

**Report
Of the
NH Scenic & Cultural
Byways Council**

For the years 2016-2017



This report intends to satisfy NH RSA 238:21(V) which reads:

Review the byway system and report biennially to the governor and the general court upon the effectiveness of this subdivision and make recommendations. The reports shall indicate the status of all state and town designations and include a fiscal accounting of all moneys received and expended.

This report covers the period spanning January 1, 2016 to December 31, 2017.

For question or comments regarding this report, please contact the NH Scenic & Cultural Byways Program Manager:

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TABLE OF CONTENTS

	Page
Introduction	4
Federal Legislation and NH Program History	4
New Hampshire Program and Funding Overview	5
Council Membership NH Scenic & Cultural Byways Council	6
Council Meetings and Discussions Topics of 2016-2017	6
List of NH Designated Scenic & Cultural Byways	6
Recommendations	7
Summary Comments	9
Appendices:	
• Appendix A- NH RSA's	10
• Appendix B- Corridor Management Plan (CMP) 14 points	13
• Appendix C- Council Membership	15
• Appendix D- Map showing Scenic Byways in NH	16

NH SCENIC & CULTURAL BYWAYS

INTRODUCTION

The New Hampshire Scenic and Cultural Byways Council (NHSCBC) was established in 1992 under New Hampshire (NH) Revised Statutes Annotated (RSA's), Chapter 238 – Highway Programs, RSA 238:20 (1). One of the many duties and responsibilities of the Council is to report biennially to the governor and general court regarding the status of state and town designations of scenic and cultural byways in New Hampshire and include a fiscal report of funding, RSA 238:21 (V). The provisions of RSA 238:19-24, are included in Appendix A of this report.

The purpose of this document is to provide the governor and general court the 2016-2017 report. The report includes information on both federal and state legislation, the composition of the Council, designations and other relevant information about the New Hampshire Scenic and Cultural Byways Program (NHSCBP). The Scenic and Cultural Byways program has evolved as federal legislation has changed since the inception of the program in federal legislation in 1991.

What remains is that the program is focused on nurturing and facilitating community interest and involvement to promote tourism and enhance the intrinsic qualities of each scenic byway corridor. This continues to be accomplished via the active participation at the local, regional and state levels. Furthermore, the development of a Corridor Management Plan (CMP) is essential to the continued success of the program and in promoting the byways program through various implementation ideas outlined in the CMP.

FEDERAL LEGISLATION and NH PROGRAM HISTORY

The National Scenic Byways program was created by federal legislation of 1991, Intermodal Surface Transportation Equity Act (ISTEA). The New Hampshire Scenic & Cultural Byways Program (NHSCBP) was established by the NH Legislature in 1992 in an effort to make interested roadways eligible for federal funding via the Intermodal Surface Transportation Equity Act (ISTEA).

The ISTEA federal legislation authorized both the designation of the national scenic byways, as well as a pool of funds to be awarded on a competitive basis for eligible projects involving designated byways. The ISTEA legislation of 1991 was followed up in 1995 with federal rulemaking regarding the national designation criteria and funding guidelines for the program.

Since 1991, the federal legislation and rulemaking has been revisited and renamed several times including- the Transportation Equity Act for the 21st Century (TEA-21) enacted June 1998; Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA); American Recovery and Reinvestment Act (ARRA) of 2009;

Moving Ahead for Progress in the 21st Century (MAP-21) in 2012; and the current legislation- Fixing America’s Surface Transportation Act (FAST Act) of 2015.

In 2012, the federal legislation referred to as MAP-21 ended the Scenic Byways program as a “standalone” funding program. However under MAP-21, the Transportation Alternative Program (TAP) was preserved, including the Scenic Byways eligibility category. At that time, the New Hampshire Department of Transportation (NHDOT) determined that scenic byways activities, along with several other federal eligible activities under (TAP) would not be considered for funding in New Hampshire. What has remained, without the funding support, is the continued interest in promoting scenic byways in New Hampshire. It is important to understand that changes in funding programs does not change the ability for both state and federal scenic byway designations.

America’s Byways is an umbrella term which includes both All American Roads and the National Scenic Byways Program. There are three (3) nationally designated scenic byways in New Hampshire: The Connecticut River Byway, the Kancamagus Scenic Byway and the White Mountain Trail. In 2000, the All American Roads program was established by federal legislation. This is not to be confused with the National Scenic Byways Program. The Acadia Byway, located in Acadia National Park, Maine, is the only All American Road in New England. Below is a brief history of scenic byway funding in New Hampshire.

NEW HAMPSHIRE PROGRAM AND FUNDING OVERVIEW

New Hampshire established their State Scenic and Cultural Byways program in 1992. For the period spanning 1992 - 2012, NH benefitted from over \$11 million in funding from the national Scenic Byways funding program – averaging nearly \$550,000 in funds awarded annually between 1992 and 2012. Annual award amounts ranged from a high of nearly \$2.8 million in 1999, to a low of nearly \$250,000 in 1994. However, the adoption of the federal transportation funding authorization legislation known commonly as MAP-21* ended the Scenic Byways program as a “standalone” program.

Since 2013, the New Hampshire Scenic & Cultural Byways Council has undertaken significant efforts to revitalize the program. The Council saw value in the program as a tool for economic opportunity for much of the state and has implemented programmatic changes to allow the program to evolve. Their efforts in addressing the deficiencies in the program, including in many instances the development of Corridor Management Plans (CMP), and informing specific byway programs of the potential for de-designation, has renewed interest and commitment to why the program should be kept active. Appendix B discusses the elements of a CMP and related definitions.

The scenic byways are important to the local communities in which they are located and to the overall state economy which relies heavily on the tourist industry. The NHDOT remains committed to working closely with the Scenic Byways Council, the nine (9) Regional Planning Commissions (RPCs), State agencies and other organizations to continue to promote the success of the program, and its overall value to promoting and enhancing tourism in the State.

COUNCIL MEMBERSHIP- NH SCENIC & CULTURAL BYWAY COUNCIL

The Council as established under RSA 238:20 includes fifteen (15) members. Nine members are appointed by the governor, there are three (3) persons representing municipalities, one (1) person representing tourist and recreation interest, one (1) person representing forest and lands, one (1) person representing the Outdoor Advertising Association of New Hampshire and one (1) person representing the highway construction industry. Other members are appointed by NH State Departments, NH Speaker of the House and NH Senate President. Appendix C includes a list of the current membership as of November 2017.

COUNCIL MEETINGS AND DISCUSSION TOPICS OF 2016-2017

The Council held several meetings in 2016-2017. Three (3) meetings were held in 2016 (May 12, June 23 & November 20). Two (2) meetings were held in 2017 (June 14 & November 9). Generally the local Regional Planning Commissions (RPCs) are the agencies that conduct the meetings in conjunction with local byways committee organizations. Some of the key topics of the 2016-2017 meetings are identified below:

- Brand- Importance of maintaining the “brand”, that is the NH Scenic & Cultural Byways designation;
- Corridor Management Plans (CMPs)- Updates on various plans;
- De-designation process -Letters of de-designation and efforts by the various scenic byway programs to maintain their designation status;
- Signage- Development and adoption of a NH Scenic & Cultural Byways Wayfinding Sign Guidebook;
- Websites- Where information should be housed, and what information is on the NHDOT website regarding the program.

In addition, the Scenic Byway Marketing Committee has met to discuss marketing efforts and strategies to continue and enhance the byways.

LIST OF NH SCENIC & CULTURAL BYWAYS PROGRAM

Appendix D of this report includes a map showing the scenic byways in New Hampshire. Below is a list of the current Scenic Byways in NH. As discussed earlier in the report, New Hampshire has three (3) Nationally Designated Scenic Byways: The Connecticut River, the Kancamagus and the White Mountain Trail.

- 1) Connecticut River Scenic Byway
- 2) White Mountain Trail (which includes the area of the Kancamagus Scenic Byways).
- 3) American Independence Byway
- 4) Apple Way
- 5) Branch River Valley Scenic Byway
- 6) Coastal Byway
- 7) Currier and Ives Trail
- 8) Enfield Shaker Valley Scenic Byway

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|--|------------------------------------|
| 9) General John Stark Byway | 16) Robert Frost Scenic Byway |
| 10) Lake Sunapee Scenic & Cultural Byway | 17) Old Stagecoach Scenic Byway |
| 11) Lakes Region Tour | 18) The Mountain Road Scenic Byway |
| 12) Mills Scenic Byway | 19) Upper Lamprey Scenic Byway |
| 13) Moose Path Trail | 20) Woodland Heritage Scenic Byway |
| 14) Presidential Range Trail | |
| 15) River Heritage Trail | |

Per the Council's Rules of Procedure, June 2016 the de-designation process is only permitted via a request in writing from a municipality located along the designated route or by request of the Council. In December 2015, the Council identified several of the byways as first-time candidates for de-designation, as they did not have a Corridor Management Plan (CMP), or other information as required by the program. The requirements of a CMP are provided in Appendix B.

During the last two years (2016-2017), the Council has communicated and worked with these byway entities to improve their status in the program. These and the other byways have updated their CMP and continue to engage and work with local stakeholders and their communities to promote and enhance the byway designation status. Furthermore any change to the route of a byway requires a public hearing be conducted by the municipalities in the area.

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| <ul style="list-style-type: none">• American Independence Scenic Byway• Enfield Shaker Village Scenic Byway | <ul style="list-style-type: none">• Lake Sunapee Scenic & Cultural Byway• Mills Scenic Byway• Mountain Road (The)• Upper Lamprey Scenic Byway |
|--|--|

Recommendations

Since the last Biannual Report of 2013-2015 the Council has met several times and has discussed various topics as outlined earlier in the report. In addition, the Council has developed several recommendations for continued review and consideration in the next reporting year. The specific recommendations are listed below.

- **Continue to develop the NH Scenic & Cultural Byways designation as a meaningful brand:**

The NH Scenic & Cultural Byways Council has the ability to enhance that designation by ensuring it means something. This means continuing to engage the local communities, the RPCs, the NHDOT and Council into discussions about the designation and ways to enhance participation. This will require enhanced

outreach through NHDOT and the Regional Planning Organization partners around the state.

Timeline: Propose scheduling additional meetings in 2018 for further discussion.

- **Development and refinement of Corridor Management Plans (CMP).**

All designated NH Scenic & Cultural Byways are now required to have adopted a Corridor Management Plan (CMP). This requirement has led to the creation of the first corridor management plan for many byways as well as the revision of existing CMPs. These new and / or revised plans will continue to spawn discussion on each respective corridor, and how changes can be implemented to promote the program and enhance the meaningful brand. Furthermore, to develop a coordinated progress for the program should include a review of all the various CMPs, documenting elements which are included, should be included, and develop a template for the development of all CMPs.

Timeline: Jan- April 2018, NHDOT to review existing CMPs, prepare analysis of each, and template for further improvements/ideas to be considered in the development of other plans.

- **Website- Update.**

The NHDOT website is intended to be the 1-stop-information-shop for all things related to the NH Scenic & Cultural Byways Program information. Although the website has been updated since the last report, like any website, it must be maintained and updated with new information as it becomes available, including but not limited to the maps, Corridor Management Plans, minutes of meetings and etc.

Timeline: Continuous as meetings are held and information is presented to the Council.

- **Develop statewide program strategies/guidebook:**

With the recent efforts over the past biennium, the NH Scenic & Cultural Byways Council is now well positioned to explain the program, the value of the program, and work with community partners to continue the successes of the program. This will entail continued engagement and the dissemination of information to local communities and the RPCs on how to stay involved, why to stay involved and discussion of other funding opportunities within or outside the NHDOT to enhance the various elements of the various byways.

Timeline: Ongoing in 2018.

Summary Comments

This report is a snapshot of the activities of the NH Scenic & Cultural Byways program. As noted in the various publications of the scenic corridor communities and organizations, the intrinsic beauty, scale, value and heritage of New Hampshire can only truly be captured by experiencing it. This may entail a scenic road trip, a hike or trip along a waterway.

New Hampshire has so much which can inspire you, so take the time to enjoy it and share it with others. Please review the enclosed map and share what New Hampshire has to offer with family, friends and visitors. It is our gift to all who visit our wonderfully beautiful State. Take a moment to explore and remember why we live here and why others come to visit.

Appendices:

- **Appendix A- NH RSA's**
- **Appendix B- Corridor Management Plan (CMP) 14 points**
- **Appendix C- Council Membership**
- **Appendix D- Map showing Scenic Byways in NH**



APPENDIX- A RSA 238:19-24

238:19 Purpose.

I. The scenic and cultural byways system is established to provide the opportunity for residents and visitors to travel a system of byways which feature the scenic and cultural qualities of the state within the existing highway system, promote retention of rural and urban scenic byways, support the cultural, recreational and historic attributes along these byways and expose the unique elements of the state's beauty, culture and history.

II. It is the intent of the general court that the scenic and cultural assets of the byways will be respected, that the rights of individual property owners shall be preserved, and that nothing in this subdivision shall be interpreted to preempt any land and zoning authority granted to municipalities under title LXIV.

III. It shall be a process of state and local identification of scenic and cultural byways that shall build a statewide system. However, nothing in this subdivision shall restrict a municipality from designating scenic byways within its jurisdiction, require that such designated scenic byways be nominated for inclusion in the New Hampshire scenic and cultural byways system, or require that the scenic and cultural byways council accept such locally designated scenic byway into the system.

Source. 1992, 160:1. 1995, 105:1, eff. July 15, 1995.

238:20 Establishment of Scenic and Cultural Byways Council.

I. The scenic and cultural byways council shall consist of the following 15 members:

(a) Nine members appointed by the governor including one person representing regional planning, 3 persons representing municipalities, one person representing tourist and recreation interests, one person representing forests and lands, one person representing the utilities, one person representing the Outdoor Advertising Association of New Hampshire and one person representing the highway construction industry.

(b) The commissioner of the department of transportation, or designee.

(c) The commissioner of the department of resources and economic development, or designee.

(d) The director of the office of energy and planning, or designee.

(e) The director of the division of historic resources, or designee.

(f) One member of the house, appointed by the speaker of the house.

(g) One member of the senate, appointed by the senate president.

II. The terms of the members appointed by the governor shall be for 3 years, except that he shall appoint the initial members for terms of one, 2 and 3 years.

III. The council shall choose its chairman annually from among its members. The chair shall serve for no more than 2 consecutive one-year terms.

IV. Except as provided in this section, no state employee or member of any state commission, federal employee, or member of any federal commission shall be eligible for membership on the council.

Source. 1992, 160:1. 1995, 106:1, 2. 2003, 319:9. 2004, 257:44, eff. July 1, 2004.

238:21 Duties.

The council shall:

- I. Encourage towns and municipalities to designate scenic and cultural byways within their jurisdictions and to petition the council for the inclusion of these byways into the New Hampshire scenic and cultural byways system. Such inclusion shall enable the municipality to participate in federal funding that may be available under section 1047, Scenic Byways Program, of the Intermodal Surface Transportation Efficiency Act of 1991. The council may also propose a statewide network of connecting highways. Proposed connecting highways shall not be designated as scenic and cultural byways as defined and controlled under section 1047, Scenic Byways Program, of the Intermodal Surface Transportation Efficiency Act of 1991.
- II. Develop the process for byways nomination and nomination criteria. Advise and consult with municipalities regarding the process of recommending municipal roads for inclusion in the scenic and cultural byways system.
- III. Encourage and assist in fostering public awareness, understanding, and participation in the objectives and functions of the scenic and cultural byways system.
- IV. Provide municipalities with tools and ideas for enhancement and protection of the scenic and cultural byways.
- V. Review the byway system and report biennially to the governor and the general court upon the effectiveness of this subdivision and make recommendations. The reports shall indicate the status of all state and town designations and include a fiscal accounting of all moneys received and expended.
- VI. De-designate a scenic and cultural byway at the request of the municipality or if its character changes in such a way that it no longer meets the criteria under which it was designated.

Source. 1992, 160:1. 1995, 105:2, eff. July 15, 1995.

238:22 Designation.

- I. The council shall designate and de-designate scenic and cultural byways of the New Hampshire scenic and cultural byways system based on criteria which include, but shall not be limited to, the following:
 - (a) Possesses significant visible natural or cultural features along its border such as agricultural lands, farms, significant architectural attributes, historic sites, town and city centers, museums, cottage industries, panoramic views, vistas of marshes, shorelines or forests, or notable geological or other natural features.
 - (b) Accessible to natural and cultural features such as cultural facilities, historic sites, town and city centers, trails, lakes, rivers, streams, mountains, the seacoast, bike paths, agricultural land, parks, or protected lands that are open to the public, etc.
 - (c) Conforms to and does not detract from the landscape.
 - (d) Meets safety standards for the particular traffic encouraged.
 - (e) Is free from intensive commercial development and obstructive signage that would detract from the principal reason for its designation.
- II. Designation of a state or local road or highway as a scenic and cultural byway under the provisions of this subdivision, and any general or special management criteria applicable thereto, shall not affect the operation, maintenance and expansion of existing public utility lines and facilities, or be construed to require any public utility to install any of its lines or facilities underground.

- III. Under no circumstances shall a local scenic and cultural byway be designated without a public hearing conducted by the municipalities in the area.
- IV. Nominations shall demonstrate local, private, and public support, and be reviewed to assess any traffic or other problems that may accrue to the designation as a scenic and cultural byway and propose a method to ensure the preservation and maintenance of the qualities of the scenic and cultural byway on which the nomination is based.

Source. 1992, 160:1. 1995, 105:3, eff. July 15, 1995.

238:23 Funds.

- I. The commissioner of the department of transportation, with the advice of the commissioner of the department of resources and economic development and the commissioner of the department of cultural resources, is authorized to apply for and accept gifts, grants, donations and contributions from any source, public or private, in the name of the state and to provide for technical and administrative support consistent with the resources provided to the program under this section. Any moneys accepted shall be continually and solely appropriated for the purpose of this subdivision.
- II. Any funds obtained under former RSA 238:18 and not expended shall be transferred for use under this section.

Source. 1992, 160:1. 2003, 319:9. 2004, 257:44. 2007, 263:76, eff. July 1, 2007.

238:24 Advertising Devices on Scenic and Cultural Byways.

Notwithstanding any provisions of law to the contrary, advertising devices as defined in RSA 236:70, I, shall not be erected on any primary system highway that has been designated as a scenic and cultural byway, provided that:

- I. The council shall remove any scenic and cultural byway designation, highway sections that:
 - (a) Have no scenic or cultural value; and
 - (b) Have been designated or would be designated solely to preserve system continuity.
- II. Nothing in this section shall preclude the council from removing from any scenic and cultural byway designation, highway sections that are adjacent to property that is used for intensive commercial or industrial purposes. In this section, "intensive" means an area containing more than 5 zoned commercial or industrial activities located within one continuous mile.
- III. Advertising devices erected before the effective date of this section may be maintained.
- IV. On-premise signs, as defined in RSA 236:73, III, and directional, informational, or official signs, as defined under RSA 236:73, IV, may be erected and/or maintained.

Source. 1995, 106:3, eff. June 15, 1995.

Appendix B
Elements of a Corridor Management Plan (CMP) and Definitions

Definitions:

Corridor Management Plan is a written document that specifies the actions, procedures, controls, operational practices, and administrative strategies to maintain the scenic, historic, recreational, cultural, archeological, and natural qualities of the scenic byway. They identify the location of the route and its corridor; describe the physical condition of the road and its safety; analyze and describe the intrinsic qualities and how they are to be managed and interpreted; identify the elements that are in place and are planned to meet the needs and expectations of both visitors, and local residents and businesses; describe the route's promotion and marketing; and finally describe who, how, and when the local byway management group will implement plans and take responsibility for actions along the route.

Intrinsic Quality means scenic, historic, recreational, cultural, archeological, or other natural features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area.

Scenic Byway is a public road having special scenic, historic, recreational, cultural, archeological, and or natural qualities that have been recognized as such through legislation or some other official declaration. The terms "road" and "highway" are synonymous. The term refers not only to the road or highway itself but also to the corridor through which it passes.

Corridor Management Plan (CMP)- Elements must be addressed.

1. Location- Corridor map (USGS or others), show corridor boundaries (length and width), the location of the intrinsic qualities, and different land uses (zoning).
2. Physical Description- general review of the road (safety) narrative. Discuss how the shape of the corridor was determined (length and width) and why endpoints were chosen. If width varies, explain. Discuss any proposed modifications and why (shoulder improvements, curve straightening, widening, etc.)
3. Physical Description of the roadway's safety and accident records. Identify any areas such as local hazards or poor design that could be a problem for an unfamiliar driver, and identify possible connections/solutions.
4. Intrinsic Qualities – identify if local, regional or national importance and their context within the areas surrounding them. This needs to be done for each intrinsic quality identified.
5. Intrinsic Qualities- how the intrinsic qualities will be managed and identify the tools that will be used to manage this (for example zoning, overlay district, easements).
6. Intrinsic Qualities- Interpretation Plan. Describe plan for all the communities within the corridor to interpret the significant resources of the scenic byway to visitors (such as museums, seasonal festivals, and existing State historical markers).
7. Visitor Needs & Expectations- List and discuss efforts to minimize any intrusions on the visitors' experience and identify the plans for enhancing the visitors experience.
8. Visitor Needs & Expectations- Describe how existing and new developments might be accommodated to maintain the intrinsic qualities, such as design review, management techniques, economic incentives, and etc.
9. Visitor Needs & Expectations- Explain how the byway will accommodate logging trucks, farm vehicles, access to businesses along the route, safety to bicyclists and pedestrians.
10. Visitor Needs and Expectations- Discuss the number and placement of highway signage to support the visitor's experience, yet not interfere with the experience and how it assist international tourists.

11. Visitor Needs and Expectations- Compliance statement regarding Outdoor Advertising Control Compliance.
12. Marketing & Promotion- how it will be marketed and published, and what is planned.
13. People's Involvement & Responsibility- Discuss how on-going public participation will be achieved in the implementation of corridor management objectives.
14. People's Involvement & Responsibility- Who is involved and their specific and general responsibilities to carry out the implementation. How this is enforced, when reviewed, and if the responsibilities are being carried out and met.

**APPENDIX C
 NH SCENIC & CULTURAL BYWAY COUNCIL MEMBERSHIP
 As of November 2017**

15 Council Members	Appointing Agent/Body	Name/Year Appointed	Representing
1.	Governor	Mike Tardiff, Exec. Dir. Central NHRPC	Regional Planning Commissions
2.	Governor	Vacant	Municipality
3.	Governor	Vacant	Municipality
4.	Governor	Vacant	Municipality
5.	Governor	Vacant	Tourist and Recreation Interest
6.	Governor	Ken Allen, White Mountain National Forest	Forest & Lands Interest
7.	Governor	Donna Keeley, Eversource	Utilities
8.	Governor	Jayne O' Connor	Outdoor Advertising Association of NH
9.	Governor	Brenda Clemons, NH Good Roads Association	Highway Construction Industry
10.	Commissioner of Dept. of Transportation (NHDOT)	William (Bill) Watson, Bureau Administrator NHDOT Bureau of Planning & Community Assistance	Commissioner NHDOT
11.	Commissioner of Dept. Resources and Economic Development (DRED), note recently renamed the Business & Economic Affairs	Amy Bassett, Deputy Director of Travel & Tourism	Commissioner DRED
12.	Director of the Office of Energy and Planning (NHOEP), note recently renamed NH Office of Strategic Initiatives	Vacant	Director of NHOEP
13.	Director Division of Historic Resources (DHR)	Christina St. Louis	Director of DHR
14.	Speaker of the NH House of Representative	Rep. Suzanne Smith	One member of the NH House of Representative
15.	Senate President	Senator	One member of the NH Senate

Appendix D
Map of NH Scenic Byways