

Representative Christopher N. Herrod proposes the following substitute bill:

UTAH SCENIC BYWAY DESIGNATION

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies the Designation of State Highways Act by amending scenic byway designation provisions.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ changes the membership of the Utah State Scenic Byway Committee;
- ▶ provides that the governor shall appoint certain members to the Utah State Scenic Byway Committee;
- ▶ provides that the term of office for Utah State Scenic Byway Committee members is four years, except that the governor shall stagger certain terms;
- ▶ provides that the Legislature shall approve highway and state scenic byway nominations for National Scenic Byway or All-American Road designation;
- ▶ provides that prior to designating a highway as a state scenic byway or nominating a highway for National Scenic Byway or All-American Road designation, the Utah State Scenic Byway Committee shall:
 - receive a written request from the legislative body of each county, city, or town



26 that the highway nominated for designation passes through; and

27 • review the nomination and may approve the designation if the nominated
28 highway conforms to state and federal requirements for scenic byway
29 designation;

30 ▶ establishes a procedure for segmenting a scenic byway;

31 ▶ exempts Legacy Parkway from:

32 • the legislative approval requirement for nomination as a National Scenic Byway
33 or All-American Road; and

34 • segmentation; and

35 ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **72-4-301**, as enacted by Laws of Utah 2004, Chapter 172

43 **72-4-302**, as last amended by Laws of Utah 2005, Chapter 148

44 **72-4-303**, as last amended by Laws of Utah 2008, Chapter 382

45 ENACTS:

46 **72-4-301.5**, Utah Code Annotated 1953

47 **72-4-304**, Utah Code Annotated 1953



49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section **72-4-301** is amended to read:

51 **72-4-301. Definitions.**

52 As used in this part[~~,"committee"~~]:

53 (1) "Committee" means the Utah State Scenic Byway Committee created in Section
54 72-4-302.

55 (2) "Non-scenic area" means:

56 (a) any property that is unzoned or zoned for commercial or industrial use adjoining a

57 highway that does not contain at least one of the intrinsic qualities described in Subsection
58 72-4-303(1)(b) immediately upon the property; or

59 (b) any property that is unzoned or zoned for commercial or industrial use that contains
60 an intrinsic quality described in Subsection 72-4-303(1)(b) immediately upon the property but
61 the intrinsic quality does not represent the primary use of the property.

62 (3) "Segmentation" means:

63 (a) removing the scenic byway designation from a portion of an existing scenic byway
64 that adjoins a non-scenic area; or

65 (b) excluding a portion of a highway from a scenic byway designation where the
66 highway adjoins a non-scenic area.

67 Section 2. Section **72-4-301.5** is enacted to read:

68 **72-4-301.5. Designation of highways as scenic byways.**

69 Except as provided in Section 72-4-304, a highway or state scenic byway may not be
70 nominated for designation as a National Scenic Byway or All-American Road unless the
71 nomination is approved by the Legislature.

72 Section 3. Section **72-4-302** is amended to read:

73 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**
74 **Meetings -- Expenses.**

75 (1) There is created the Utah State Scenic Byway Committee.

76 (2) (a) The committee shall consist of the following nine members:

77 [~~(a)~~] (i) a representative from each of the following entities appointed by [~~each~~
78 ~~respective entity~~] the governor:

79 [(~~i~~)] (A) the Governor's Office of Economic Development;

80 [(~~ii~~)] (B) the Utah Department of Transportation; and

81 [(~~iii~~) the Utah Association of Governments;]

82 (C) the Department of Community and Culture;

83 [(~~iv~~) the Division of State Parks and Recreation;]

84 [(~~v~~) the Federal Highway Administration;]

85 [(~~vi~~) the National Park Service;]

86 [(~~vii~~) the National Forest Service;]

87 [(~~viii~~) the Bureau of Land Management; and]

88 ~~[(ix) the Utah Travel Regions Association;]~~

89 ~~[(b) two local government tourism representatives selected by the state entities~~
90 ~~identified in Subsection (2)(a); and]~~

91 ~~[(c) (ii) a representative from the [private sector selected by the state entities identified~~
92 ~~in Subsection (2)(a).] outdoor advertising industry appointed by the governor;~~

93 (iii) three local elected officials from a county, city, or town within the state appointed
94 by the governor;

95 (iv) a member from the House of Representatives appointed by the speaker of the
96 House of Representatives; and

97 (v) a member from the Senate appointed by the president of the Senate.

98 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection
99 (2) shall be appointed for a four-year term of office.

100 (c) The governor shall, at the time of appointment or reappointment for appointments
101 made under Subsection (2)(a)(i), (ii), or (iii) adjust the length of terms to ensure that the terms
102 of committee members are staggered so that approximately half of the committee is appointed
103 every two years.

104 (3) ~~[(a)]~~ The representative from the Governor's Office of Economic Development
105 shall chair the committee.

106 ~~[(b) The members appointed under Subsections (2)(a)(v), (vi), (vii), and (viii) serve as~~
107 ~~nonvoting, ex officio members of the committee.]~~

108 (4) The Governor's Office of Economic Development and the department shall provide
109 staff support to the committee.

110 (5) (a) The chair may call a meeting of the committee only with the concurrence of the
111 department.

112 (b) A majority of the voting members of the committee constitute a quorum.

113 (c) Action by a majority vote of a quorum of the committee constitutes action by the
114 committee.

115 **H→ [F] (6) (a) (i) Members who are not state government employees shall receive no**
116 **compensation or benefits for their services, but may receive per diem and expenses incurred in**
117 **the performance of the member's official duties at the rates established by the Division of**
118 **Finance under Sections 63A-3-106 and 63A-3-107.]**

119 [(ii) Members may decline to receive per diem and expenses for their service.]

120 [(b) [f] [~~(a)~~] ←H (i) State government officer and employee members who do
120a not receive

121 salary, per diem, or expenses from their agency for their service may receive per diem and
122 expenses incurred in the performance of their official duties at the rates established by the
123 Division of Finance under Sections 63A-3-106 and 63A-3-107.

124 (ii) State government officer and employee members may decline to receive per diem
125 and expenses for their service.

126 H→ [f] (c) [f] [~~(b)~~] ←H (i) Local government members who do not receive salary,
126a per diem, or

127 expenses from the entity that they represent for their service may receive per diem and
128 expenses incurred in the performance of their official duties at the rates established by the
129 Division of Finance under Sections 63A-3-106 and 63A-3-107.

130 (ii) Local government members may decline to receive per diem and expenses for their
131 service.

132 H→ [~~(e)~~] (d) ←H Legislators on the committee receive compensation and expenses as
132a provided by
133 law and legislative rule.

134 Section 4. Section **72-4-303** is amended to read:

135 **72-4-303. Powers and duties of the Utah State Scenic Byway Committee --**

136 **Rulemaking authority -- Designation on state maps -- Outdoor advertising.**

137 (1) The committee shall have the responsibility to:

138 (a) administer a coordinated scenic byway program within the state that:

139 (i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique
140 to scenic byways;

141 (ii) enhances recreation; and

142 (iii) promotes economic development through tourism and education;

143 (b) ensure that a highway nominated for a scenic byway designation possesses at least
144 one of the following six intrinsic qualities:

145 (i) scenic quality;

146 (ii) natural quality;

147 (iii) historic quality;

148 (iv) cultural quality;

149 (v) archaeological quality; or

150 (vi) recreational quality;

151 (c) designate highways as state scenic byways from nominated highways within the
152 state if the committee determines that the highway possesses the criteria for a state scenic
153 byway; and

154 (d) remove the designation of a highway as a scenic byway if the committee determines
155 that the highway no longer meets the criteria under which it was designated.

156 (2) (a) Prior to designating a highway as a state scenic byway or recommending to the
157 Legislature that a highway be designated as a National Scenic Byway or All-American Road
158 under this section, the committee shall receive a written and official request from the
159 legislative body of each county, city, and town that the highway nominated for state or national
160 scenic byway or All-American Road designation passes through that the highway be designated
161 as a state or national scenic byway or All-American Road.

162 (b) If a highway is nominated for state or national scenic byway or All-American Road
163 designation and the legislative body of each county, city, and town that the highway nominated
164 for a state or national scenic byway or All-American designation passes through has requested
165 the designation or nomination in accordance with Subsection (2)(a), the committee shall review
166 the nomination and may approve the designation or recommend the nomination to the
167 Legislature if:

168 (i) the nominated highway complies with the requirements for a state scenic byway
169 designation under this section; and

170 (ii) the nominated highway conforms with federal requirements for designation as a
171 scenic byway ~~or~~ or All-American Road ~~or~~ .

172 (3) (a) A state or national scenic byway or an All-American Road may be segmented
173 by the legislative body of the county, city, or town where the segmentation is to occur if:

174 (i) a person or another entity has requested the segmentation of a portion of a road or
175 highway; and

176 (ii) the legislative body of the county, city, or town reviews the segmentation proposed
177 under Subsection (3)(a)(i).

178 (b) The legislative body of a county, city, or town shall render a decision on a
179 segmentation request under Subsection (3)(a) within 45 days and may grant segmentation to the
180 person or entity if the property is a non-scenic area.

181 (c) (i) If the legislative body of a county, city, or town denies the request to segment the
182 state or national scenic byway or All-American Road under Subsection (3)(a) upon the request
183 of a person or another entity, that person or entity may appeal the denial of the request to the
184 committee.

185 (ii) The committee shall hear and answer an appeal of the denial of a segmentation
186 request within 45 days of a request submitted in accordance with Subsection (3)(c)(i).

187 (iii) If the committee does not render a decision on an appeal in accordance with
188 Subsection (3)(c)(ii), the segmentation request shall be granted if the property is a non-scenic
189 area.

190 [~~2~~] (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
191 Act, the department shall make rules in consultation with the committee:

- 192 (a) for the administration of a scenic byway program;
- 193 (b) establishing the criteria that a highway shall possess to be designated as a scenic
194 byway, including the criteria described in Subsection (1)(b);
- 195 (c) establishing the process for nominating a highway to be designated as a state scenic
196 byway;
- 197 (d) specifying the process for hearings to be conducted in the area of proposed
198 designation prior to the highway being designated as a scenic byway;
- 199 (e) identifying the highways within the state designated as scenic byways; and
- 200 (f) establishing the process and criteria for removing the designation of a highway as a
201 scenic byway.

202 [~~3~~] (5) The department shall designate scenic byway routes on future state highway
203 maps.

204 [~~4~~] (6) A highway within the state designated as a scenic byway is subject to federal
205 outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.

206 Section 5. Section **72-4-304** is enacted to read:

207 **72-4-304. Exceptions to approval and segmentation requirements.**

208 Legacy Parkway, from the junction of I-215 in Davis County northerly to the Junction
209 with US 89 and I-15:

210 (1) is exempt from the Legislative approval requirement in Section 72-4-301.5; and

211 (2) may not be segmented.

H.B. 272 2nd Sub. (Gray) - Utah Scenic Byway Designation Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will cost \$6,400 from the General Fund to pay legislative salary and per diem costs.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$6,400	\$6,400	\$0	\$0	\$0
Total	\$0	\$6,400	\$6,400	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.