

19A NCAC 02E .1004 DESIGNATION CRITERIA

- (a) The following criteria shall be required for a route to be included in the Scenic Byway/Highway system:
- (1) highway design which preserves and protects the natural beauty or scenery of the area;
 - (2) location on an existing highway or roadway having legal public access;
 - (3) minimum consecutive length of one mile;
 - (4) adequate land area to accommodate safe enjoyment of scenic attractions;
 - (5) evidence of strong local support for the designation established by the proponent of the designation, which includes but is not limited to petitions, letters, and newspaper articles;
 - (6) significant natural or aesthetic features visible from and adjacent to the roadway. Such features include but are not limited to agricultural lands, vistas of marshes, shorelines, forests, and other areas of dense vegetation or notable geographic characteristics;
 - (7) intrinsic qualities such as but not limited to historical, cultural, or recreational resources in the area.
- (b) The NCDOT shall determine that development of the designated area shall not detract from the scenic natural character and visual quality of the route. The Department shall ensure the route is compatible with recreational, aesthetic, and environmental management needs of the area.
- (c) Designation of a highway as a Scenic Byway/Highway shall not significantly interfere with the operation or maintenance of existing public utility lines and facilities.
- (d) Designation of a highway as a Scenic Byway/Highway shall not be construed to require any modification in local land use regulations or restrictions, require any change in commercial or agricultural activities, or affect future highway rehabilitation, development, or the need to maintain or improve the roads.
- (e) Preference shall be given to a Scenic Byway/Highway with existing protected areas such as national forests or federal or state park land near or adjacent to the proposed route.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;
Eff. March 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*