

**UTAH SCENIC BYWAY DESIGNATION**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: \_\_\_\_\_

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**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;
- ▶ provides that the Legislature shall designate highways as state scenic byways;
- ▶ provides that the Legislature shall approve state highway and state scenic byway nominations for National Scenic Byway or All-American Road designations;
- ▶ beginning on January 1, 2009, prohibits a non-scenic area from being designated as a state scenic byway or nominated for designation as a National Scenic Byway or All-American Road;
- ▶ provides that non-scenic areas of existing state scenic byways shall be segmented;
- ▶ provides that the Utah State Scenic Byway Committee shall apply for segmentation of non-scenic areas on existing National Scenic Byways or All-American Roads;
- ▶ provides that the Utah State Scenic Byway Committee shall recommend to the Legislature highways for state scenic byway designation or removal of a state scenic byway designation on a highway; and
- ▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides revisor instructions.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **72-4-301**, as enacted by Laws of Utah 2004, Chapter 172

35 **72-4-303**, as last amended by Laws of Utah 2008, Chapter 382

36 ENACTS:

37 **72-4-301.5**, Utah Code Annotated 1953



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

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

41 **72-4-301. Definitions.**

42 As used in this part[, "committee"]:

43 (1) "Committee" means the Utah State Scenic Byway Committee created in Section  
44 72-4-302.

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

46 (a) any property that is unzoned or zoned for commercial or industrial use adjoining a  
47 highway that does not contain at least one of the intrinsic qualities described in Subsection  
48 72-4-303(1)(b) immediately upon the property; or

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

52 (3) "Segmentation" means:

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

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

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

58 **72-4-301.5. Designation of highways as scenic byways.**

- 59           (1) The Legislature shall designate highways as state scenic byways.
- 60           (2) A highway or state scenic byway may not be nominated for designation as a
- 61 National Scenic Byway or All-American Road unless the nomination is approved by the
- 62 Legislature.
- 63           (3) Beginning on January 1, 2009, a non-scenic area may not be:
- 64           (a) designated as a state scenic byway; or
- 65           (b) nominated for designation as a National Scenic Byway or All-American Road.
- 66           (4) (a) A non-scenic area that was designated as a state scenic byway prior to the
- 67 effective date of this bill shall be segmented.
- 68           (b) The committee shall apply for segmentation of a non-scenic area that was
- 69 designated as a National Scenic Byway or All-American Road prior to the effective date of this
- 70 bill.

71           Section 3. Section **72-4-303** is amended to read:

72           **72-4-303. Powers and duties of the Utah State Scenic Byway Committee --**  
73 **Rulemaking authority -- Designation on state maps -- Outdoor advertising.**

- 74           (1) The committee shall have the responsibility to:
- 75           (a) administer a coordinated scenic byway program within the state that:
- 76           (i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique
- 77 to scenic byways;
- 78           (ii) enhances recreation; and
- 79           (iii) promotes economic development through tourism and education;
- 80           (b) ensure that a highway nominated for a scenic byway designation possesses at least
- 81 one of the following six intrinsic qualities:
- 82           (i) scenic quality;
- 83           (ii) natural quality;
- 84           (iii) historic quality;
- 85           (iv) cultural quality;
- 86           (v) archaeological quality; or
- 87           (vi) recreational quality;
- 88           (c) ~~designate~~ recommend to the Legislature highways ~~as~~ for state scenic ~~byways~~
- 89 byway designation from nominated highways within the state if the committee determines that

90 the highway possesses the criteria for a state scenic byway; ~~[and]~~

91 (d) exclude from any application or designation all non-scenic areas of a highway;

92 (e) insure that non-scenic areas of any highway are excluded or segmented from an  
93 application for a National Scenic Byway or All-American Road designation;

94 ~~[(d) remove]~~ (f) recommend to the Legislature removal of the designation of a  
95 highway as a state scenic byway if the committee determines that the highway no longer meets  
96 the criteria under which it was designated[-];

97 (g) segment the portions of all existing and future state scenic byways that adjoin  
98 non-scenic areas; and

99 (h) apply for segmentation of any portion of an existing National Scenic Byway or an  
100 All-American Road that adjoins a non-scenic area within the state.

101 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
102 department shall make rules in consultation with the committee:

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

104 (b) establishing the criteria that a highway shall possess to be designated as a scenic  
105 byway, including the criteria described in Subsection (1)(b);

106 (c) establishing the process for nominating a highway to be designated as a state scenic  
107 byway;

108 (d) specifying the process for hearings to be conducted in the area of proposed  
109 designation prior to the highway being designated as a scenic byway;

110 (e) identifying the highways within the state designated as scenic byways; and

111 (f) establishing the process and criteria for removing the designation of a highway as a  
112 scenic byway.

113 (3) The department shall designate scenic byway routes on future state highway maps.

114 (4) A highway within the state designated as a scenic byway is subject to federal  
115 outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.

116 **Section 4. Revisor instructions.**

117 It is the intent of the Legislature that, in preparing the Utah Code database for  
118 publication, the Office of Legislative Research and General Counsel shall delete "the effective  
119 date of this bill" where it appears in Subsection 72-4-301.5(4) and replace it with the actual  
120 date on which this bill takes effect.

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**Legislative Review Note**  
as of 1-26-09 2:19 PM

**Office of Legislative Research and General Counsel**

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**H.B. 272 - Utah Scenic Byway Designation Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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