

# **BLM Proposal for Reauthorization of the Federal Surface Transportation Program**

## ***Frequently Asked Questions***

### **What is SAFETEA-LU?**

Signed by President Bush on August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) provides guaranteed funding for highways, highway safety, and public transportation over 5 years totaling \$244.1 billion. It includes \$4.5 billion in funding for transportation projects on or accessing Federal Lands through the Federal Lands Highway Program (FLHP).

### **What is Reauthorization?**

SAFETEA-LU authorizes Federal transportation funding over a five year period from FY2005-2009 – *it expires this year*. It is likely to be reauthorized either this year or next year. Reauthorization is an opportunity to change programs and funding levels. BLM has attempted (unsuccessfully) to participate in the last two reauthorization cycles

### **What other SAFETEA-LU programs may provide funding for federal lands?**

Beside the core FLHP programs, there are a number of other programs in SAFETEA-LU that can be used to support transportation related projects on federal lands. They include: Recreational Trails (Section 1109), National Scenic Byways (Section 1802), Transportation Enhancements (Section 1113), Emergency Relief on Federally-Owned Roads or ERFO (Section 1112), Alternative Transportation in Parks and Public Lands (Section 3021), and High Priority Projects (Sections 1701 and 1702).

### **What is FLHP?**

The Federal Lands Highways Program (FLHP) is administered by the USDOT Federal Highway Administration's (FHWA) Office of Federal Lands Highway in coordination with its core partners: National Park Service, Bureau of Indian Affairs, US Forest Service, and US Fish and Wildlife Service. FLHP programs include Indian Reservation Roads, Park Roads and Parkways, Public Lands Highways, and Refuge Roads. **BLM is not a core partner.**

## **How can FLHP funds be used?**

FLHP funds can be used for transportation planning, research, engineering, and construction of highways, roads, parkways and transit facilities within public lands, national parks, and Indian reservations. FLHP projects are 100% federally funded. All FLHP funds must support *public roads* that access or cross federally owned lands. In addition, FLHP funds can be used as the State/local match for most types of Federal-aid highway funded projects. Specific wording in the next reauthorization could change the way funds can be used.

## **What are Public Roads?**

FHWA Definition: A road that is open to common use by the general population. Any road under the jurisdiction of and maintained by a public authority and open to public travel. (Section 101 of Title 23, U.S.C., 23CFR460)

## **What does “Open to Public Travel” mean?**

The road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (23 CFR 460.2)

Except during scheduled periods, extreme weather conditions, or emergencies, open to the general public for use with a standard passenger auto, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration. (23 CFR 660.103)

## **How can BLM decide which roads receive FHWA funding?**

There is no formal process to determine if a road is public. BLM is responsible for classifying its own roads. BLM may establish its own formal process to decide which roads may receive FHWA funding. FHWA funds do not impose additional maintenance criteria or standards. Use of FHWA funds may increase the public’s expectation of condition and maintenance as a result it may increase BLM’s liability. State Engineers should review Solicitors’ opinions from the FHWA and a draft opinion from DOI.

## **Which roads would be eligible for FLHP funding?**

Only public roads are eligible for FLHP funding. So BLM will need to recognize some administrative roads as public roads. BLM can choose which roads are recognized as public. Only roads that are already subject to significant public use and could benefit from additional funding should be recognized as public

### **Would road maintenance be funded?**

Generally, routine maintenance will not be funded by FHWA for public roads. That will remain a BLM funding responsibility. Heavy or deferred maintenance will be eligible if approved in the transportation bill as proposed in BLM's white paper. FHWA funds do not impose additional maintenance criteria or standards. Similar to the Forest Service, BLM is proposing to be able to use FHWA funds to fund major access routes into BLM lands under state and county jurisdiction.

### **Will the construction of new roads be funded?**

The primary issue on federal lands in the past has been the backlog of maintenance needs. Congress is not supportive of building new roads when an agency can't handle the existing backlog of major maintenance needs. BLM will not request authority for road construction.

### **Will recognizing a BLM road as a public road require a Land Use Plan (LUP) Amendment?**

Recognizing a road as a public road does not require an amendment. LUP amendments are required for area allocations (open, limited or closed) not road classifications. Under FHWA public road definition, many BLM roads are already considered public roads. No travel restrictions or user types are being changed.

### **Will public roads need to be withdrawn from the public domain?**

Not for being recognized as public road. Roads can be withdrawn, if there is a need for resource protection or administrative purposes. Only the President, Secretary of Interior or Congress can withdraw lands.

### **What are BLM's transportation needs?**

- Network
  - 43,707 improved road miles
  - 76,000 total road miles (including primitive roads)
  - 776 bridges
  - 18,000 miles of trails
  - Hundreds of thousands of miles of informal routes
- Conditions
  - 44% of roads in poor condition
  - 73% of trails in fair, poor, or unsatisfactory condition
- Estimated Deferred Maintenance
  - \$222 to \$272 Million
  - Currently annual maintenance funding is about 3% of total estimated deferred maintenance needs

- Comprehensive transportation planning and the funding supporting these efforts are critical to BLM. Planning funding supports the management of off-highway vehicle (OHV) use and prevention of the proliferation of new unauthorized roads and trails which are two of the top issues facing the BLM today.

### **What is BLM proposing?**

SAFETEA-LU authorizes Federal transportation funding over a five year period from FY2005-2009 – *it expires this year*. Reauthorization is an opportunity to modify programs and funding levels to include BLM as an equal and core partner in Federal Lands Highway. BLM has attempted (unsuccessfully) to participate in the last two reauthorization cycles. BLM is working with the Office of Federal Lands Highway and U.S. DOT's Volpe Center to be included as a core partner with dedicated programmatic funding in the reauthorization of the next transportation bill. BLM anticipates that it could initially identify up to 8,000 miles of public roads. Of the 76,000 road miles identified in its asset management system, approximately 43,000 miles meet the criteria of public roads.

### **What is BLM's proposal for reauthorization?**

BLM is working with the Office of Federal Lands Highway and U.S. DOT's Volpe Center to be included as a core partner with dedicated programmatic funding in the reauthorization of the next transportation bill. BLM is proposing:

- \$40 million annually to create a BLM Roads, Bridges, and Trails program within the Federal Lands Highway Program (FLHP), to fund the BLM's roads most heavily-used roads, bridges, and trails.
- \$40 million annually to create a Land Management Highway System category designation within FLHP that would fund Land Management Highways—state and county roads that provide access to (or are within) lands administered by the BLM.
- \$6 million annually to ensure that the BLM has sufficient funding to carry out effective comprehensive transportation planning and bridge inspections.

### **What can BLM achieve with dedicated transportation funding?**

Funding will enable the BLM to:

- Improve the condition of its publicly-used roads, bridges, and trails to safe, sustainable levels by conducting 3R activities (Resurfacing, Restoration, and Rehabilitation);
- Ensure that the BLM has sufficient funding to carry out effective transportation planning; and,
- Prudently manage capital funds.

## **How would additional transportation funding benefit BLM and its customers?**

### **Safety**

- Roads, bridges, and trails on BLM lands provide critical access for law enforcement and firefighting agencies with responsibility for providing these services on federal lands and nearby communities.
- Improve safety and access for visitors to public lands

### **Economic**

- Increased transportation funding would benefit recreation, energy, agriculture, and other sectors
- BLM eligibility would benefit the transportation systems of Western states

### **Environmental**

- Reauthorization proposal could be structured to fund fish culverts, erosion control, reforestation, fire rehabilitation, forage enhancement, noxious weed control, and meadow/wetland restorations.