



August 26, 2020

Dear Hendricks County Board of Commissioners,

Thank you for the opportunity to speak in front of the board on August 25. Attached is a revised resolution in which we seek your support for the Hoosier Hills Byway with the area of segmentation as discussed at the meeting, a distance of 4.3 miles on State Road 39, beginning at the south county line, north on State Road 39. This byway effort was begun in 2016 and there is an application pending with INDOT which will be revised per passage of this resolution incorporating this segmented section.

As proposed, the byway would extend slightly into Jackson County to intersect Indiana Pathways (byway) and into Hendricks County to intersect the National Road (byway/US 40). Having a north/south byway to connect these other two will make Hoosier Hills more attractive to tourists. As you know, Jackson, Brown, and Morgan Counties have adopted resolutions in support of the byway as required by INDOT. With this resolution, the ONLY section in Hendricks County that will fall under the federal highway prohibition on outdoor advertising (billboards), that INDOT must also follow, is the .7 mile section of State Road 39 beginning at US 40 and going south. Please see the attached maps.

The law that best describes the control of outdoor advertising along scenic byways is a federal statute and can be found under 23 U.S. Code 131-Control of outdoor advertising signs. The section of that code that addresses scenic byways is (s) and (t) which read as follows:

(s) Scenic Byway Prohibition. If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) Primary System Defined. For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

This rule, which again would only impact the .7 mile section south of US 40, only prohibits off-premise commercial (paid) advertisement (billboards); no directional, interpretive, on-premise, or development signs are affected, nor are existing signs that are “grandfathered”. The long-standing intent was to allow the Hoosier Hills byway to form a link between the National Road Byway (US 40) and Indiana Pathways Byway (US 50), which is still accomplished with this segmentation approach. Here is language on segmentation:

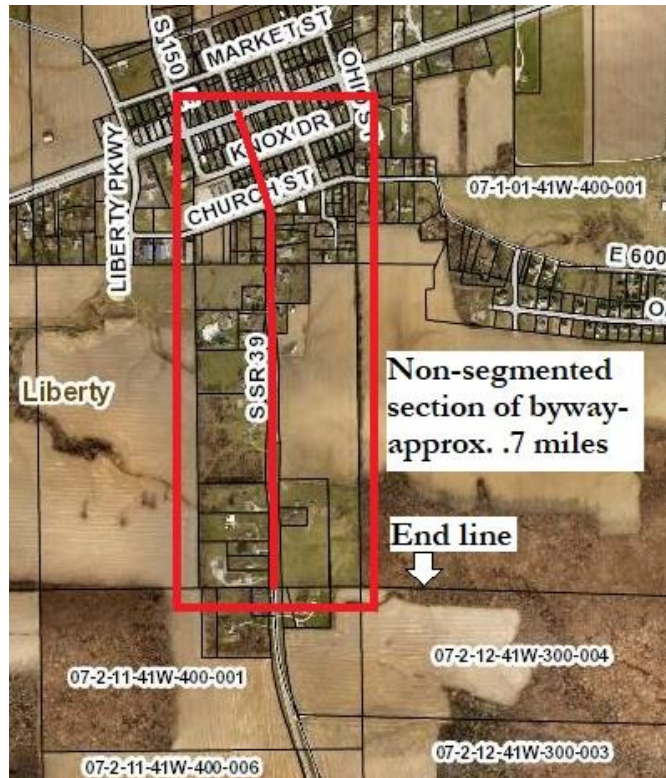
Federal Policy on Outdoor Advertising In 1991, 23 USC (United States Code) 131 dealing with outdoor advertising (billboards) was changed to disallow new outdoor advertising structures on designated scenic byways. Existing signs are not affected by these provisions and may remain and can be maintained. In 1991, another new provision was added to subsection (s) to 23 USC 131 which allows a State the ability to exclude or segment from scenic byways designation any segment of a highway that is inconsistent with the State’s criteria for designating State scenic byways. This Federal provision on segmentation allows the Indiana Scenic Byways Program to automatically exclude business areas from byway designation unless formal action is taken by the appropriate local government. A business area means any portion of a highway where there are contiguous abutting parcels of land (i.e. parcels that are connected or touching each other) that are zoned for business, industrial or commercial activities or unzoned and used for business, industrial or commercial activities as defined in s. 84.30 (2) (d), Stats. These business areas are then excluded from the prohibition on new outdoor sign structures and from applying for or directly benefiting from National Scenic Byway discretionary grant funds from Federal Highways.

If you have other questions, I would encourage you to contact Jay Mitchel, INDOT’s byways coordinator at either (317) 233-4713 or jaymitchell@indot.in.gov. As the byway application is currently written, the Hendricks County Board of Commissioners are also encouraged to make an appointment to the byway committee. Someone engaged in tourism would be most beneficial to meet the organization’s goals.

If you have any other questions or need more information, please let me know.

Sincerely,

Kurt West Garner



Section of Hoosier Hills Byway in Hendricks County

Total route is approximately 5 miles in length along State Road 39. The byway will be segmented a distance of approximately 4.3 miles from the south county line, north. The non-segmented section (shown in red) is approximately .7 miles in length from US 40, south to the end line shown above. Only this section is required to comport to the signage rule above.