

SCENIC BYWAY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: David P. Hinkins

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 changes.

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



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

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

30 **72-4-303. Powers and duties of the Utah State Scenic Byway Committee --**
31 **Requirements for designation -- Segmentation -- Rulemaking authority -- Designation on**
32 **state maps -- Outdoor advertising.**

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

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

35 (i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique
36 to scenic byways;

37 (ii) enhances recreation; and

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

39 (b) ensure that a highway nominated for a scenic byway designation possesses at least
40 one of the following six intrinsic qualities:

41 (i) scenic quality;

42 (ii) natural quality;

43 (iii) historic quality;

44 (iv) cultural quality;

45 (v) archaeological quality; or

46 (vi) recreational quality;

47 (c) designate highways as state scenic byways from nominated highways within the
48 state if the committee determines that the highway possesses the criteria for a state scenic
49 byway; and

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

52 (2) (a) A highway located within a county, city, or town within this state may not be
53 included as part of a designation or nomination as a state scenic byway, National Scenic
54 Byway, or All-American Road unless the nomination or designation is sanctioned in writing by
55 an official action of the legislative body of each county, city, or town through which the
56 proposed state scenic byway, National Scenic Byway, or All-American Road passes.

57 (b) If a county, city, or town does not give approval as required under Subsection
58 (2)(a), then the portion of the highway located within the boundaries of the county, city, or

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

90 department shall make rules in consultation with the committee:

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

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

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

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

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

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

101 (5) The department shall designate scenic byway routes on future state highway maps.

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

Legislative Review Note
Office of Legislative Research and General Counsel