

Commission Background Paper 8A-02

Current Financing and Future Needs of the Federal Lands Highway Program

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Introduction

This paper is part of a series of special gap analyses to be prepared for the National Surface Transportation Policy and Revenue Study Commission authorized in Section 1909 of SAFETEA-LU. These analyses are intended to address issues that are relevant to the Commission's charge outlined in Section 1909 that were not fully explored in an initial set of briefing papers that were prepared for the Commission. These papers will serve as background material in developing the analyses to be presented in the final report of the Commission. This particular paper correlates to Paper 3J-01, "Current Financing and Future Needs of Other Components of the Surface Transportation System."

The intent of this paper is to inform Commissioners and staff on the existence and purpose of the Federal Lands Highway Program (FLHP); briefly describe the unique requirements of Federal Highway Administration's (FHWA) Federal Land Management Agency (FLMA) partners; provide information on the financial needs associated with public roads and bridges that provide access to/within Federal lands; describe current funding mechanisms; and provide suggestions for the Commission's consideration on financing Federal Lands Highways. This paper accompanies Commission Briefing Paper 8A-01, "Implications of Aging Infrastructure on Federal Lands Highways," which describes the backlog of needs for Federal Lands Highways.

Background and Key Findings

The following key findings are provided for the Commission's consideration:

- The total area of America's 50 States is 2.3 billion acres. The Federal Government has title to about 650 million acres, or about 30 percent of the total area of the United States.
- Urban growth is moving closer to many Federal land areas, thereby placing new pressures on the natural landscapes including but not limited to increased demand for recreational activities and energy/alternative energy sources. The growth of domestic and international tourism contributes significantly to increasing visitation rates on Federal lands. These increasing demands place greater emphasis on the need for adequate public transportation access, cross-jurisdictional collaboration, and integrated planning.
- Unlike many of the topics before the Commission, the FLHP provides a focus on supporting **rural America** as well. The FLHP provides public access that supports opportunities for recreational travel and tourism, promotes and sustains economic development of edge communities located on the outskirts of Federal lands, and benefits communities within Indian reservations by providing the critical access between Indian housing and education, emergency centers, and places of employment – to name a few.¹

¹ TEA-21 Reauthorization Resource Paper, Bureau of Indian Affairs, May 2003.

- Before the 1980s, all Federal road improvements were dependent upon various annual Federal Agency appropriations and had to compete with non-transportation needs. This haphazard and unpredictable approach caused many road systems on Federal lands to fall into a state of disrepair.
- In 1982-3, the 97th Congress and the President recognized there existed a Federal responsibility to provide effective and reliable transportation access to Federally-owned lands across America and that a coordinated program and reliable funding mechanism was needed to accomplish this goal; thus, the creation of the Federal Lands Highway Program (FLHP). Subsequent Congresses and Administrations have continued to endorse and grow the FLHP to address this set of Federal transportation requirements.
- The FLHP began with an annual authorization of \$250 million per year in 1982 and will grow to over \$1 billion in FY2009.
- Rapidly rising construction costs are resulting in less purchasing power of the FLHP dollar under SAFETEA-LU compared to TEA-21.
- Although there may exist some limited alternative financing options to complement FLHP projects, Federal funding will continue to be a critical source of funds to support this program.

Federal Lands Highway Program: What is it and why did Congress create it?

The FLHP was created by the 1982 Surface Transportation Assistance Act (STAA) and signed by the President on January 6, 1983. The program is subdivided into five core areas, namely, the Forest Highway (FH) Program; Park Roads and Parkways (PRP) Program; Public Lands Highway Discretionary (PLHD) Program; Indian Reservations Roads (IRR) Program; and the Refuge Roads (RR) Program. The primary purpose of the FLHP is to provide financial resources and technical assistance to support a coordinated program of public roads that service the transportation needs of Federal and Indian lands. It brought together for the first time a consolidated and coordinated long-range program funded under the Highway Trust Fund. Before the 1980s, all road improvements were dependent upon the unpredictability of the various annual Federal Agency appropriations competing with non-transportation needs. This caused many road systems on/near Federal lands to fall into a state of dilapidation.

Multi-year FLHP authorizations provided an opportunity to develop a realistic, long-range priority program of projects based on adequate lead time for transportation planning resulting in the development of sound road improvements. The opening paragraph in United States Code 23, Section 204 (a) Establishment, effectively summarizes Congress's rationale for the program. It reads - *"Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highway program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges."*² Later, in the Transportation Equity Act for the 21st Century (TEA-21), the U.S. Fish and Wildlife Service's (FWS) refuge roads were added to the FLH program and these four groups of roads serve as the core program today. FLHP funds may be used for many purposes including but not limited to the planning, design, construction and rehabilitation of public roads and bridges in addition to serving as the

² United States Code, Title 23, Sec. 204 (a), pg. 148.

Federal Share Payable or “match” on other projects governed by Title 23 and Title 49 (Chapter 53).

Types of Federal Lands

The total area of America’s 50 States is 2.3 billion acres. The Federal Government has title to about 650 million acres, or about 30 percent of the total area of the United States. These lands are primarily located in the western part of the country. Federal and Indian lands are managed by various FLMAs within the Departments of the Interior, Agriculture, and Defense. A FLMA is defined as any Federal agency or organization that manages or maintains a portion of the lands that are under the direct jurisdiction of the Federal Government.

Each FLMA and each individual site managed by the FLMA has a unique mission for preserving and protecting its resources while providing access to those resources for the enjoyment of the public. Federal and Indian lands have many uses including but not limited to recreation, range and grazing, timber, minerals, watersheds, fish and wildlife, and wilderness. These lands are also managed to protect natural, scenic, scientific, and cultural values. In recent years, resource extraction and cutting of timber have been significantly reduced. At the same time, recreation use has significantly increased. Over three-quarters of Americans participate in active outdoor recreation each year ranging from bird watching to biking and hiking to hunting which contributes \$730 billion annually to the U.S. Economy.³ For example, the United States Forest Service (USFS) oversees 175 national forests and grasslands that welcome 205 million annual visits.⁴ The Bureau of Land Management (BLM) oversees 3,500 recreation sites that attract 56 million visitors a year. The National Park Service’s (NPS) 390 units attract 274 million visitors annually. The FWS’ 545 national wildlife refuges welcome 72.6 million visitors per year, and the Bureau of Reclamation (BOR) hosts 90 million visitors at its 308 recreation sites per year.⁵ In total, there are over 700 million visits per year to Federal lands facilities.

Difference Between Federal Lands Highway and Federal-aid Program(s)

Before we proceed further, it is important to clarify some terms. The Federal Highway Administration (FHWA) administers both the “Federal Lands Highway” and “Federal-aid” Program(s). What is the difference?

The Federal Lands Highway Program provides funding (about \$1 billion per year) for constructing, preserving, and improving public roads and highways that access and cross through federally owned and tribal lands. These roads are not a State or local government responsibility, but a Federal responsibility. Conversely, the Federal-aid Highway Program provides Federal financial resources (about \$40 billion per year) and technical assistance to State and local governments for constructing, preserving, and improving the roads that make up the National Highway System and the Interstate System.

³ Outdoor Industry Foundation “The Active Outdoor Recreation Economy,” Fall 2006.

⁴ USFS Website “2004 National Visitor Use Report.”

⁵ U. S. Department of the Interior News Release September 8, 2006.

Program Delivery Through Federal Partnerships

The FLHP is administered through partnerships and interagency agreements between FHWA's Office of Federal Lands Highway and FLMAs and Tribal customers. The four core FLH partners include the Bureau of Indian Affairs (BIA), USFS, NPS, and FWS.

The FLH Program also supports other important FLMA partners by providing funding (about \$6 million per year total) for integrated transportation planning, bridge inspections, and other technical assistance activities to the BLM, Military Surface Deployment and Distribution Command (MSDDC), U.S. Army, U.S. Army Corps of Engineers (USACOE), U.S. Navy, Tennessee Valley Authority, and the BOR. In addition, FLH works closely with many State and Territorial partners.

Prior to the 1982 Act, FHWA's role focused primarily on serving as a transportation service provider to FLMAs. The FLMAs leveraged their own funding for transportation projects and sought the expertise of DOT/FHWA to plan, design, and construct their roads and bridges. FHWA's initial partnership began with the USFS in 1914 and expanded to the NPS in the mid-1920s. To date, FHWA has fostered partnerships with over 15 Federal and tribal organizations.

One of the primary factors that has contributed to the success of these long-term partnerships is FHWA and FLMAs have learned to respect and leverage each other's mission, i.e., they work together to build roads that meet the transportation community's standards while balancing, respecting, and protecting the resources in which they lay.

After the passage of STAA in 1982, FHWA's role changed to include stewardship and oversight responsibility of the Highway Trust Fund dollars that fund the FLHP, while still retaining the transportation service provider role that initially defined the earlier relationships. Although stewardship is a shared responsibility between FHWA and FLMAs, generally, FHWA is responsible for overall program oversight and technical delivery, while the FLMA is responsible for project selection and prioritization and safeguarding the FLMA's values.

What Roads Are Supported by the FLHP?

The Federal Lands Highway Program provides funding for transportation facilities that are owned by Federal, State and/or Local Governments – depending upon the program. For the Park Roads and Parkways and Refuge Roads Programs, FLHP funds are used predominantly for Federally-owned public roads within the boundaries (typically) of the park or refuge. Conversely, the roads that are outside the boundaries of parks and refuges are State and/or locally owned roads. Federal-aid programs such as the National Highway System Program and Surface Transportation Program support these transportation facilities that are outside the boundaries of parks and refuges but provide the vital linkages to and from them.

The FLHP supports Federally-owned roads and bridges within the boundaries of national parks, forests, refuges and reservations. In addition, this program supports State and locally owned roads, adjacent to public lands, where there exists a Federal responsibility to maintain them

In regard to the Forest Highway Program (a component of the Public Lands Highway Program) and the Indian Reservation Roads Program, there exist multiple owners of public roads that are all eligible for FLHP funds. Many of the roads that provide public access to, through, or from

National forests and/or Indian reservations are owned by State and/or local Governments. This point begs the question – If these roads are State and local roads, why use Federal-aid program funds to maintain them? In 1982, Congress recognized that many of these State and local roads were falling in serious disrepair because they were not a high priority compared to other State and local projects. In the 1982 Act, Congress maintained that a Federal responsibility existed to support these State and local roads because the preponderance of travel on these roads was generated based upon the existence of Federally-owned lands in the immediate vicinity. Put simply, most of the traffic on these State and local roads that surround and access National Forests and Indian reservations is attributable to visitors and/or tribal residents, respectively. In addition to State and locally-owned roads, the USFS and BIA also own transportation facilities that provide public access to/through National Forests and Indian reservations. These roads and bridges are also eligible for FLHP funds.

Growth of the Federal Lands Highway Program

As stated above, the FLHP was first authorized in 1982 and signed by the President in 1983 under the Surface Transportation Assistance Act. The funding for FLHP continued in the 1987 Surface Transportation and Uniform Relocation Assistance Act (STURRA), 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), 1998 Transportation Equity Act for the 21st Century (TEA-21), and 2005 Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Refuge Road Program funding began with TEA-21. The table below reflects the growth of the FLH Program since its inception.

Table 1 FLHP Authorizations, Fiscal Years 1983 through 2009

	Authorizing Legislation					
	STAA <i>(1983 -1986)</i>	STURRA <i>(1987 – 1991)</i>	ISTEA <i>(1992 – 1997)</i>	TEA-21 <i>(1998 – 2003)</i>	STEA2004, Part IV <i>(2004)</i>	SAFETEA-LU <i>(2005 – 2009)</i>
Avg. Annual Authorization	\$288M	\$235M	\$433M	\$681M	\$706M	\$907M
Total Authorization	\$1.150B	\$1.175B	\$2.599B	\$4.086B	\$706M	\$4.535B

As is apparent, the FLHP began as a modest size program beginning at about \$250 million per year and at the conclusion of FY09 will exceed \$1 billion year.

FLH Core Programs’ Funding Needs

The data on road and bridge conditions on Federal Lands Highways are identified in Commission Paper 8A-01. The funding levels required to address the aging infrastructure needs are identified below.

Indian Reservation Roads Program

The IRR system provides access to and within Indian reservations, Indian lands, Indian communities, and Alaska Native villages. There are two categories of IRR. The first category consists of approximately 27,000 miles of public roads that are owned and maintained by the BIA and Tribal governments. These are referred to as BIA system roads. The second category

consists of about 59,000 miles of State and local public roads, and other Federal roads.⁶ These roads provide access to or through Indian reservations. In addition, the IRR system includes approximately 7,650 bridges. In excess of \$26 billion in public and/or private resources would be required to address the backlog of improvement needs to restore roads and bridges to good/fair condition(s).⁷

Park Roads and Parkways Program

The NPS' system includes national parks, parkways, monuments, historic sites, military parks, battlefields, memorials, recreational areas, and scenic waterways. In 2002, the NPS stated that \$470 million per year over six years was needed to restore the existing infrastructure to a satisfactory level, which equates to about \$2.8 billion in public and/or private resources to address the backlog of needs.⁸

Public Lands Highway Program

The Public Lands Highway (PLH) program consists of two components, namely, the Public Lands Highway Discretionary (PLHD) program and the Forest Highways (FH) program. The PLHD and Forest Highways Programs receive 34 percent and 66 percent of PLH funds, respectively. The PLHD program provides funds for public roads serving Federal and Indian lands that are on the Federal-aid primary and secondary systems, i.e., State and/or locally owned public roads providing access to, within, or adjacent to national forests and grasslands. Typically, these State and local roads are not deemed high priority compared to other Federal-aid projects yet a Federal responsibility exists to maintain them. During the past 3 to 4 years, the PLHD program has been 100 percent earmarked by Congress.

The second component of the PLH program is the FH Program and it is administered in partnership with the USFS. The USFS has jurisdiction over the national forest system that includes a total of 155 national forests and 20 grasslands covering approximately 191 million acres in 40 states plus Puerto Rico and the Virgin Islands. Of the 29,000 miles of Forest Highways, approximately 22,000 miles are paved. In 2002, the USFS recommended that an annual budget of about \$340 million over six years would restore the Forest Highway infrastructure to satisfactory levels. In excess of \$2 billion in public and/or private resources would be required to address the backlog of improvement needs to restore road and bridge conditions to good/fair condition(s).⁹

For clarification purposes, there exists another important set of Federally-owned public roads inside the boundaries of national forests, namely Public Forest Service Roads (PFSR). Many of these roads originally served the timber industry for accessing the forests for resource extraction. Over the years, many miles of these roads began to serve multiple public uses to include recreation and tourism. The FLHP does not provide funding for capital improvements for these public roads. The funding requirements for these roads are addressed below under Non-Core Programs.

⁶ BIA Road Inventory, 2006

⁷ TEA-21 Reauthorization Resource Paper, Bureau of Indian Affairs, May 2003

⁸ Highway Trust Fund Reauthorization Resource Paper (Draft), National Park Service, 2002

⁹ Transportation Strategy for Roads Serving the National Forests, U.S. Forest Service, July 5, 2002.

Refuge Roads Program

The FWS manages the National Wildlife Refuge System. This system consists of 570 wildlife refuges and wetland management districts encompassing 93 million acres of land. It receives about 40 million recreation visits per year and has a variety of existing or potential roads, trails, boat ramps, access points, bicycle trails, and viewing areas. In excess of \$1.9 billion in public and/or private resources would be required to address the backlog of improvement needs.¹⁰

Non-Core FLH Core Programs and Partners: Funding Needs

To ensure the Commission has a complete picture of the financial needs associated with all public roads serving Federal lands, information is provided on both the FLHP's core partners (above) and FLMAs who own and maintain public roads that access their respective federal land areas. Federal agencies including but not limited to the BLM, BOR, USACOE, and the MSDDC all own public roads that support not only their respective mission(s) but also users within their communities. For example, a military installation road not only supports military convoys and troop and materiel deployments but also provides access to local schools, businesses, and recreation and tourism opportunities on the installation and/or in the surrounding communities.

Today, a dedicated program does not exist to support these non-FLHP Federal partners' transportation infrastructure needs. Capital improvements for their transportation needs are funded through the partners' own organizations' budgets.

Typically, local transportation infrastructure needs rank low in priority against other competing non-transportation priorities. In the absence of a dedicated transportation funding source, these FLMAs lack the valuable resources to develop long range transportation plans, maintain their roads satisfactorily, collect and act upon safety data – to name a few ramifications. Please note the FLMAs who do not possess a dedicated funding program under the FLHP have, and continue to, make appeals to the Department of Transportation and the Office of Management and Budget for consideration and inclusion in the FLH Program. These FLMAs have provided White Papers to the Department that articulate their issues regarding aging transportation infrastructure and its effect on their respective missions, safety, local congestion, and the economic vitality of surrounding communities. The FLMAs' White Papers are available to the Commission upon request.

Bureau of Land Management (BLM)

The BLM manages and protects 264 million acres in 12 western States and is responsible for approximately 81,000 miles of BLM roads within the boundaries of their lands. Of the 81,000 miles, BLM identified approximately 8,000 miles of public roads, classified as arterial roads, which generate the most traffic for multiple purposes including recreation and tourism. This subset of roads connects to State and local roads adjacent to BLM lands. The BLM also owns and manages over 960 bridges. In excess of \$163 million in public and/or private resources would be required to address the backlog of improvement needs on BLM roads.¹¹

Similar to the USFS, there are State and local roads adjacent to BLM lands that would not otherwise be eligible for Federal highway funding even though they provide important access to

¹⁰ Roads, Parking Lots, Bridges and Trails: Conditions and Future Needs, U.S. Fish and Wildlife Service, July 2002

¹¹ Roads, Bridges and Trails: Conditions and Future Needs, U.S. Bureau of Land Management, August 2002

Federal lands. During the development of ISTEA in 1991, the U.S. Senate recommended the creation of a BLM-State designated system that would include adjoining State and local roads that provide access to BLM sites. The concept continued to evolve and in 1995/1996, BLM and FHWA were actively pursuing the establishment of a Land Management Highway (LMH) System. A key purpose of the LMH system was to provide improved public access to recreational facilities and BLM Back Country Byways. In 2002, BLM identified over 7,200 miles and 100 bridges for LMH designation. In excess of \$180 million in public and/or private resources would be required to address the backlog of improvement needs for LMH roads.¹²

Bureau of Reclamation (BOR)

The BOR administers 348 dams/reservoirs in 17 Western States. Based on a preliminary inventory in 2002, the BOR owns approximately 1,176 miles of public roads and 400 bridges that are open and intended for use by the general public. Approximately \$1 million per year in public and/or private resources would be required to address the BOR's backlog of needs.¹³

United State Army Corps of Engineers (USACOE)

The USACOE is the largest provider of water-based recreation. Corps projects having recreation facilities are located in 43 of 50 States. There are approximately 7,800 miles of roads owned and maintained by the Corps. The estimated cost in public and/or private resources to bring all roads and bridges under USACOE jurisdiction to good condition is \$508 million.¹⁴

Department of Defense/Military Surface Deployment & Distribution Command (MSDDC)

There are approximately 500 major military installations in the United States. Most installations' roads are open to use by dependents, visitors, and other members of the public, although some may require a security clearance and/or clearance at the entrance gate. Roads on military installations serve housing, offices, commissaries, recreational facilities, hospitals, and local traffic crossing the installation. The DOD regulations allow public access to unimproved recreational facilities such as lakes, beaches, and wooded areas for bases within the continental United States. About 24,000 miles of military installation roads (MIR) are open to the public. The MSDDC estimates that an annual allocation of \$35 million per year over six years would restore DOD's roads to acceptable conditions and reduce their fatality and accident numbers significantly.¹⁵ The backlog of improvement needs exceeds \$210 million to restore roads and bridges to good/fair condition.

U.S. Forest Service (USFS)

The USFS maintains a separate set of Federally-owned, public roads inside the boundaries of national forests, namely, the Public Forest Service Roads (PFSR). There are approximately 60,000 miles of PFSRs that provide access to national forest sites, recreational areas, and wildernesses. Many of these roads originally supported access for the timber industry but over the years they have evolved into providing multiple benefits including but not limited to access for recreation and tourism. The FLHP does not provide funding for capital improvements for

¹²Ibid.

¹³ Transportation Resource Paper, Bureau of Reclamation, November 2002.

¹⁴ Reauthorization Resource Paper, US Army Corps of Engineers, December 2002.

¹⁵ Reauthorization Resource Paper, Military Traffic Management Command Transportation Engineering Agency, July 2002.

these roads yet the public expects a seamless transportation system. In that light, the USFS has made repeated appeals to DOT and OMB to support PFSRs under the FLHP. About 1,000 miles of Forest Roads are closed annually to passenger car traffic because of unsafe road conditions. These closures preclude Americans and international visitors from accessing national forests and adversely affect local economies because of restrained recreational opportunities. The estimated cost in public and/or private resources to bring PFSRs to a good/fair condition is \$4.3 billion.¹⁶

Who Funds Maintenance Activities for Federal Lands Highways?

Preventative maintenance activities, e.g., sealing cracks in roadways, that preserve Federal Lands Highways are eligible items under the FLHP. Conversely, routine maintenance activities, e.g., snow removal, grass-cutting, are funded by either the FLMA's and/or State's appropriations. The use of FLMA's funds for transportation maintenance is unpredictable, i.e., some regions are committed to providing effective maintenance while others are not and/or competing, non-transportation priorities take precedence. For instance, the USFS may elect to commit most, if not all, of their available maintenance funds to addressing forest fires during a particularly dry and volatile year.

Keeping Pace with Inflation

The chart below describes the purchasing power of a FLHP construction dollar under TEA-21 compared to the same dollar in FY2009. Using inflation figures from both the American Road & Transportation Builders Association (ARTBA) and Associated General Contractors (AGC), the table below answers the following question: How much funding would it take today to match what we were authorized under TEA-21? For instance, the Park Road and Parkways Program averaged \$165M year under TEA-21. Based on 4 percent and 6 percent average inflation figures (1999-2006) from ARTBA and AGC, respectively, the equivalent funds for what we could buy in 1998 for \$165M would be \$271 million and/or \$328 million in 2009.¹⁷ When one compares either ARTBA's or AGC's figures to the average authorization under SAFETEA-LU, it is clear the new FLHP authorizations did not keep pace with rising inflation rates of construction.

Table 2 Inflation Adjustments, 1999 thru 2009

	TEA-21 <i>(Avg. Annual Authorization)</i>	ARTBA <i>(Avg. Inflation 4.63%)</i>	AGC <i>(Avg. Inflation 6.45%)</i>	SAFETEA-LU <i>(Avg. Annual Authorization)</i>
Park Roads and Parkways Program	\$165	\$271.5	\$328.2	\$210
Indian Reservation Roads Program	\$275	\$452.4	546.9	\$386
Public Lands Highway Program	\$246	\$404.7	\$489.3	\$282
Refuge Road Program	\$20	\$32.9	\$39.8	\$29
Total	\$706	\$1,161	\$1,404	\$907

¹⁶ Public Forest Service Roads, U.S. Forest Service, August 15, 2002.

¹⁷ ARTBA "Transportation Construction Material Prices Annual Report 2005" and "Highway Construction Producer Prices December 2006"; AGC "Construction Inflation Alert September 2006", by Ken Simonson.

Global competition, especially within the Pacific Rim, for transportation construction materials has contributed greatly to the increase in construction costs in the U.S. In addition, one unique factor to the FLHP is Federal Lands Highway projects are frequently located in remote, rural areas. Therefore, the costs for transporting construction materials to these remote sites are typically higher than many Federal-aid projects where the construction sites are located on primary or secondary arterial roads.

Funding Approaches

The Federal Lands Highway's aging infrastructure needs far exceed the available resources from the FLHP. To help supplement the FLH funds, the Departments of Interior and Agriculture periodically leverage their own appropriations and/or visitor fees. Typically, the fees collected at the gates of national parks, refuges, and forests are dedicated to other, non-transportation related assets, e.g., building maintenance, but there are exceptions where some fees are directed to addressing transportation facilities on a case-by-case basis. The new America the Beautiful - National Parks and Federal Recreational Lands Pass, authorized by the Congress in 2004, combines the existing recreation passes from five federal agencies into one comprehensive pass. Almost all the fee money goes back to the selling stations. In FY 07, the new pass costs \$80 and approximately 1 million passes are sold annually.¹⁸ One alternative for the Commission's consideration is to explore the use of visitor fees to help maintain and improve public transportation facilities. Clearly, this potential funding source would complement, not replace, the existing Highway Trust Fund funding mechanism. Most federal land areas do not require a pass for access.

There are cases where a private firm has invested in local public transportation facilities that yielded both public and private benefits. In September 2005, L.L.Bean and Friends of Acadia strengthened their partnership to support a bus system comprised of 29 propane-powered buses operating on eight routes through Acadia National Park and local communities. Due to the investment from L.L.Bean, the bus system has carried over 2 million passengers, reduced smog-causing pollutants by more than 11 tons and prevented the release of over 7,300 tons of greenhouse gases.¹⁹ Although this example applies to transit, it sets a precedent for private investment in rural transportation. The USFS has engaged in developing partnering agreements with timber companies where they share transportation costs on public road facilities. These forest roads provide access for the timber industry as well as provide access for public recreation, e.g., hunting, fishing, boating, etc.

History Has Demonstrated...

Despite these limited examples where either FLMA's appropriations and/or visitor fees have been used to support transportation projects or where Federal agencies have partnered with private firms to advance a local project, these arrangements are currently the exception and not the rule. There continues to be a Federal responsibility to fund Federal Lands Highways, at least until other funding mechanisms could be developed.

¹⁸ Sean Furniss, U.S. Fish and Wildlife Service, Interview, January 4, 2007.

¹⁹ LL Bean.com and Friends of Acadia.