



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

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*Agenda item # 7*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 10, 2018

#### MOTION

**Made By: Mr. Malbon, Seconded By: Mr. Connors**  
**Action: Motion Carried, Unanimously**

**Title: Adoption of Goals and Policies for the**  
**Designation of Scenic Highways and Virginia Byways**

**WHEREAS**, the Virginia Department of Transportation and the Virginia Department of Conservation and Recreation are mutually interested in the scenic, historic, cultural, and recreational assets of the Commonwealth; and

**WHEREAS**, the 1966 General Assembly enacted the Scenic Highways and Virginia Byways Act, which is currently codified at Section 33.2-405 et seq. of the Code of Virginia. This legislation charged the Commonwealth Transportation Board (CTB, originally the State Highway Commission) with responsibility for designating roads as Scenic Highways or Virginia Byways in cooperation with the Department of Conservation and Recreation (DCR, originally the Commission of Outdoor Recreation); and

**WHEREAS**, as defined in Virginia Code, Scenic Highways and Virginia Byways are intended to preserve highway corridors with high aesthetic or cultural values leading to or within area of historical, natural or recreational values, and to preserve and enhance the natural beauty and cultural value of lands through which state highways traverse; and

**WHEREAS**, it is in the best interest of the Virginia Department of Transportation to continue cooperation in this popular program as now more than 3500 miles of roads in the Commonwealth have received such designation; and

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**WHEREAS**, on January 18, 1973, the State Highway Commission adopted a Resolution which approved the procedures, criteria, and objectives for the designation of Scenic Highways and Virginia Byways previously adopted by the Commission of Outdoor Recreation on December 18, 1972; and

**WHEREAS**, on May 19, 1988, the CTB adopted a resolution acknowledging the action taken in 1973 and further stating that the designation of a highway as a Scenic Highway or Virginia Byway should not limit the Virginia Department of Transportation from exercising its general power and duties to locate, construct, improve, and maintain all highways in the Commonwealth; and

**WHEREAS**, the Department of Conservation and Recreation and the Virginia Department of Transportation executed a Memorandum of Agreement (MOA) dated July 6, 1995 that outlined the general responsibilities and obligations of each party in recommending Scenic Highways and Virginia Byways to the CTB; and

**WHEREAS**, the Virginia Outdoors Plan adopted by the Board for Conservation and Recreation recommends that the MOA be updated and VDOT concurs that changes are necessary to provide clarity to the recommendation process and that documents defining the relationship with DCR and the overall direction of the program should be updated; and,

**WHEREAS**, technical changes to the Virginia Code have rendered the 1973 Resolution inaccurate and VDOT has recommended that a new Resolution, establishing criteria for the designation of Scenic Highways and Virginia Byways and consistent with current Code, be adopted; and

**WHEREAS**, in order to achieve the overall goals of the program, VDOT recommends that the CTB establish broad policies applicable to consideration of such designations and authorize and require VDOT to work with DCR to develop a revised MOA that will establish the procedures and protocols for the two agencies to work together to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways.

**NOW, THEREFORE BE IT RESOLVED** that, in order to establish updated procedures and protocols to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways, the 1973 State Highway Commission Resolution is hereby rescinded.

**BE IT FURTHER RESOLVED** that the goals and policies for the designation of Scenic Highways and Virginia Byways, as set out on Exhibit A, are hereby adopted as guiding principles for decisions of the CTB regarding this program.

**BE IT FURTHER RESOLVED**, that the designation of highways as Scenic Highways or Virginia Byways shall in no way limit the right of the Virginia Department of Transportation

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to exercise all of its power and duties in locating, constructing, improving, and maintaining highways in the Commonwealth.

**BE IT FURTHER RESOLVED,** that VDOT is directed to work with DCR to develop a revised MOA that will establish the procedures and protocols for the two agencies to work together to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways, and the Commissioner of Highways is hereby authorized to take all actions and execute any and all documents needed to comply with this resolution

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## **Exhibit A**

### **Goals and Policies Related to the Designation of Scenic Highways and Virginia Byways**

1. A Scenic Highway shall be within a protected scenic corridor located, designed, and constructed to preserve and enhance the natural beauty and cultural value of the countryside.
2. A Virginia Byway shall have relatively high aesthetic or cultural value, leading to or within areas of historical, natural, or recreational significance.
3. The support of the local government for the designation of a Scenic Highway or Virginia Byway is critical and must be assessed and documented as part of the designation process.
4. The interest of civic and other citizen groups, as well as the overall support of the public for the designation, is an important consideration and must be assessed and documented as part of the designation process.
5. Highway corridors controlled by zoning or other land use control mechanisms designed to reasonably protect the aesthetic or cultural value of the highway are preferred.
6. VDOT will coordinate with DCR to establish a periodic evaluation process for designated Byways to ensure the Byway continues to meet the minimum aesthetic or cultural values, or recreational significance criteria established by the Program.
7. The criteria utilized by VDOT and DCR to recommend a road segment for designation or de-designation shall be set forth in guidelines or other policy documents that provide clear guidance for those wishing to support or oppose a designation or the continuation of a designation. In addition to the elements above, additional factors may include, but are not limited to:
  - a. The route provides important scenic, historic, cultural or natural values and experiences.
  - b. There is a diversity of experiences as in transition from one landscape scene to another.
  - c. The route links together or provides access to significant scenic, historic, cultural, natural or recreational points.
  - d. The route bypasses major roads or provides opportunity to leave high-speed routes for variety and leisure in traveling.
  - e. Landscape control or management along the route is feasible.
  - f. The route is susceptible to techniques to improve user enjoyment of the road and safety.
  - g. The route contributes to the mixture of experiences available in the scenic highway and byway system.

## CTB Decision Brief

### Adoption of Goals and Policies for the Designation of Scenic Highways and Virginia Byways

**Issue:** On January 18, 1973, the State Highway Commission adopted a Resolution which approved the procedures, criteria, and objectives for the designation of Scenic Highways and Virginia Byways previously adopted by the Commission of Outdoor Recreation on December 18, 1972. Technical changes to the Virginia Code have rendered the 1973 Resolution inaccurate and VDOT has recommended that a new Resolution, establishing criteria for designation of Scenic Highways and Virginia Byways and consistent with current Code, be adopted.

**Facts:** The 1966 General Assembly enacted the Scenic Highways and Virginia Byways Act, which is currently codified at Section 33.2-405 et seq. of the Code of Virginia. This legislation charged the Commonwealth Transportation Board (CTB, originally the State Highway Commission) with responsibility for designating roads as Scenic Highways or Virginia Byways in cooperation with the Department of Conservation and Recreation (DCR, originally the Commission of Outdoor Recreation).

Following adoption of the Resolution by the CTB in 1973, the CTB adopted a resolution on May 19, 1988, acknowledging the action taken in 1973 and further stating that the designation of a highway as a Scenic Highway or Virginia Byway should not limit the Virginia Department of Transportation from exercising its general power and duties to locate, construct, improve, and maintain all highways in the Commonwealth. DCR and the Virginia Department of Transportation (VDOT) then executed a Memorandum of Agreement (MOA) dated July 6, 1995 that outlined the general responsibilities and obligations of each party in recommending Scenic Highways and Virginia Byways to the CTB. The Virginia Outdoors Plan adopted by the Board for Conservation and Recreation recommends that the MOA be updated and VDOT concurs that changes are necessary to provide clarity to the recommendation process and that documents defining the relationship with DCR and the overall direction of the program should be updated.

In order to achieve the overall goals of the program, VDOT recommends that the CTB establish broad policies applicable to consideration of such designations and authorize and require VDOT to work with DCR to develop a revised MOA that will establish the procedures and protocols for the two agencies to work together to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways. Proposed goals and policies are set out in Exhibit A hereto.

**Recommendations:** VDOT recommends the CTB approve the resolution titled “Adoption of Goals and Policies for the Designation of Scenic Highways and Virginia Byways.”

**Action Required by CTB:** Approve by majority vote the resolution adopting the Goals and Policies and providing the authorization recommended herein.

**Result, if approved:** VDOT will pursue a revised MOA with DCR consistent with the Goals and Policies adopted by the CTB.

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**Options:** Approve, Deny, or Defer

**Public Comments/Reactions:** NA

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3. The support of the local government for the designation of a Scenic Highway or Virginia Byway is critical and must be assessed and documented as part of the designation process.
4. The interest of civic and other citizen groups, as well as the overall support of the public for the designation, is an important consideration and must be assessed and documented as part of the designation process.
5. Highway corridors controlled by zoning or other land use control mechanisms designed to reasonably protect the aesthetic or cultural value of the highway are preferred.
6. VDOT will coordinate with DCR to establish a periodic evaluation process for designated Byways to ensure the Byway continues to meet the minimum aesthetic or cultural values, or recreational significance criteria established by the Program.
7. The criteria utilized by VDOT and DCR to recommend a road segment for designation or de-designation shall be set forth in guidelines or other policy documents that provide clear guidance for those wishing to support or oppose a designation or the continuation of a designation. In addition to the elements above, additional factors may include, but are not limited to:
  - a. The road segment provides good opportunity for a pleasant motoring experience.
  - b. There is a diversity of experiences, visual and otherwise, available on the road segment.
  - c. There is good linkage between or access to the program elements available on the route.
  - d. The route bypasses major roads or provides opportunities for leisurely motoring.
  - e. Additional features may be available to enhance motorist experience and safety.
  - f. The road segment provides a good addition to the mixture of experiences available in the Scenic Highways/Virginia Byways program.