

## HB0407S02 compared with HB0407S01

~~text~~ shows text that was in HB0407S01 but was deleted in HB0407S02.

text shows text that was not in HB0407S01 but was inserted into HB0407S02.

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Representative Michael E. Noel proposes the following substitute bill:

### SCENIC BYWAY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

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

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#### LONG TITLE

##### General Description:

This bill modifies the Designation of State Highways Act by amending provisions relating to scenic byways.

##### Highlighted Provisions:

This bill:

- ▶ requires the legislative body of a county, city, or town to segment a state scenic byway, National Scenic Byway, or All-American Road in certain circumstances;
- ▶ requires the Utah State Scenic Byway Committee to segment a state scenic byway, National Scenic Byway, or All-American Road 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; and
- ▶ makes technical corrections.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**72-4-303**, as last amended by Laws of Utah 2009, Chapter 393

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

Section 1. Section **72-4-303** is amended to read:

**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) 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; and

(d) remove the designation of a highway as a scenic byway if the committee determines

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that the highway no longer meets the criteria under which it was designated.

(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) ~~[(A)]~~ Except as provided in Subsection (3)(b) ~~or (d)~~, a state scenic byway, National Scenic Byway, or All-American Road ~~[may]~~ shall be segmented:

~~(i)~~ by the legislative body of the county, city, or town where the segmentation is to occur if:

~~[(i)]~~ (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

~~[(ii)]~~ (B) the legislative body of the county, city, or town reviews the segmentation proposed under this Subsection (3)(a)(i)~~[-]; or~~

~~[(ii)]~~ (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.~~[(i)]~~

~~[(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.~~[(i)]~~

~~[(ii)]~~ (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).~~[(ii)]~~

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~~ff~~(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. ~~ff~~

~~(ffii) 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)d~~ A state scenic byway, National Scenic Byway, or All-American Road is not required to be segmented under Subsection (3)(a)(~~ffii~~) if the committee demonstrates, within 30 days of receiving the request ~~{ to the property rights ombudsman }~~, 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.