

**UTAH STATE SCENIC BYWAY COMMITTEE**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: John Dougall**

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**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code to enact state scenic byway designation provisions.

**Highlighted Provisions:**

This bill:

- ▶ creates the Utah State Scenic Byway Committee;
- ▶ provides that the committee is responsible for state scenic byway designations and for administering a state scenic byway program;
- ▶ grants the Utah Department of Transportation rulemaking authority in consultation with the committee to establish rules:
  - for administering the scenic byway program;
  - specifying the criteria and process for byway designation and de-designation;
  - specifying the process for public hearings to be held in the area of proposed designation; and
  - identifying the highways within the state that are designated as scenic byways;
- ▶ requires the Utah Department of Transportation to designate state scenic byways on future state highway maps; and
- ▶ provides that a highway designated as a scenic byway is subject to federal outdoor advertising regulations.

**Monies Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **72-4-301**, Utah Code Annotated 1953

33 **72-4-302**, Utah Code Annotated 1953

34 **72-4-303**, Utah Code Annotated 1953



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

37 Section 1. Section **72-4-301** is enacted to read:

38 **Part 3. Utah State Scenic Byway Program**

39 **72-4-301. Definitions.**

40 As used in this part "committee" means the Utah State Scenic Byway Committee  
41 created in Section 72-4-302.

42 Section 2. Section **72-4-302** is enacted to read:

43 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**  
44 **Meetings -- Expenses.**

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

46 (2) The committee shall consist of the following members:

47 (a) a representative from each of the following agencies appointed by each respective  
48 agency:

49 (i) the Division of Travel Development;

50 (ii) the Utah Department of Transportation;

51 (iii) the Utah Association of Governments;

52 (iv) the Division of State Parks and Recreation;

53 (v) the Federal Highway Administration;

54 (vi) the National Park Service;

55 (vii) the National Forest Service;

56 (viii) the Bureau of Land Management; and

57 (ix) the Utah Travel Regions Association;

58 (b) two local government tourism representatives selected by the state agencies

59 identified in Subsection (2)(a); and

60 (c) a representative from the private sector selected by the state agencies identified in  
61 Subsection (2)(a).

62 (3) (a) The representative from the Division of Travel Development shall chair the  
63 committee.

64 (b) The members appointed under Subsections (2)(a)(v), (vi), (vii), and (viii) serve as  
65 nonvoting, ex officio members of the committee.

66 (4) The Division of Travel Development and the department shall provide staff support  
67 to the committee.

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

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

71 (c) Action by a majority vote of a quorum of the committee constitutes action by the  
72 committee.

73 (6) (a) (i) Members who are not state government employees shall receive no  
74 compensation or benefits for their services, but may receive per diem and expenses incurred in  
75 the performance of the member's official duties at the rates established by the Division of  
76 Finance under Sections 63A-3-106 and 63A-3-107.

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

78 (b) (i) State government officer and employee members who do not receive salary, per  
79 diem, or expenses from their agency for their service may receive per diem and expenses  
80 incurred in the performance of their official duties at the rates established by the Division of  
81 Finance under Sections 63A-3-106 and 63A-3-107.

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

84 (c) (i) Local government members who do not receive salary, per diem, or expenses  
85 from the entity that they represent for their service may receive per diem and expenses incurred  
86 in the performance of their official duties at the rates established by the Division of Finance  
87 under Sections 63A-3-106 and 63A-3-107.

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

90 Section 3. Section **72-4-303** is enacted to read:

91 **72-4-303. Powers and duties of the Utah State Scenic Byway Committee --**

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

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

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

95 (i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique

96 to scenic byways;

97 (ii) enhances recreation; and

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

99 (b) ensure that a highway nominated for a scenic byway designation possesses at least

100 one of the following six intrinsic qualities:

101 (i) scenic quality;

102 (ii) natural quality;

103 (iii) historic quality;

104 (iv) cultural quality;

105 (v) archaeological quality; or

106 (vi) recreational quality;

107 (c) designate highways as state scenic byways from nominated highways within the

108 state if the committee determines that the highway possesses the criteria for a state scenic

109 byway; and

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

112 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
113 department shall make rules in consultation with the committee:

114 (a) for the administration of a scenic byway program;

115 (b) establishing the criteria that a highway shall possess to be designated as a scenic

116 byway, including the criteria described in Subsection (1)(b);

117 (c) establishing the process for nominating a highway to be designated as a state scenic

118 byway;

119 (d) specifying the process for hearings to be conducted in the area of proposed

120 designation prior to the highway being designated as a scenic byway;

- 121           (e) identifying the highways within the state designated as scenic byways; and  
122           (f) establishing the process and criteria for removing the designation of a highway as a  
123 scenic byway.  
124           (3) The department shall designate scenic byway routes on future state highway maps.  
125           (4) A highway within the state designated as a scenic byway is subject to federal  
126 outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.
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**Legislative Review Note**  
**as of 11-19-03 2:47 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-10-03 10:11 AM**

The Transportation Interim Committee recommended this bill.