

## **Livable Delaware Activity**

Activity/Policy/Program Name: The State Scenic & Historic Highways Program

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Purpose: To make sure that scenic and historic features associated with a select set of roads are protected for future generations to enjoy.

Enabling Laws: 17 Del. C. §190 et seq., plus federal authority

Policies: None noted.

History: The Federal Highway Administration has a national scenic byways program and Delaware is one of the few states that do not have a companion state level program. During the 2000 legislative session, the General Assembly passed Senate Bill 320 authorizing the Department to develop the State Scenic and Historic Highways Program. The Department will use this program to support county and local government and other agencies and organizations wishing to protect the scenic, historic, natural, and/or archeological resources of statewide or national significance to the extent that they can be experienced by traveling along a roadway. This objective will be met through the development of corridor plans that outline the development regulations and transportation program changes needed to preserve the features of a particular roadway.

Current Situation: The program is currently under development and it will directly support the following Livable Delaware goal:

- Protect important farmlands and critical natural resource areas.

Revisions/Actions Needed: None needed.

Resources needed to create/revise: The Department applied for and received a federal grant of \$135,000 to develop the State Scenic and Historic Highways Program and matched this grant with approximately \$50,000 of state funds. The total of \$185,000 is adequate to complete the development of the program and more grant funds are being sought to market the program and develop corridor plans for individual roadways nominated into it.

Process for creation/revision: Senate Bill 320 required that the program be developed under the guidance of the State Scenic and Historic Highways Board and it required that the Board be comprised of a wide range of interests. Members of the Board include representatives of the county government, other state agencies, the outdoor advertising industry, the real estate industry and various environmental advocacy groups. The Advisory Board operates on a consensus basis and working with such a diverse groups has proven to be challenging and time consuming. In the end though, the program will be better for having been developed in this way.

Schedule: The program has been under development for approximately nine months and is scheduled to conclude by the end of September or October of 2001, depending on the nature and number of comments received from the Advisory Board and public. At that time, the corridor nomination and designation process will begin.

Measures to guide progress: Performance measures for the Scenic and Historic Highways Program will include:

- The percentage of designated Scenic and Historic Highways with completed corridor management plans; and,
- The degree to which adopted corridor management plans are implemented.

Interactions or inter-relationships with other agencies or units of government: The provisions of the state-level program being developed by Delaware cannot conflict with any of the provisions of the federal program. For example, the federal program does not allow the construction of the any new billboards along scenic and historic highways. The State program must include the same provision if state-level corridors are to qualify for federal funding.

At the state level, designation under the program will support programmatic and funding partnerships between the Department and other agencies. There will be potential partnerships with the Department of Agriculture and its Agriculture Lands Preservation Program; the Department of Natural Resources and Environmental Control and its Open Space Program; and the Delaware Economic Development Office and its Division of Tourism.

At the county and local level, there is some concern that the Program will require enabling legislation if it is to have any affect on preserving agricultural land, something that is usually done at the state level. While the creation of the Program in and of itself will not cause any natural or cultural resource to be protected, the Program does provide the mechanism for these units of government and other interested organizations to identify a resource and develop a corridor management plan for its protection. Although the specific requirements of corridor plans are yet to be determined, the plan will serve to coordinate various regulatory mechanisms and preservation efforts (e.g., zoning, historic preservation, and/or agricultural preservation programs) rather than supercede them.