

## **R926. Transportation, Program Development.**

### **R926-14. Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes.**

#### **R926-14-1. Purpose.**

The purpose of this rule is to establish the following:

- (1) administration of the Utah Scenic Byway program;
- (2) the criteria that a highway shall possess to be considered for designation as a state scenic byway;
- (3) the process for nominating a highway to be designated as a state scenic byway;
- (4) the process for nominating an existing state scenic byway to be considered for designation as a National Scenic Byway or All-American Road;
- (5) the process and criteria for removing the designation of a highway as a scenic byway or segmentation of a portion thereof; and
- (6) the requirements for public hearings to be conducted regarding proposed changes to the scenic byway status of a corridor and related notifications.

#### **R926-14-2. Authority.**

The provisions of this rule are authorized by the following grants of rulemaking authority and provisions of Utah Code: Title 52, Chapter 4; Title 63G, Chapter 3; and the Designation of Highways Act, Title 72, Chapter 4.

#### **R926-14-3. Definitions.**

Terms used in this rule are defined in Title 72, Chapter 4. The following additional terms are defined for this rule:

- (1) "All-American Road" means a scenic byway designation made at the national level for state scenic byways that significantly meet criteria for multiple qualities out of the six defined intrinsic qualities.
- (2) "America's Byways" means the brand utilized by the National Scenic Byways Program for promotion of the National Scenic Byways and All American Roads.
- (3) "Committee" or "State Committee" means the Utah State Scenic Byway Committee as defined in Title 74, Chapter 4 and does not refer to any local scenic byway committee herein defined.
- (4) "Corridor management plan" means a written document prepared by the local scenic byway committee in accordance with federal policies that specifies the actions, procedures, controls, operational practices, and administrative strategies necessary to maintain the intrinsic qualities of a scenic byway.
- (5) "De-designation" means the removal of a current state scenic byway designation as recommended by the committee and approved by the Legislature~~from an entire existing scenic byway~~.
- (6) "Department" means the Utah Department of Transportation.
- (7) "Designation" means selection of a roadway by the committee the committee has recommended and the Legislature has approved as a state scenic byway or selection of an existing state scenic byway the Legislature has approved and the ~~by~~ the U.S. Secretary of

Transportation has selected as [one of America's Byways] a national scenic byway or All-American Road.

(8) "Federal policies" means those rules outlining the National Scenic Byway Program and that set forth the criteria for designating roadways as National Scenic Byways or All-American Roads, specifically the FHWA Interim Policy.

(9) "Local legislative body" means the elected governing board of a political subdivision, such as a town, city, county, or tribal government.

(10) "GOEO[~~D~~]" means the Utah Governor's Office of Economic Opportunity[~~Development~~].

(11) "Grant" means discretionary funding available on a competitive basis to designated scenic byways from the Federal Highway Administration through the National Scenic Byways Program.

(12) "Intrinsic quality" means scenic, historic, recreational, cultural, archaeological, or natural features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area. The National Scenic Byways Program further defines each of these qualities.

(13) "Local Scenic Byway Committee" means the committee consisting of the local byway coordinator and representatives from nearby local legislative bodies, agencies, tourism related groups and interested individuals that recommends and prioritizes various projects and applications relating to a scenic byway. The local scenic byway committee promotes and preserves intrinsic values along the byway.

(14) "Local Byway Coordinator" means an individual recognized by the local scenic byway committee as chair. If a local scenic byway committee does not exist for a scenic byway, the local byway coordinator is an individual recognized by the state committee chair as the person to contact for applications and other administrative business for the state scenic byway.

(15) "National Scenic Byway" means a scenic byway designation made at the national level for byways that significantly meet criteria for at least one quality out of the six defined intrinsic qualities.

(16) "National Scenic Byways Program" or "NSBP" means a program provided by the Federal Highway Administration to promote the recognition and enjoyment of America's memorable roads.

(17) "State Scenic Byway" means a Utah roadway corridor that has been duly designated by the committee with approval from the Legislature for its intrinsic qualities.

(18) "Status" refers to the current designation of a scenic byway, i.e., state scenic byway, National Scenic Byway, All-American Road, undesignated roadway, segmented scenic byway or de-designated scenic byway.

#### **R926-14-4. Utah State Scenic Byway Committee Organization and Administration.**

(1) The authorization of the committee, its membership, administration, powers, and duties are defined in Title 72, Chapter 4.

(2) The committee shall conduct business to administer the State Scenic Byway program within the State of Utah. This business shall include, but not be limited to:

(a) designating, de-designating, hearing appeals of segmentation denials of state scenic byways, and consideration of segmentation under a [R]request for [A]agency [A]action;

(b) recommending considerations for state scenic byway and National and All-American Road recognition to the Legislature;

(c) recommending applications to the NSBP;

(d) prioritizing applications for Scenic Byway Discretionary funding and other funding that may be available; and

(e) other business as may be needed to administer the scenic byway program.

(3)(a) The committee shall meet to conduct business necessary to administer the state scenic byway program.

~~(a)~~(b) The meeting is intended to be an in-person gathering of the full committee at a single anchor location. Where the need arises, and as authorized by Title 52, Chapter 4, the committee may hold electronic meetings~~individual members may request to be connected to the meeting via teleconference, video conference, web conference, or other emerging electronic technology, if they make the request at least three days prior to the committee meeting to allow for arrangements to be made for the connection~~.

~~(b)~~(c)(i) All additional meetings called by the chair, including committee meetings to consider factors associated with a ~~[R]~~request for ~~[A]~~agency ~~[A]~~action to segment property adjacent to a scenic byway, may be held as either in-person or electronic meetings, at the discretion of the chair, as authorized by Title 52, Chapter 4.

~~(c)~~(ii) Electronic meetings may be fully electronic, i.e. each member may join on an individual remote connection ~~[(depending on the technology used)]~~, but an anchor location must be provided for the public at one or more connections, preferably at a conference room available to either the department or the Utah Office of Tourism, that is large enough to accommodate anticipated demand.

~~(c)~~(iii) Electronic meetings may be via teleconference, video conference, web conference, or other emerging electronic technology, at the discretion of the chair, as long as adequate time is provided to set up the required electronic connections for all participants and the technology used is generally publicly available.

~~(c)~~(iv) All meetings, whether in-person or electronic, must be advertised and accessible to the public for both hearing and comment, which in the case of electronic meetings will require publication of connection details and anchor locations.

~~(c)~~(v) The published agenda for electronic meetings needs to include details on the format of how and when public comment will be received and addressed by the committee. For example, comment during an electronic meeting~~[a web conference]~~ may be taken continuously via a chat window, then read by the moderator during the time set aside for public input~~[-with committee responding]~~. For electronic meetings~~[In a teleconference]~~, public participants may be requested to hold their comments until a designated period is opened by the chair.

#### **R926-14-5. Criteria Required of a Highway to Be Considered for Designation as a State Scenic Byway.**

(1) A road being considered for state scenic byway designation must meet all of the following criteria:

(a) the nominated road must possess at least two of the six intrinsic qualities described in Section 72-4-303~~[unusual, exceptional, or distinctive intrinsic qualities, as defined]~~;

(b) the nominated road may be either a planned or existing route and in the case of a planned route, legal public access, safety standards and all-weather pavement must be guaranteed at completion of construction;

(c) roadway safety on the nominated road must be evaluated against and guided by American Association of State Highway and Transportation Officials [~~AASHTO~~]-safety standards for federal aid primary or secondary roads;

(d) the nominated road must have strong local support for byway designation and the proponents must demonstrate this support and coordination;

(e) the nominated road must accommodate recreational vehicles or provisions should be made for travel by recreational vehicles;

(f) the nominated road need not lead to or provide connection to other road networks; it may be dead-ended, or provide only a single outlet for traffic;

(g) the nominated road need not be open during the winter months, but seasonal road closures must be clearly posted, shown on applicable maps, and specified in any promotional literature; and

(h) the nominated road may include portions of the Interstate Highway System, but only if the Interstate component is a small part of the mileage of the overall nominated scenic byway and is included primarily for continuity of travel.

(2) [~~It is the intent of these~~]These criteria are meant to be restrictive in nature so as to limit the number of designated state scenic byways in order to maintain the quality and integrity of the scenic byway system.

#### **R926-14-6. Process for Nominating a Highway to Be Designated a State Scenic Byway.**

(1) Nominations for a corridor to be designated a state scenic byway shall be forwarded to the committee by a local legislative body.

(2) The nomination application must demonstrate how the nominated road meets the criteria to qualify as a state scenic byway.

(3) The committee will act on a byway-related application only after the [~~responsible organization~~]requesting entity has held public hearings in accordance with Section R926-14-10 and submitted minutes of the hearings, including names and addresses of people making comments, a detailed summary of comments made, and proof of public notification.

(4) The committee will consider the nomination after review of the application and after a presentation by the nominating sponsor group, either at the byway location, or at a committee meeting. The committee will vote on proposed designations at the next committee meeting to determine whether to forward the proposal to the Legislature for further consideration. The committee will report the results of the vote to the nomination sponsor.

(5) Individual communities along the byway corridor that do not support the designation of the state scenic byway within the limits of their community have the statutory right, as prescribed in Title 72, Chapter 4, to opt out of any new byway designation through official segmentation action of their local legislative body, but they become ineligible for byway grants and promotional considerations by doing so.

(6)(a) Upon approval by the committee and the Legislature of a state scenic byway nomination, the committee shall notify the Utah Office of Tourism, the department and other interested agencies of the new designation and of the approved alignment and limits of the designated corridor.

~~[(a)](b)~~ The committee will make a request to these agencies that they modify reference of the scenic byway~~[segment]~~, to reflect the change in scenic byway status, on maps and in materials and website applications identifying state scenic byways.

(7) On receiving notification of a newly designated state scenic byway, the department shall amend Rule 926-13 to include the description of the state scenic byway and the date of its approval. The department shall forward to the NSBP any electronic files needed to describe or display the new state scenic byway in online maps, brochures, or other publications of the NSBP. The department will add the state scenic byway to the official highway map at its next printing.

#### **R926-14-7. Process for Nominating a Highway to Be Designated a National Scenic Byway or All-American Road.**

(1) In addition to state recognition, state scenic byways may be nominated to the National Scenic Byways Program so that they may be recognized as a byway of national significance through designation as a National Scenic Byway or All-American Road.

~~[(1)](2)~~ Local scenic byway committees shall notify the state committee of their intent to apply for National Scenic Byway or All-American Road status and the state committee shall in turn notify the Legislature of this intent.

~~[(2)](3)(a)~~ Local scenic byway committees ~~[desiring national designation are]~~shall prepare the necessary nomination applications required by the National Scenic Byways Program~~[to prepare nomination applications, adhering to the criteria outlined in applicable federal policies]~~.

~~[(a)](b)~~ ~~[A corridor management plan for the byway will be required by the]~~Local scenic byway committees shall also prepare the required corridor management plan as [NSBP to be prepared before a nomination application will be considered. The required information and criteria to be included in the corridor management plan are]outlined in ~~[the]~~ federal policies.

~~[(b)](c)~~ ~~[The]~~When the NSBP [will issue]issues a call for applications, ~~[at which time the]~~ a local scenic byway committee may submit a nomination application [as long as]if the state scenic byway has been approved for consideration in accordance with the requirements of Title 72, Chapter 4.

~~[(3)](4)~~ Local scenic byway committees ~~[are to]~~shall confer with the state committee during the preparation of a corridor management plan and will submit their nomination applications to the committee for review prior to submitting to the NSBP.

~~[(4)](5)~~ The committee will refer all considerations for National or All-American Road~~[America's Byways]~~ designations to the Legislature for approval, along with the recommendation of the committee. As required in Title 72, Chapter 4, Legislative approval must be obtained before any application for nomination may be submitted to the NSBP.

~~[(5)](6)(a)~~ Upon approval by the NSBP of a National Scenic Byway nomination, the committee shall notify the Utah Office of Tourism, the department, and other interested agencies of the new designation and of any differences in alignment or limits as related to existing state scenic byway designations.

~~[(a)](b)~~ The committee will make a request to these agencies that they modify reference of the segment, to reflect the change in ~~[scenic byway]~~status~~[,]~~ on maps and in materials and website applications identifying scenic byways.

~~[(6)](7)~~ On receiving notification of a change in ~~[byway]~~ status to National Scenic Byway or All-American Road, the department shall amend Rule 926-13 to update the description of the byway to reflect the approved changes and the date of NSBP approval.

#### **R926-14-8. Process and Criteria for Removing the Designation of a Highway as a Scenic Byway or Segmentation of a Portion Thereof.**

(1) The committee may de-designate a scenic byway if the intrinsic values for which the corridor was designated have become significantly degraded and no longer meet the requirements for which it was originally designated.

(2) The local legislative body may remove designation on a localized segment of a designated byway if the intrinsic values within the segment have become degraded or if the segment being considered was included primarily for continuity of travel along the designated corridor, does not in and of itself contain the intrinsic values for which the corridor was designated, and the segmentation has strong community-based support.

(3) Highways that are part of the National Highway System ~~[(NHS)]~~ are still subject to certain federal outdoor advertising regulations, regardless of their scenic byway status. When considering a de-designation or segmentation on an ~~[NHS]~~National Highway System route, either the committee or the local legislative body should become familiar with the regulatory differences between scenic byway status and ~~[NHS]~~National Highway System status, since de-designation or segmentation would not affect the ongoing applicability of ~~[NHS]~~National Highway System regulations and may not always produce the desired effect.

(4) De-designated corridors and communities or parcels segmented out of the scenic byway designation are no longer subject to byways-related regulations and are no longer eligible for byways-related grants and promotional considerations.

(5) Committee processes for de-designation may be initiated by the committee itself or by request from a local legislative body.

(6) Segmentation of specific parcels or portions of a scenic byway may be considered directly by the local legislative body of a county, city, or town where the segmentation is proposed, as provided in Title 72, Chapter 4. The same public hearing requirements are followed for local legislative actions as are provided herein for committee actions.

(7)(a) Alternately, segmentation of specific parcels of property adjacent to a scenic byway may be requested by the property owner by submitting a written ~~[R]~~request for ~~[A]~~agency ~~[A]~~action, as provided in the Administrative Procedures Act, Title 63G, Chapter 4, Part 2.

~~[(a)](b)~~ The ~~[R]~~request for ~~[A]~~agency ~~[A]~~action shall contain the information required by 63G-4-201(3)(a), and shall include a statement why the owner considers the property to be non-scenic as defined in 72-4-301.

~~[(b)](c)~~ The written ~~[R]~~request for ~~[A]~~agency ~~[A]~~action shall be mailed to the Office of Tourism, Film and Global Branding within ~~[the]~~GOEQ~~[D]~~, with a copy of the request mailed to the Program Development Group within the Utah Department of Transportation to the attention of Program Development.

~~[(c)](d)(i)~~ Segmentation of property under a ~~[R]~~request for ~~[A]~~agency ~~[A]~~action shall take effect 60 days after receipt of the written request by the Office of Tourism within GOEQ~~[D]~~, unless the committee demonstrates to an administrative law judge within 60 days, with subsequent action by the administrative law judge, that the property fails to meet the definition of ~~[""]~~non-scenic~~[""]~~ area as defined in 72-4-301~~[""]~~.

~~(i)~~(ii) Pursuant to Section 72-4-303(3)(d), ~~the~~ receipt of the request for [A]agency [A]action shall be the date on which the mailed copy of the request is received by GOEQ[DE]'s Office of Tourism.

~~(ii)~~(iii) Requests for Agency Action shall be mailed to: GOEQ[DE] OFFICE OF TOURISM Attention:

Scenic Byway Committee  
300 North State Street  
Council Hall / Capitol Hill  
Salt Lake City Utah 84114

~~(iii)~~(iv) A copy of the [R]request for [A]agency [A]action shall be mailed to:  
Program Development Group of the Utah Department of Transportation

4501 South 2700 West

P.O. Box 143600

~~[4501 South 2700 West]~~

Salt Lake City Utah 84114

~~(d)~~(e) A request for agency action involving segmentation is classified as an informal adjudicative proceeding.

(8) Requests to the committee for de-designation of state scenic byways shall be submitted by a local legislative body along or adjacent to the scenic byway corridor. Each request shall include discussion of the specific reasons for de-designation. Reasons may include, but are not limited to:

(a) segment or corridor is no longer consistent with the state's criteria for selection as a scenic byway;

(b) failure to have maintained or enhanced intrinsic values for which the scenic byway was designated;

(c) degradation of the intrinsic values for which the scenic byway was selected;

(d) segment of byway is not representative of the intrinsic values for which the scenic byway was designated and was included primarily for connectivity; or

(d) state scenic byway designation has become a liability to the corridor.

(9) Local legislative bodies shall inform the committee and UDOT Program Development of their action to segment within 30 days of the date of the action to segment. The local legislative body shall include the discussion of the specific reasons for segmenting.

Reasons may include, but are not limited to those identified in ~~[R926-14-8(7)]~~ Subsection (8)(a) through ~~(e)~~(d).

(10) Parcels on existing byways may not be segmented out of a byway solely for the purpose of evading state and federal regulations pertaining to byway designation, but must also be considered non-scenic or otherwise meet the criteria listed in ~~[Paragraph (7)]~~ Subsection (8). However, towns, cities, and counties may remove themselves entirely for any purpose, as provided in Title 72, Chapter 4.

(11) State and federal highway regulations require that no regulated outdoor advertising be located within 500 feet of a designated scenic area. Therefore, the size of any parcel or parcels being considered for segmentation would need to be large enough to meet that offset requirement.

(12) Upon receipt of the local legislative body's action to segment, the committee chair will add the action to the agenda of the next committee meeting.

(13) The local legislative body shall provide the committee the following information at the next committee meeting:

(a) the date ~~[of segmentation, being the day]~~ the local legislative body took action on the request to segment;

(b) the defined limits of the segmented portion of the scenic byway, including route and milepost details and definitions;

(c) the approved meeting minutes from ~~[the]~~any relevant public ~~meetings~~meeting(s);

and  
(d) a copy of the signed resolution from the local legislative body.

(14)(a) ~~[After]~~If the responsible legislative body has heard and denied a request to segment a state scenic byway, the denial can be appealed to the committee. The appeal must include information regarding the public hearings, minutes of the hearings, including names and addresses of people making comments, a detailed summary of comments made, and proof of public notification.

(b) When considering appeals related to segmentations, the committee shall follow Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program.

(15)(a) Following discussion of the request or appeal, the committee will vote on the request for de-designation or appeal of the denial of segmentation.

(b) The committee will then forward the result of the vote to the requesting local legislative body or appealing party.

(c) If the committee approves a de-designation, the committee shall forward the de-designation request to the Legislature for further consideration in accordance with Section 72-4-303.

(16)(a) Upon approval of a segmentation by a local legislative body, the local legislative body shall notify the committee and the local byway coordinator of the action taken.

(b) Upon receiving notification under Subsection (16)(a), approval of a segmentation by the committee, or approval of a de-designation by the Legislature, the committee shall notify the Utah Office of Tourism, the department, the NSBP, if applicable, and other interested stakeholders and request that the change be reflected in the scenic byway status, on relevant maps, and in relevant materials and website applications identifying scenic byways. ~~[For segmentation denial appeals heard by the committee and for de-designation actions, the date of approval by the committee is considered the official date of the segmentation or de-designation, for the intent and purpose of how it affects byway program eligibility and subjection to byway regulations.~~

~~(16) Upon approval or disapproval of a de-designation or segmentation request or decision on appeal, the acting body, whether the committee or the local legislative body, shall notify the Utah Office of Tourism, the department and other interested agencies of the action taken.~~

~~(a) In the case of approval of a de-designation or segmentation, the acting body will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.~~



~~(b) In the case where the committee approves the de-designation of a scenic byway that had also been designated as a National Scenic Byway, the committee will inform the National Scenic Byway Program of the decision and make a request to the NSBP that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.~~

~~(c) In the case of a local legislative action on a segmentation request, the local legislative body shall also notify the committee and the local byway coordinator of the action taken. For segmentation requests heard by a local legislative body, the date of approval by the local legislative body is considered the official date of the segmentation, for the intent and purpose of how it affects byway program eligibility and subjection to byway regulations.~~

~~(17) Appeals to the committee concerning local legislative actions are handled as provided in Title 72, Chapter 4.]~~

(18)(a) Upon receiving notification of segmentation or de-designation, the department shall amend Rule 926-13 to update the description of the byway to reflect the approved changes.

(b) The department shall forward to the NSBP any changes that would have a substantive effect on online maps, brochures, or other publications of the NSBP.

(c) The department will ~~also~~ show substantive changes on the official highway map at its next printing.

(19) For purposes of byway program eligibility and subjection to byway regulations, the official date of de-designation or segmentation is:

(a) for de-designation, the effective date of the concurrent resolution that approves the de-designation in accordance with Section 72-4-303;

(b) for a segmentation considered by the committee or a local legislative body, the date the committee or the local legislative body approves the segmentation; or

(c) for a segmentation proposed by a property owner through a request for agency action, as provided in the Administrative Procedures Act, Title 63G, Chapter 4, Part 2, the date described in Subsection (7)(d)(i).

#### **R926-14-9. Local Government Consent.**

Consent of affected local governments along the byway corridor is required by Title 72, Chapter 4 for any change in scenic byway status.

#### **R926-14-10. Requirements for Public Hearings to Be Conducted Regarding Changes to Status of a State Scenic Byway and Related Notifications.**

(1) ~~[Whenever changes to the scenic byway status of a corridor or of a segment thereof are considered, one or more public hearings must be held]~~ Before action is taken on a change in status of a corridor, the entity requesting the change must hold a public hearing, as provided in this section, for the purpose of receiving [the public's views]public comments on the change in status and to respond to questions and concerns[expressed before action is taken].

(2)(a) If a change in status is being considered due to [Upon the receipt of] a [R]request for [A]agency [A]action from a property owner to segment property adjacent to a scenic byway, the [Chair of the] committee shall hold the public hearing required by this section[shall call a meeting for the committee to consider factors associated with the request, including consideration of information listed in paragraph (4)].

(b) Except for changes requested by a property owner as described under Subsection (2)(a), the entity requesting the change in status is responsible for holding the public hearing required by this section.

(c) The requesting entity is:

(i) the entity submitting an application or request to the committee;

(ii) the committee, in the case of a process initiated by the committee itself; or

(iii) the local legislative body considering a segmentation request.

(3)(a) Requesting entities shall ensure the venue used to hold public hearings described in Subsection (1) are located as close as practicable to the area affected by the proposed status change.

(b)(i) Depending on the length of the corridor, the committee may require the requesting entity to hold multiple public hearings in a variety of locations.

(ii) The committee chair shall review and approve the number and locations of public hearings to ensure people throughout the length of the corridor have the opportunity to provide public comment on the proposed status change.

(c) The requesting entity shall inform the committee and the local scenic byway committee of the date and time of each public hearing the requesting entity schedules.

~~[(3) For all other changes to scenic byway status:~~

~~(a) The organization initiating the request for change in status is responsible for arrangement, notification, and execution of the hearing(s). The responsible organization may be:~~

~~(i) an organization (local scenic byway committee, community, county or association of governments) submitting an application or request to the committee;~~

~~(ii) the committee, in the case of a process initiated by the committee itself; or~~

~~(iii) a local legislative body considering a segmentation request.~~

~~(b) The hearing(s) shall be held in the area affected by the proposed status changes.~~

~~(c) Multiple hearings in varied locations may be appropriate, based on the length of the corridor or the affected area within the corridor. The committee chair will review and approve the number and locations of hearings as proposed by the nominating organization to ensure collection of a broad base of public comments throughout the length of the corridor where the scenic byway status changes are proposed.~~

~~(d) The responsible organization shall invite the state committee and the local scenic byway committee to attend the public hearing(s).]~~

~~(4) [The required public hearing(s)]~~A public hearing required by this section:

(a) may be held separately, or as an identifiable agenda item of a regular meeting of a local legislative body[-]; and

(b) is subject to the notice and other relevant requirements of Title 52, Chapter 4, Open and Public Meetings Act.

~~[(5) Notification of all public hearings shall be made as required by the laws governing the responsible organization.]~~

~~[(6)]~~(5) At a minimum, the following information related to the proposed change in status is to be addressed at each public hearing:

(a) the impact on outdoor advertising;

(b) the potential impact of traffic volumes;

- (c) the potential impact of land use along the byway;
- (d) the potential impact on grant eligibility; and
- (e) the potential impact on the local tourist industry.

~~[(7)](6)~~ The ~~[responsible organization]~~requesting entity shall keep minutes of the hearing, including a detailed summary of comments and the names and addresses of those making comments and shall make these available to the committee, along with proof of required notifications.

**R926-14-11. Requirements for Consideration of Adjudicative Proceedings Associated with a Segmentation Request Submitted by a Property Owner Under a Request for Agency Action.**

(1) If the committee determines at a public hearing that property associated with a property owner's request for agency action to segment property does not meet the definition of non-scenic as defined in 72-4-301, the [G]chair of the committee shall notify the property owner that its [R]request for [A]agency [A]action is denied pending administrative hearing.

(2) The [G]chair of the committee shall notify the property owner in writing of:

(a) The committee's denial of the [R]request for [A]agency [A]action;

(b) the [G]committee's intent to have the matter considered by an administrative law judge; and

(c) a list of available administrative law judges, if known.

(3) No more than 10 days after the written notice is sent advising the property owner of the committee's denial of the request for agency action and intent to have the matter considered by an administrative law judge, the property owner shall notify the committee in writing of their agreement on selection of the administrative law judge named by the committee, or advise the committee of an alternate judge agreed upon by the committee.

(4) Administrative Hearings initiated under this provision shall be designated as informal hearings under the Utah Administrative Procedures Act and conducted as set forth in Utah Code Section 63G-4-203.

**KEY: transportation, scenic byways, highways**

**Date of Enactment or Last Substantive Amendment: August 23, 2016**

**Notice of Continuation: May 26, 2020**

**Authorizing, and Implemented or Interpreted Law: 52-4-207; 63G-3-201; 72-4-301; 72-4-301.5; 72-4-302; 72-4-303; 72-4-304**