

Federal land management agencies, as determined by the Secretary after collaborative discussions with the Secretaries of the appropriate Federal land management agencies.

(5) REVIEW.—A decision to add or remove a facility from the inventory shall not be considered a Federal action for purposes of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) BICYCLE SAFETY.—The Secretary of the appropriate Federal land management agency shall prohibit the use of bicycles on each federally owned road that has a speed limit of 30 miles per hour or greater and an adjacent paved path for use by bicycles within 100 yards of the road unless the Secretary determines that the bicycle level of service on that roadway is rated B or higher.

(Added Pub. L. 112–141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 486; amended Pub. L. 114–94, div. A, title I, §1119, Dec. 4, 2015, 129 Stat. 1358.)

#### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(5), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 203, Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 906; Pub. L. 86–657, §8(b), July 14, 1960, 74 Stat. 524; Pub. L. 87–866, §7, Oct. 23, 1962, 76 Stat. 1147; Pub. L. 94–280, title I, §117(b), May 5, 1976, 90 Stat. 437; Pub. L. 97–424, title I, §126(f), Jan. 6, 1983, 96 Stat. 2116; Pub. L. 102–240, title I, §1032(f), Dec. 18, 1991, 105 Stat. 1975; Pub. L. 105–178, title I, §1115(c), (e)(3), June 9, 1998, 112 Stat. 156, 158, related to availability of funds, prior to repeal by Pub. L. 112–141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473.

#### AMENDMENTS

2015—Subsec. (a)(1)(B). Pub. L. 114–94, §1119(1)(A), substituted “capital, operations,” for “operation”.

Subsec. (a)(1)(D). Pub. L. 114–94, §1119(1)(B), substituted “subparagraph (A)(iv)(I)” for “subparagraph (A)(iv)”.

Subsec. (b)(1)(B)(vi), (vii). Pub. L. 114–94, §1119(2)(A), added cls. (vi) and (vii).

Subsec. (b)(2)(B). Pub. L. 114–94, §1119(2)(B)(i), inserted “performance management, including” after “support” in introductory provisions.

Subsec. (b)(2)(B)(i)(II). Pub. L. 114–94, §1119(2)(B)(ii), substituted “; and” for “, and”.

Subsec. (c)(2)(B)(vi). Pub. L. 114–94, §1119(3), added cl. (vi).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### 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.

### § 204. Federal lands access program

(a) USE OF FUNDS.—

(1) IN GENERAL.—Funds made available under the Federal lands access program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the cost of—

(A) transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and—

(i) adjacent vehicular parking areas;

(ii) acquisition of necessary scenic easements and scenic or historic sites;

(iii) provisions for pedestrians and bicycles;

(iv) environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;

(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and

(vi) other appropriate public road facilities, as determined by the Secretary;

(B) operation and maintenance of transit facilities; and

(C) any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land.

(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—

(A) a State (including a political subdivision of a State); or

(B) an Indian tribe.

(3) ADMINISTRATION.—All appropriations for the construction and improvement of Federal lands access transportation facilities shall be administered in conformity with regulations and agreements approved by the Secretary.

(4) COOPERATION.—

(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

(B) FUNDS RECEIVED.—Any funds received from a State, county, or local subdivision for a Federal lands access transportation facility project shall be credited to appropriations available under the Federal lands access program.

(5) COMPETITIVE BIDDING.—

(A) IN GENERAL.—Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

(B) EXCEPTION.—Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

(b) PROGRAM DISTRIBUTIONS.—

(1) IN GENERAL.—Funding made available to carry out the Federal lands access program shall be allocated among those States that have Federal land, in accordance with the following formula:

(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