

(A) 80 percent of the available funding for use in those States that contain at least 1 ½ percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:

- (i) 30 percent in the ratio that—
  - (I) recreational visitation within each such State; bears to
  - (II) the recreational visitation within all such States.
- (ii) 5 percent in the ratio that—
  - (I) the Federal land area within each such State; bears to
  - (II) the Federal land area in all such States.
- (iii) 55 percent in the ratio that—
  - (I) the Federal public road miles within each such State; bears to
  - (II) the Federal public road miles in all such States.
- (iv) 10 percent in the ratio that—
  - (I) the number of Federal public bridges within each such State; bears to
  - (II) the number of Federal public bridges in all such States.

(B) 20 percent of the available funding for use in those States that do not contain at least 1 ½ percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:

- (i) 30 percent in the ratio that—
  - (I) recreational visitation within each such State; bears to
  - (II) the recreational visitation within all such States.
- (ii) 5 percent in the ratio that—
  - (I) the Federal land area within each such State; bears to
  - (II) the Federal land area in all such States.
- (iii) 55 percent in the ratio that—
  - (I) the Federal public road miles within each such State; bears to
  - (II) the Federal public road miles in all such States.
- (iv) 10 percent in the ratio that—
  - (I) the number of Federal public bridges within each such State; bears to
  - (II) the number of Federal public bridges in all such States.

(2) DATA SOURCE.—Data necessary to distribute funding under paragraph (1) shall be provided by the following Federal land management agencies:

- (A) The National Park Service.
- (B) The Forest Service.
- (C) The United States Fish and Wildlife Service.
- (D) The Bureau of Land Management.
- (E) The Corps of Engineers.

(c) PROGRAMMING DECISIONS COMMITTEE.—

(1) IN GENERAL.—Programming decisions shall be made within each State by a committee comprised of—

- (A) a representative of the Federal Highway Administration;

- (B) a representative of the State Department of Transportation; and

- (C) a representative of any appropriate political subdivision of the State.

(2) CONSULTATION REQUIREMENT.—The committee described in paragraph (1) shall cooperate with each applicable Federal agency in each State before any joint discussion or final programming decision.

(3) PROJECT PREFERENCE.—In making a programming decision under paragraph (1), the committee shall give preference to projects that provide access to, are adjacent to, or are located within high-use Federal recreation sites or Federal economic generators, as identified by the Secretaries of the appropriate Federal land management agencies.

(Added Pub. L. 112-141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 489.)

#### PRIOR PROVISIONS

A prior section 204, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 907; Pub. L. 97-424, title I, §126(b), Jan. 6, 1983, 96 Stat. 2114; Pub. L. 100-17, title I, §133(b)(13), (14), Apr. 2, 1987, 101 Stat. 172; Pub. L. 102-240, title I, §§1030, 1032(b), title VI, §6004(c), Dec. 18, 1991, 105 Stat. 1970, 1974, 2169; Pub. L. 105-178, title I, §1115(d), (e)(4), title V, §5119(a), June 9, 1998, 112 Stat. 156, 158, 452; Pub. L. 109-59, title I, §1119(h)-(k), Aug. 10, 2005, 119 Stat. 1187-1189, related to Federal lands highways program, prior to repeal by Pub. L. 112-141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473.

#### EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

### § 205. Forest development roads and trails

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the costs of construction and maintenance thereof, including roads and trails on experimental and other areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$50,000 or more per mile or \$50,000 or more per project for projects with a length of less than one mile, exclusive of bridges and engineering, shall be advertised and let to contract. If such estimated cost is less than \$50,000 per mile or \$50,000 per project for projects with a length of less than one mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas, which may include electric vehicle charging stations or natural gas vehicle refueling stations, and for sanitary, water, and fire control facilities.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 907; Pub. L. 86-657, §8(c), July 14, 1960, 74 Stat. 524; Pub. L.

88-423, §4(d), Aug. 13, 1964, 78 Stat. 398; Pub. L. 90-495, §9, Aug. 23, 1968, 82 Stat. 820; Pub. L. 102-240, title I, §1032(c), Dec. 18, 1991, 105 Stat. 1975; Pub. L. 112-141, div. A, title I, §1513(c), July 6, 2012, 126 Stat. 572.)

AMENDMENTS

2012—Subsec. (d). Pub. L. 112-141 inserted “, which may include electric vehicle charging stations or natural gas vehicle refueling stations,” after “parking areas”.

1991—Subsec. (c). Pub. L. 102-240 substituted “\$50,000” for “\$15,000” wherever appearing.

1968—Subsec. (c). Pub. L. 90-495 increased from \$10,000 to \$15,000 the cost limitation on construction per mile, or per project for projects of less than a mile, which the Forest Service may construct on its own account and struck out provisions spelling out the functions which the Secretary of Agriculture is authorized to perform in carrying out such construction.

1964—Subsec. (a). Pub. L. 88-423 inserted “and other” after “experimental”.

1960—Subsec. (a). Pub. L. 86-657 substituted “may enter into contracts” for “may enter into construction contracts”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

**§ 206. Recreational trails program**

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) **MOTORIZED RECREATION.**—The term “motorized recreation” means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

(2) **RECREATIONAL TRAIL.**—The term “recreational trail” means a thoroughfare or track across land or snow, used for recreational purposes such as—

- (A) pedestrian activities, including wheelchair use;
- (B) skating or skateboarding;
- (C) equestrian activities, including carriage driving;
- (D) nonmotorized snow trail activities, including skiing;
- (E) bicycling or use of other human-powered vehicles;
- (F) aquatic or water activities; and
- (G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

(b) **PROGRAM.**—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agri-

culture, shall carry out a program to provide and maintain recreational trails.

(c) **STATE RESPONSIBILITIES.**—To be eligible for apportionments under this section—

(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

(2) the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

(d) **USE OF APPORTIONED FUNDS.**—

(1) **IN GENERAL.**—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-4 et seq.), that is in effect.

(2) **PERMISSIBLE USES.**—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

(A) maintenance and restoration of existing recreational trails;

(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

(C) purchase and lease of recreational trail construction and maintenance equipment;

(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

- (i) permissible under other law;
- (ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-4 et seq.) and that is in effect;
- (iii) approved by the administering agency of the State designated under subsection (c)(1); and
- (iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

(F) assessment of trail conditions for accessibility and maintenance;