

Senator Wayne A. Harper proposes the following substitute bill:

SCENIC BYWAY PROGRAM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill extends the sunset of the Utah State Scenic Byway Program.

Highlighted Provisions:

This bill:

- ▶ extends the sunset of the Utah State Scenic Byway Program for 5 years;
- ▶ requires a designation of a National Scenic Byway or All-American Road be approved by concurrent resolution;
- ▶ amends provisions to require designations for state scenic byways be:
 - considered by a legislative interim committee; and
 - approved by concurrent resolution; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-272, as last amended by Laws of Utah 2022, Chapter 259



26 **72-4-301.5**, as last amended by Laws of Utah 2010, Chapter 195
27 **72-4-303**, as last amended by Laws of Utah 2016, Chapter 152



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

30 Section 1. Section **63I-1-272** is amended to read:

31 **63I-1-272. Repeal dates: Title 72.**

32 (1) Subsection **72-2-121(9)**, which creates transportation advisory committees, is
33 repealed July 1, 2022.

34 (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January
35 2, [~~2025~~] 2030.

36 Section 2. Section **72-4-301.5** is amended to read:

37 **72-4-301.5. Designation of highways as a National Scenic Byway or All-American**
38 **Road -- Legislative approval.**

39 (1) Except as provided in Section **72-4-304**, a highway or state scenic byway may not
40 be nominated for designation as a National Scenic Byway or All-American Road unless the
41 corridor management plan that will be submitted with the application for the highway or state
42 scenic byway to be nominated for designation as a National Scenic Byway or All-American
43 Road is approved by the Legislature by concurrent resolution.

44 (2) (a) In accordance with Subsection (1), the Legislature may, by concurrent
45 resolution:

- 46 (i) approve the corridor management plan;
- 47 (ii) approve the corridor management plan with conditions specified by the Legislature;
- 48 or
- 49 (iii) deny the corridor management plan.

50 (b) Upon a decision by the Legislature under Subsection (2)(a), the nominating entity is
51 not required to move forward with the nomination for the National Scenic Byway or
52 All-American Road designation.

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

54 **72-4-303. Powers and duties of the Utah State Scenic Byway Committee --**
55 **Requirements for designation -- Segmentation -- Rulemaking authority -- Designation on**
56 **state maps -- Outdoor advertising.**

- 57 (1) The committee shall have the responsibility to:
- 58 (a) administer a coordinated scenic byway program within the state that:
- 59 (i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique
- 60 to scenic byways;
- 61 (ii) enhances recreation; and
- 62 (iii) promotes economic development through tourism and education;
- 63 (b) ensure that a highway nominated for a scenic byway designation possesses at least
- 64 one of the following six intrinsic qualities:
- 65 (i) scenic quality;
- 66 (ii) natural quality;
- 67 (iii) historic quality;
- 68 (iv) cultural quality;
- 69 (v) archaeological quality; or
- 70 (vi) recreational quality;
- 71 (c) subject to legislative approval, designate highways as state scenic byways from
- 72 nominated highways within the state if the committee determines that the highway possesses
- 73 the criteria for a state scenic byway; [~~and~~]
- 74 (d) subject to legislative approval, remove the designation of a highway as a scenic
- 75 byway if the committee determines that the highway no longer meets the criteria under which it
- 76 was designated[~~;~~]; and
- 77 (e) submit proposed designations or removals to the Legislature as provided in
- 78 Subsection (7).
- 79 (2) (a) A highway located within a county, city, or town within this state may not be
- 80 included as part of a designation or nomination as a state scenic byway, National Scenic
- 81 Byway, or All-American Road unless the nomination or designation is sanctioned in writing by
- 82 an official action of the legislative body of each county, city, or town through which the
- 83 proposed state scenic byway, National Scenic Byway, or All-American Road passes.
- 84 (b) If a county, city, or town does not give approval as required under Subsection
- 85 (2)(a), then the portion of the highway located within the boundaries of the county, city, or
- 86 town may not be included as part of any state scenic byway designation or nomination as a
- 87 National Scenic Byway or All-American Road.

88 (3) (a) Except as provided in Subsection (3)(d), a non-scenic segment of a state scenic
89 byway, National Scenic Byway, or All-American Road shall be segmented from the byway or
90 road:

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

93 (A) a person or another entity, with the consent of any landowners affected by the
94 segmentation, has requested the segmentation of a portion of a road or highway; and

95 (B) the legislative body of the county, city, or town reviews the segmentation proposed
96 under this Subsection (3)(a)(i); or

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

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

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

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

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

112 (d) A state scenic byway, National Scenic Byway, or All-American Road is not
113 required to be segmented under Subsection (3)(a)(ii) if, within 60 days after the day on which
114 the request is received, the committee demonstrates to an administrative law judge selected by
115 agreement of the owner of real property and the committee where the non-scenic area is
116 located, that the property to be segmented is not a non-scenic area.

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

- 119 (a) for the administration of a scenic byway program;
- 120 (b) establishing the criteria that a highway shall possess to be designated as a scenic
121 byway, including the criteria described in Subsection (1)(b);
- 122 (c) establishing the process for nominating a highway to be designated as a state scenic
123 byway;
- 124 (d) specifying the process for hearings to be conducted in the area of proposed
125 designation prior to the highway being designated as a scenic byway;
- 126 (e) identifying the highways within the state designated as scenic byways; and
- 127 (f) establishing the process and criteria for removing the designation of a highway as a
128 scenic byway.
- 129 (5) The department shall designate scenic byway routes on future state highway maps.
- 130 (6) A highway within the state designated as a scenic byway is subject to federal
131 outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.
- 132 (7) (a) Any nomination for designation of a highway as a state scenic byway is subject
133 to approval by the Legislature by concurrent resolution.
- 134 (b) If the committee supports a designation or removal of a highway as a state scenic
135 byway, the committee shall:
- 136 (i) notify the Transportation Interim Committee on or before October 1 of the year in
137 which the committee takes action to support the designation or removal; and
- 138 (ii) provide a report regarding the committee's findings and reasoning for supporting
139 the designation or removal.
- 140 (c) If the Transportation Interim Committee receives a notification and report as
141 described in Subsection (7)(b), the Transportation Interim Committee shall:
- 142 (i) consider the proposal and the committee's position; and
- 143 (ii) determine whether to propose a concurrent resolution to approve or deny the
144 designation or removal.
- 145 (d) In accordance with Subsections (7)(a) and (c), the Legislature may, by concurrent
146 resolution:
- 147 (i) approve the scenic byway designation;
- 148 (ii) approve the scenic byway designation with conditions specified by the Legislature;
- 149 or

150 (iii) deny the scenic byway designation.

151 (e) Upon a decision by the Legislature under Subsection (7)(d), the nominating entity is
152 not required to move forward with the nomination for the state scenic byway designation.

153 Section 4. **Effective date.**

154 This bill takes effect on May 1, 2024.