

Part 3

Utah State Scenic Byway Program

72-4-301 Definitions.

As used in this part:

- (1) "Committee" means the Utah State Scenic Byway Committee created in Section 72-4-302.
- (2) "Corridor management plan" means a written document:
 - (a) required to be submitted for a highway to be nominated as a National Scenic Byway or All-American Road that specifies the actions, procedures, controls, operational practices, and administrative strategies to maintain the scenic, historic, recreational, cultural, archeological, and natural qualities of a scenic byway; and
 - (b) adopted by each municipality or county affected by the corridor management plan.
- (3) "Non-scenic area" means:
 - (a) any property that is unzoned or zoned for commercial or industrial use adjoining a highway that does not contain at least one of the intrinsic qualities described in Subsection 72-4-303(1)
 - (b) immediately upon the property; or
 - (b) any property that is unzoned or zoned for commercial or industrial use that contains an intrinsic quality described in Subsection 72-4-303(1)(b) immediately upon the property but the intrinsic quality does not represent the primary use of the property.
- (4) "Segmentation" means:
 - (a) removing the scenic byway designation from a portion of an existing scenic byway that adjoins a non-scenic area; or
 - (b) excluding a portion of a highway from a scenic byway designation where the highway adjoins a non-scenic area.

Amended by Chapter 195, 2010 General Session

72-4-301.5 Designation of highways as a National Scenic Byway or All-American Road -- Legislative approval.

- (1) Except as provided in Section 72-4-304, a highway or state scenic byway may not be nominated for designation as a National Scenic Byway or All-American Road unless the corridor management plan that will be submitted with the application for the highway or state scenic byway to be nominated for designation as a National Scenic Byway or All-American Road is approved by the Legislature by concurrent resolution.
- (2)
 - (a) In accordance with Subsection (1), the Legislature may, by concurrent resolution:
 - (i) approve the corridor management plan;
 - (ii) approve the corridor management plan with conditions specified by the Legislature; or
 - (iii) deny the corridor management plan.
 - (b) Upon a decision by the Legislature under Subsection (2)(a), the nominating entity is not required to move forward with the nomination for the National Scenic Byway or All-American Road designation.

Amended by Chapter 359, 2024 General Session

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

- (1) There is created the Utah State Scenic Byway Committee.
- (2)
 - (a) The committee shall consist of the following 13 members:
 - (i) a representative from each of the following entities appointed by the governor:
 - (A) the Governor's Office of Economic Opportunity;
 - (B) the Utah Department of Transportation;
 - (C) the Department of Cultural and Community Engagement;
 - (D) the Division of State Parks;
 - (E) the Federal Highway Administration;
 - (F) the National Park Service;
 - (G) the National Forest Service; and
 - (H) the Bureau of Land Management;
 - (ii) one local government tourism representative appointed by the governor;
 - (iii) a representative from the private business sector appointed by the governor; and
 - (iv) three local elected officials from a county, city, or town within the state appointed by the governor.
 - (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.
 - (c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- (3)
 - (a) The representative from the Governor's Office of Economic Opportunity shall chair the committee.
 - (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as nonvoting, ex officio members of the committee.
- (4) The Governor's Office of Economic Opportunity and the department shall provide staff support to the committee.
- (5)
 - (a) The chair may call a meeting of the committee only with the concurrence of the department.
 - (b) A majority of the voting members of the committee constitute a quorum.
 - (c) Action by a majority vote of a quorum of the committee constitutes action by the committee.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 184, 2021 General Session

Amended by Chapter 280, 2021 General Session

Amended by Chapter 282, 2021 General Session

72-4-303 Powers and duties of the Utah State Scenic Byway Committee -- Requirements for designation -- Segmentation -- Rulemaking authority -- Designation on state maps -- Outdoor advertising.

- (1) The committee shall have the responsibility to:
 - (a) administer a coordinated scenic byway program within the state that:

- (i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique to scenic byways;
 - (ii) enhances recreation; and
 - (iii) promotes economic development through tourism and education;
 - (b) ensure that a highway nominated for a scenic byway designation possesses at least one of the following six intrinsic qualities:
 - (i) scenic quality;
 - (ii) natural quality;
 - (iii) historic quality;
 - (iv) cultural quality;
 - (v) archaeological quality; or
 - (vi) recreational quality;
 - (c) subject to legislative approval, designate highways as state scenic byways from nominated highways within the state if the committee determines that the highway possesses the criteria for a state scenic byway;
 - (d) subject to legislative approval, remove the designation of a highway as a scenic byway if the committee determines that the highway no longer meets the criteria under which it was designated; and
 - (e) submit proposed designations or removals to the Legislature as provided in Subsection (7).
- (2)
- (a) A highway located within a county, city, or town within this state may not be included as part of a designation or nomination as a state scenic byway, National Scenic Byway, or All-American Road unless the nomination or designation is sanctioned in writing by an official action of the legislative body of each county, city, or town through which the proposed state scenic byway, National Scenic Byway, or All-American Road passes.
 - (b) If a county, city, or town does not give approval as required under Subsection (2)(a), then the portion of the highway located within the boundaries of the county, city, or town may not be included as part of any state scenic byway designation or nomination as a National Scenic Byway or All-American Road.
- (3)
- (a) Except as provided in Subsection (3)(d), a non-scenic segment of a state scenic byway, National Scenic Byway, or All-American Road shall be segmented from the byway or road:
 - (i) by the legislative body of the county, city, or town where the segmentation is to occur if:
 - (A) a person or another entity, with the consent of any landowners affected by the segmentation, has requested the segmentation of a portion of a road or highway; and
 - (B) the legislative body of the county, city, or town reviews the segmentation proposed under this Subsection (3)(a)(i); or
 - (ii) by the committee at the written request of the owner of real property that is a non-scenic area adjacent to a state scenic byway, National Scenic Byway, or All-American Road.
 - (b) The legislative body of a county, city, or town shall render a decision on a segmentation request under Subsection (3)(a)(i) within 60 days and may grant segmentation to the person or entity if the property is a non-scenic area.
- (c)
- (i) If the legislative body of a county, city, or town denies the request to segment the state scenic byway, National Scenic Byway, or All-American Road under Subsection (3)(a)(i) upon the request of a person or another entity, with the consent of any landowners affected by the segmentation, that person or entity may appeal the denial of the request to the committee.

- (ii) The committee shall hear and answer an appeal of the denial of a segmentation request within 60 days of a request submitted in accordance with Subsection (3)(c)(i).
 - (iii) If the committee does not render a decision on an appeal in accordance with Subsection (3)(c)(ii), the segmentation request shall be granted if the property is a non-scenic area.
- (d) A state scenic byway, National Scenic Byway, or All-American Road is not required to be segmented under Subsection (3)(a)(ii) if, within 60 days after the day on which the request is received, the committee demonstrates to an administrative law judge selected by agreement of the owner of real property and the committee where the non-scenic area is located, that the property to be segmented is not a non-scenic area.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules in consultation with the committee:
 - (a) for the administration of a scenic byway program;
 - (b) establishing the criteria that a highway shall possess to be designated as a scenic byway, including the criteria described in Subsection (1)(b);
 - (c) establishing the process for nominating a highway to be designated as a state scenic byway;
 - (d) specifying the process for hearings to be conducted in the area of proposed designation prior to the highway being designated as a scenic byway;
 - (e) identifying the highways within the state designated as scenic byways; and
 - (f) establishing the process and criteria for removing the designation of a highway as a scenic byway.
- (5) The department shall designate scenic byway routes on future state highway maps.
- (6) A highway within the state designated as a scenic byway is subject to federal outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.
- (7)
 - (a) Any nomination for designation of a highway as a state scenic byway is subject to approval by the Legislature by concurrent resolution.
 - (b) If the committee supports a designation or removal of a highway as a state scenic byway, the committee shall:
 - (i) notify the Transportation Interim Committee on or before October 1 of the year in which the committee takes action to support the designation or removal; and
 - (ii) provide a report regarding the committee's findings and reasoning for supporting the designation or removal.
 - (c) If the Transportation Interim Committee receives a notification and report as described in Subsection (7)(b), the Transportation Interim Committee shall:
 - (i) consider the proposal and the committee's position; and
 - (ii) determine whether to propose a concurrent resolution to approve or deny the designation or removal.
 - (d) In accordance with Subsections (7)(a) and (c), the Legislature may, by concurrent resolution:
 - (i) approve the scenic byway designation;
 - (ii) approve the scenic byway designation with conditions specified by the Legislature; or
 - (iii) deny the scenic byway designation.
 - (e) Upon a decision by the Legislature under Subsection (7)(d), the nominating entity is not required to move forward with the nomination for the state scenic byway designation.

Amended by Chapter 359, 2024 General Session

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

- (1) Legacy Parkway, from the junction of I-215 in Davis County northerly to the junction with US 89 and I-15:
 - (a) is exempt from the legislative approval requirement in Section 72-4-301.5; and
 - (b) may not be segmented.
- (2) A highway nominated for National Scenic Byway or All-American Road designation prior to January 1, 2009 is exempt from the legislative approval requirement in Section 72-4-301.5.

Enacted by Chapter 393, 2009 General Session