michigan.

State Designations

In 1993, the Michigan Legislature adopted Act 69, referred to at the time as the Michigan Heritage Routes Act. The intent of this Act was to establish state responsibility for the enhancement and enjoyment of scenic, recreational and historic resources along roadsides by identifying and designating certain portions of the state trunkline highway system as Heritage Routes. The legislation was also intended to assign responsibility for the development of Heritage Routes and for the establishment and application of specific planning and design criteria and procedures. In addition, the legislation lays out criteria for the location and length of Heritage Routes and adjacent areas, as well as requirements for coordinating planning, design, construction, maintenance, land use and development by state and local agencies, and to encourage adjacent land uses consistent with the intent of the designation.

In December 2014, the Michigan State Senate passed House Bill 5072 to officially change the name of Heritage Routes to "Pure Michigan Byways." The bill required MDOT to designate and rename all Michigan Heritage Routes as Pure Michigan Byways within one year after the bill's

effective date, and the bill allows MDOT to designate portions of a road as a Pure Michigan Byway.

Some state marketing materials further divide state byways into Scenic Byways, Recreation Byways and Historic Byways, all under the Pure Michigan brand.

At this time, funding for this program is not being provided. The legislation does not provide any control and/or regulation for outdoor advertising. Outdoor advertising on these byways may be enforced through local zoning regulations.

Local Designations

In 1994, the Michigan Legislature adopted Act 451, commonly referred to as the Natural Beauty Road Act. The goal of the Natural Beauty Road program was to identify and preserve, in a natural, essentially undisturbed condition, certain county or local roads with unusual or outstanding natural beauty. The Act gives county road commissions as well as city and village councils the authority to dedicate local county roads and city/village streets as “Natural Beauty Roads,” and gives citizens instructions on how to petition these local jurisdictions for such a designation.

Under the Act, each designated road is evaluated and judged on six criteria: (1) Character of the Road; (2) Length of the Road; (3) Roadside Development; (4) Road Bed; (5) Function of the Road; and (6) Speed.

This program was originally overseen by the Michigan Department of Natural Resources (DNR). The DNR does not provide funding for the program at this time. However, funding for such a designation can be supplied by a county road commission and/or a city or village council.

FINDINGS

At this time, there are approximately 1,450 miles of designated “byways” in Michigan organized in six road categories (see map). The majority of these roads are found in counties bordering the Great Lakes. Although most of the Natural Beauty Roads are relatively short, collectively they account for around 229 miles of roadway. Of the 83 counties in Michigan, 43 have one or more road segments classified as National or State Byways, and 30 counties have one or more road segments classified as Natural Beauty Roads.

Based on 2010 U.S. Census statistics, approximately 75% of the state’s population lives within 10 miles of a “scenic” roadway, and approximately 93% of people in Michigan live within 25 miles of a “scenic” roadway.