

59 town may not be included as part of any state scenic byway designation or nomination as a  
60 National Scenic Byway or All-American Road.

61 (3) (a) [~~A~~] Except as provided in Subsection (3)(d), a ~~H~~→ **non-scenic segment**  
61a of a ~~H~~ state scenic byway, National  
62 Scenic Byway, or All-American Road [may] shall be segmented ~~H~~→ **from the byway**  
62a or road ~~H~~ :

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

65 [~~(i)~~] (A) a person or another entity, with the consent of any landowners affected by the  
66 segmentation, has requested the segmentation of a portion of a road or highway; and

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

69 (ii) by the committee at the written request of the owner of real property that is a  
70 non-scenic area adjacent to a state scenic byway, National Scenic Byway, or All-American  
71 Road.

72 (b) The legislative body of a county, city, or town shall render a decision on a  
73 segmentation request under Subsection (3)(a)(i) within 60 days and may grant segmentation to  
74 the person or entity if the property is a non-scenic area.

75 (c) (i) If the legislative body of a county, city, or town denies the request to segment the  
76 state scenic byway, National Scenic Byway, or All-American Road under Subsection (3)(a)(i)  
77 upon the request of a person or another entity, with the consent of any landowners affected by  
78 the segmentation, that person or entity may appeal the denial of the request to the committee.

79 (ii) The committee shall hear and answer an appeal of the denial of a segmentation  
80 request within 60 days of a request submitted in accordance with Subsection (3)(c)(i).

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

84 (d) A state scenic byway, National Scenic Byway, or All-American Road is not  
85 required to be segmented under Subsection (3)(a)(ii) if, within ~~H~~→ [30] 60 ~~H~~ days after the  
85a day on which  
86 the request is received, the committee demonstrates to an administrative law judge selected by  
87 agreement of the owner of real property and the committee where the non-scenic area is  
88 located, that the property to be segmented is not a non-scenic area.

89 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the