

PART 2, CHAPTER 29

SCENIC HIGHWAYS

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PART 2, CHAPTER 29

SCENIC HIGHWAYS

29.1 OVERVIEW

29.1.1 Purpose

This chapter details the Florida Department of Transportation's (FDOT) procedure for evaluating potential project impacts to designated scenic highways during project development. There are three types of scenic highways designations: local, state and national. Each designation may have different levels of protection, preservation, and public involvement.

Transportation actions can affect intrinsic qualities of scenic highway corridors. These intrinsic qualities represent cultural, historical, archaeological, recreational, natural, and scenic features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area. **Section 335.093, Florida Statutes (F.S.)** allows FDOT to designate scenic highways on any public road after consultation with other state agencies and local governments. **Rule 14-15.016, Florida Administrative Code (F.A.C.)**, established the Florida Scenic Highways Program (FSHP) in accordance with **Section 335.093, Florida Statutes**. The intent of the FSHP is to promote awareness of scenic resources that are valued by Florida's residents and tourists.

FDOT considers scenic highways during project development because a scenic highway preserves scenic and community values of an area. Additionally, scenic highways can enhance travel experiences and foster tourism. To determine a project's potential impacts to a designated scenic highway corridor, the project manager must contact the District Scenic Highway Coordinator (DSHC). The DSHC's role is to serve as an interface between federal, state, regional agencies, local agencies, Byway Organizations, and private interest groups to ensure that impacts to a designated scenic highway corridor are fully considered during the project development process.

During the development of a project, potential impacts to scenic highways are evaluated through the Efficient Transportation Decision Making (ETDM) process for projects that qualify (see [Part 1, Chapter 2, Federal Highway Administration Class of Action Determination](#) and the [ETDM Manual, Topic No. 650-000-002](#)), impact evaluation during Project Development and Environment (PD&E), and through the impact review process during final design. Any commitments concerning scenic highways made during PD&E are carried over to the next phases of the project through **Procedure No. 700-011-035, Project Commitment Tracking** and **Project Commitment Record (PCR), Form 700-011-35**.

The evaluation of potential project impacts to scenic highways includes identification of intrinsic qualities or resources that are present on the project corridor and a determination

of how a proposed project will potentially affect them while remaining consistent with federal and state requirements (for legislative and policy references, see **Table 29-1**). The evaluation also considers community preferred opportunities to conserve or enhance the scenic highway qualities using design principles such as [Context Sensitive Solutions](#), **Topic No. 000-650-002**.

Context sensitive solutions can allow integration of a vision for a scenic highway into the project as they promote collaboration of the project team with Byways Organizations and corridor stakeholders to consider competing project goals. FDOT should when practical and feasible, identify opportunities to avoid, minimize, or mitigate impacts to the documented resources on scenic highways. Accommodation of scenic resources on a designated highway within the limits of a project may require the application of appropriate flexibility in highway design and design exceptions.

Federal regulations emphasize design quality in all projects which involve public use areas or sensitive locations, utilizing art, architecture and quality engineering in the development of transportation projects. The **Intermodal Surface Transportation Efficiency Act (ISTEA)** legislation of 1991 authorized funding for State transportation improvements and establishment of the National Scenic Byways Program (NSBP) which was administered by the FHWA. The NSBP is intended to recognize and promote corridors that have outstanding qualities by designating them as National Scenic Byways or All-American Roads. **Moving Ahead for Progress in the 21st Century (MAP-21)** legislation of 2012 did not reauthorize funding for the NSBP. However, the implementing program language remains in federal law.

29.2 PROCEDURE

This section describes the process to complete an evaluation of potential project impacts to designated scenic highways. Consideration of impacts begins during Planning phase, is updated and refined throughout the PD&E process, and continues through the Construction phase. This includes coordination with the DSHC and local Byway Organizations. Additionally, mitigation strategies that may need maintenance agreements require coordination with the District Maintenance Office.

29.2.1 Evaluation Process

The level of evaluation and documentation during the PD&E phase depends on the scope/complexity of the project and the extent of the project within the designated scenic highway corridor. During scoping of the project, the PD&E Project Manager and the District Environmental Office must coordinate with the DSHC to determine the appropriate level of evaluation effort.

Type 1 Categorical Exclusions (CEs) and Non-Major State Actions (NMSA) projects do not qualify for screening in the ETDM Environmental Screening Tool (EST). See [Part 1, Chapter 2, Federal Highway Administration Class of Action Determination](#) and the [ETDM Manual, Topic No. 650-000-002](#) for clarification on projects that qualify for

screening. Although the DSHC should be notified when these types of projects are proposed for a scenic highway, they do not typically require detailed evaluations. Project analysts can use the area of interest (AOI) tool to perform the desktop review and bolster the project documentation supporting the Type 1 CE or NMSA determination.

A higher potential for impacts typically exists with transportation projects qualifying for screening; i.e., a higher class of action (COA) [typically Type 2 CE, Environmental Assessment (EA), Environmental Impact Statement (EIS), or State Environmental Impact Report (SEIR)]. These project classifications generally warrant a more detailed level of analysis and documentation.

For projects that qualify for ETDM screening, the level of effort for scenic highway evaluation during the PD&E phase depends on the potential for impacts to the corridor's resources, as indicated in "Special Designations" section of the **Programming Screen Summary Report**. If after coordination with the DSHC and the ETDM screening review, no impacts are identified, or if no scenic highways are within the project area, documentation in the Environmental Document can be as simple as a statement such as:

No impacts to designated scenic highways are anticipated as a result of this project.

If an impact to a scenic highway is identified, it should be evaluated and documented regardless of the COA for the project.

29.2.2 Transportation Projects Qualifying for Screening

For projects that qualify for screening in the EST, project managers should determine the project's involvement with scenic highways from information included in the Planning and Programming Screen summary reports and discussions with the DSHC. As projects advance through the project development process, impacts to scenic highways should be considered as follows:

1. **Planning Screen** – Identify and discuss scenic highways on the corridor that may be impacted by the project in the Preliminary Environmental Discussion (PED). Consider the scope of the project and recommend measures to avoid impacting the scenic highway.
2. **Programming Screen** – As part of the PED, provide a brief description of the scenic highway corridor along with its termini and designation status. Review comments on potential effects from the **Programming Screen Summary Report**, summarize scoping recommendations, and identify stakeholder concerns to further understand the magnitude of potential impacts to scenic resources and determine an approach for resolving the impacts.
3. **PD&E Evaluation** – Build upon previous evaluations by filling information gaps, focus on issues of concern identified in planning and programming screens,

- and based on the project and associated impacts, complete the appropriate level of documentation. This documentation should include measures to avoid, or minimize impacting the scenic highway. Coordinate with DSHC. Document commitments in the Environmental Document and **PCR**.
4. **Project Commitment Tracking** – Complete the [Project Commitment Tracking Procedure, Topic No. 700-011-035](#) and transmit to Final Design.
 5. **Final Design** – Assess changes in the proposed project to verify they do not adversely affect the designated scenic highway and/or implementation of their BMP/Annual Work Plan (AWP). Complete the appropriate level of documentation for any changes or updates in the Reevaluation to maintain compliance. Coordinate with the DSHC throughout the process.
 6. **Construction** – verify any scenic highways commitments. Verify compliance with federal and state regulations.

29.2.3 Scenic Highway Evaluation

The purpose of the scenic highway evaluation is to determine the effect that a proposed project will have on the sustainability of a designated scenic highway corridor as it relates to the quality of its resources. The evaluation of the impacts to scenic highways should be tailored to the context and scope of the project. For some projects, the Programming Screen information may be sufficient to complete the evaluation. For other projects, a scenic highway evaluation may consist of the following steps:

1. Review the [FDOT, Legislatively Designated Scenic & Historic Highways Report](#) which shows all scenic and historic corridors designated in the state of Florida by special legislation, including their restrictions. Use [Part 2, Chapter 12, Archaeological and Historical Resources](#) procedure to evaluate historic corridors designated by special legislations.
2. Contact the DSHC for identification of designated scenic highways and any corridors that have been determined eligible for designation within the District. The DSHC should examine the applicable Local Government Comprehensive Plan (LGCP) for public policy pertaining to locally designated corridors. This policy may include land use regulations, special zoning ordinances, and other local commitments to preserve, protect, maintain, or enhance the corridor.
3. Examine the documents prepared for a state or nationally designated scenic highway. These documents may include applications for designation as a FSHP, BMP for FSHP and NSBP, AWP, any plans for Federally Designated Scenic Highways, corridor master plans, etc. The project team, in coordination with the DSHC should become familiar with the priorities and plans for a designated scenic highway, or for a corridor determined to be eligible for designation. Based on a review of scenic highway documentation, the project team will be able to evaluate

the impact of the project on the designated or eligible corridor and take into consideration direct, indirect and cumulative impacts on the corridor's intrinsic qualities for EAs and EISs.

4. Review the project setting to determine which scenic highway intrinsic qualities exist and analyze field data to determine potential impacts. If the project will simultaneously implement BMP or AWP action items, the opportunity to obtain strong local support for both efforts and ensure compatibility among actions should be evaluated and addressed. This is essential to understanding proposed project concepts in relation to the BMP/AWP action items that are being implemented over time along the corridor. The scenic highway evaluation should include assessment of potential opportunities for FDOT to help fulfill a commitment in the BMP/AWP or partner on resource related issues. The evaluation should also recognize the relationship between existing intrinsic qualities on the scenic highway and community goals and objectives for the corridor as expressed in the BMP.
5. Discuss in the Environmental Document whether the project has the potential to affect the scenic highway based on the outcome of step 4. Documenting the impacts of a proposed project to the intrinsic qualities of a designated scenic highway is necessary to ensure project compliance with state and federal requirements.
6. If the project impacts the scenic resources of a scenic highway, identify practical opportunities to enhance the resources through a context sensitive solutions approach. Determine the strategies that can be included in the project to avoid impacting scenic resources. If impact(s) to scenic highway is unavoidable, determine mitigation strategies along the corridor. Mitigation of impacts to a scenic highway and its intrinsic qualities may encompass a wide variety of measures, including landscaping, resource enhancement, screening, vegetation removal, incorporation of engineering and architectural features, selective clearing, addition of kiosks, and other innovative measures to offset impacts and enhance the corridor. Mitigation strategies should consider community concerns about accomplishing the Byways Organization's vision, goals and objectives as outlined in the BMP without compromising FDOT standards and requirements. In addressing mitigation strategies, consider ***FDOT's Policy No. 000-650-002, Context Sensitive Solutions***, to collaboratively identify, preserve, maintain, or enhance the intrinsic qualities or resources while maintaining safety and mobility. Individually and collectively, the public can provide additional input to identify ways to avoid, minimize or mitigate adverse impacts or identify aesthetic enhancements through the public involvement process ([Part 1, Chapter 11, Public Involvement](#)).

29.2.4 Public Involvement and Intergovernmental Coordination

Coordination with scenic highway stakeholders must follow the guidance set forth in [Part 1, Chapter 11, Public Involvement](#). A successful public involvement plan should include

residents, appropriate scenic highway organizations, and other local interested groups and individuals. Specifically, public involvement activities for proposed projects involving a Florida or nationally designated scenic highway must include the Byways Organization. Close coordination with the DSHC and the Byways Organization during project development and all subsequent phases is essential to inform the community on the project's impacts and explore opportunities to accommodate certain BMP/AWP action items in the development of project alternatives.

29.2.5 Documentation

Documentation for scenic highways is required only when the project impacts a designated scenic highway. The environmental analysis section of the Environmental Document should discuss the effects of the proposed project on the scenic highway corridor and its intrinsic qualities. When potential impacts to a scenic highway corridor's intrinsic qualities exist, the Type 2 CE, EA, or EIS should contain a detailed discussion on the potential impacts involved with each alternative under consideration.

For scenic highways, the impact analysis should contain, at a minimum, the following information:

1. Sufficient information to briefly describe the corridor and its intrinsic qualities.
2. A brief discussion on the Byways Organization and local community supporters that have an interest in the project.
3. A description of the potential impacts the project may have on the corridor, its intrinsic qualities and the community. For EAs and EISs, consideration should be given to direct and indirect impacts resulting from the project.
4. A discussion on available measures to avoid, minimize, or mitigate impacts to the scenic highway corridor and its intrinsic qualities.

The results of the scenic highways evaluation are documented as described below:

Type 2 Categorical Exclusions (Type 2 CE) - Documentation of the evaluation must demonstrate the proposed project has no significant impacts to scenic highways. The evaluation results should be briefly summarized in the Type 2 CE documentation. When a potential impact to a scenic highway corridor's intrinsic qualities exists, detailed evaluation may also be attached to the [Type 2 Categorical Exclusion Determination Form, Form No. 650-050-11](#) according to [Part 2, Chapter 5, Type 2 Categorical Exclusion](#).

Environmental Assessments (EA) and Environmental Impact Statements (EIS) - The findings of the scenic highways evaluation are summarized for direct inclusion in the environmental analysis section of the Environmental Document. The documentation is provided in the Affected Environment and Environmental Consequences section of an

EIS or the Impacts section of an EA, as well as the Comments and Coordination, and Commitments sections of the EA, EA with Finding of No Significant Impact (FONSI), Draft Environmental Impact Statement (DEIS), or Final Environmental Impact Statement (FEIS) document. In the Impacts section of an EA, or the Environmental Consequences section of an EIS, the scenic highways summary should present the impact analysis findings and recommend avoidance, minimization, mitigation, and enhancement measures, as applicable.

In general, the Environmental Consequences section of an EIS or the Impacts section of an EA should discuss the project's direct effects on the scenic resources along the designated corridor and the significance of these effects. Similarly, the project's indirect effects and their significance should also be documented, especially in light of the BMP for the corridor. The discussion should include the effects of all reasonable project alternatives and provide impact comparisons between them, as well as the potential for conservation, enhancement, and mitigation. Also, urban quality, historic and cultural resources, and the design of the built environment, including the conservation potential of various alternatives and the means to mitigate adverse environmental impacts should be discussed.

Project commitments related to fulfilling BMP or minimizing scenic highway impacts are documented in the Commitments section of the Environmental Document. Such commitments are tracked using [Project Commitment Record \(PCR\), Form 700-011-35](#).

Reevaluations – Document any impacts to scenic highways or implementation of their BMP/AWP as the result of changes in the proposed project in accordance with [Part 1, Chapter 13, Reevaluations](#).

29.3 REFERENCES

Council on Environmental Quality, Executive Office of the President, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 43 CFR §§ 55978-56007 and 40 CFR §§ 1500-1508

Florida Department of Transportation (FDOT), Environmental Management Office, June 2009. "Florida Scenic Highways Program Manual"

FDOT, June 2009. Florida Scenic Highway Program, Topic Number 650-050-005

FDOT, March 2013. Efficient Transportation Decision Making (ETDM) Manual, Topic No. 650-000-002

FDOT, Environmental Management Office, "Legislatively Designated Scenic Highways"

FDOT, Environmental Policy for State Transportation Facilities, Topic Number 000-625-001-I

FDOT, Context Sensitive Solutions Policy, Topic No. 000-650-002-a

FDOT. November 2012. Project Commitment Tracking, Topic No. 700-011-035

FDOT. September 2014. Complete Streets, Topic No. 000-625-017

Moving Ahead for Progress in the 21st Century (MAP-21)

U.S. Department of Transportation (USDOT), Federal Highway Administration, October 30, 1987. Guidance for Preparing and Processing Environmental and Section 4(f) Documents, FHWA Technical Advisory T 6640.8A.

<https://www.environment.fhwa.dot.gov/projdev/impta6640.asp>

USDOT, Federal Highway Administration. January 2015. Visual Impact Assessment for Highway Projects, Washington D.C., Publication No. FHWA-HEP-15-029.

https://www.environment.fhwa.dot.gov/guidebook/documents/VIA_Guidelines_for_Highway_Projects.asp

USDOT, Federal Highway Administration. June 1997. Flexibility in Highway Design, Publication No. FHWA-PD-97-062; HEP-30/7-97(10M)E.

<http://www.fhwa.dot.gov/environment/publications/flexibility/>

29.4 HISTORY

10/13/1998