

(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. 7979

To restore the presumption of access on lands managed by the Forest Service
and the Bureau of Land Management.

IN THE HOUSE OF REPRESENTATIVES

Mr. CRANK introduced the following bill; which was referred to the Committee
on _____

A BILL

To restore the presumption of access on lands managed
by the Forest Service and the Bureau of Land Management.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Public Lands Access
5 Restoration Act".

6 **SEC. 2. RESTORATION OF HISTORIC ACCESS POLICY.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act—

1 (1) a covered road or trail shall be presumed to
2 be open to motorized access unless the Secretary
3 concerned restricts motorized access to the covered
4 road or trail in accordance with subsection (b); and

5 (2) the Secretary concerned shall issue or revise
6 regulations as necessary to implement paragraph
7 (1).

8 (b) STANDARDS FOR RESTRICTION.—The Secretary
9 concerned may only restrict motorized access to a covered
10 road or trail if—

11 (1) a need for the restriction is identified based
12 on clear and convincing evidence for resource protec-
13 tion or public safety; and

14 (2) the restriction is—

15 (A) clearly indicated with signage posted
16 at the points on the covered road or trail at
17 which the restriction begins and ends;

18 (B) depicted on updated official maps of
19 the covered road or trail, to be made available
20 in both digital and printed form;

21 (C) subject to—

22 (i) public notice in the Federal Reg-
23 ister and at least one local newspaper; and

24 (ii) a 30-day comment period;

1 (D) reviewed by the Secretary concerned at
2 least once every 5 years to determine if the re-
3 striction is still justified; and

4 (E) applied to the smallest area, and for
5 the least amount of time, as is practicable.

6 **SEC. 3. PUBLIC NOMINATION OF TRAILS.**

7 (a) PUBLIC NOMINATIONS FOR MOTORIZED
8 ROUTES.—The Secretary of the Interior, acting through
9 the Director of the Bureau of Land Management, and the
10 Secretary of Agriculture, acting through the Chief of the
11 Forest Service, shall accept and consider proposals sub-
12 mitted by the public for additions to designated motorized
13 road and trail networks at any time, including during the
14 development or revision of transportation or travel man-
15 agement plans carried out pursuant to the National Forest
16 Management Act of 1976 (16 U.S.C. 472a et seq.), the
17 Federal Land Policy and Management Act of 1976 (43
18 U.S.C. 1701 et seq.), and the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

20 (b) ELIGIBLE NOMINATIONS.—Proposals submitted
21 under subsection (a) may include—

22 (1) the designation of new motorized roads or
23 trails;

24 (2) the repurposing or conversion of roads or
25 trails; or

1 (3) the inclusion of roads or trails not pre-
2 viously identified in agency transportation or travel
3 inventories.

4 (c) CONSIDERATION PRIORITY.—In considering pro-
5 posals under this section, the Secretary of the Interior and
6 the Secretary of Agriculture shall give priority to pro-
7 posals that—

8 (1) improve connectivity within existing road or
9 trail networks;

10 (2) protect natural resources;

11 (3) enhance access for fuels reduction, wildfire
12 response, or other land management activities; or

13 (4) provide additional or enhanced opportunities
14 for motorized recreation.

15 (d) EXPEDITED REVIEW.—The Secretary of the Inte-
16 rior or the Secretary of Agriculture, as applicable, shall
17 consider a proposal for the conversion of an administrative
18 or currently closed road to a designated motorized trail
19 as expeditiously as practicable, and not later than 90 days
20 after the date of submission of the proposal.

21 **SEC. 4. RULE OF CONSTRUCTION.**

22 Nothing in this Act shall be construed, with respect
23 to a covered road or trail, to restrict or otherwise limit—

24 (1) public access (except as described in sub-
25 section (b)); or

1 (2) other uses.

2 **SEC. 5. DEFINITIONS.**

3 In this Act:

4 (1) COVERED ROAD OR TRAIL.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the term “covered road or
7 trail” means a road or trail designated for mo-
8 torized use that is a—

9 (i) a National Forest System road;

10 (ii) a National Forest System trail;

11 (iii) a Bureau of Land Management
12 road; or

13 (iv) a Bureau of Land Management
14 trail.

15 (B) EXCEPTION.—The term “covered road
16 or trail” does not apply to a road or trail within
17 an area within a congressionally designated wil-
18 derness area or national park.

19 (2) MOTORIZED ACCESS.—The term “motorized
20 access” means access or use by a motor or self-pro-
21 pelled vehicle capable of off-highway travel during
22 winter or summer including all-terrain vehicles, four-
23 wheelers, three-wheelers, dirt bikes, motorcycles,
24 trail bikes, and snowmobiles.

1 (3) NATIONAL FOREST SYSTEM ROAD.—The
2 term “National Forest System road” means a road
3 within a unit of the National Forest System other
4 than a road which has been authorized by a legally
5 documented right-of-way held by a State, county, or
6 other local public road authority.

7 (4) NATIONAL FOREST SYSTEM TRAIL.—The
8 term “National Forest System trail” means a trail
9 within a unit of the National Forest System other
10 than a trail which has been authorized by a legally
11 documented right-of-way held by a State, county, or
12 other local public road authority.

13 (5) BUREAU OF LAND MANAGEMENT ROAD.—
14 The term “Bureau of Land Management road”
15 means a road on public lands other than a road
16 which has been authorized by a legally documented
17 right-of-way held by a State, county, or other local
18 public road authority.

19 (6) BUREAU OF LAND MANAGEMENT TRAIL.—
20 The term “Bureau of Land Management trail”
21 means a trail on public lands other than a trail
22 which has been authorized by a legally documented
23 right-of-way held by a State, county, or other local
24 public road authority.

1 (7) PUBLIC LANDS.—The term “public lands”
2 has the meaning given such term in section 103 of
3 the Federal Land Policy Management Act of 1976
4 (43 U.S.C. 1702).

5 (8) SECRETARY CONCERNED.—The term “Sec-
6 retary concerned” means—

7 (A) the Secretary of Agriculture, with re-
8 spect to a National Forest System road or Na-
9 tional Forest System trail; and

10 (B) the Secretary of the Interior, with re-
11 spect to a Bureau of Land Management road or
12 Bureau of Land Management trail.