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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. RESTORATION OF HISTORIC ACCESS POLICY.

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

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

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

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

(1) a need for the restriction is identified based on clear and convincing evidence for resource protection or public safety; and

(2) the restriction is—

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

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

(C) subject to—

(i) public notice in the Federal Register and at least one local newspaper; and

(ii) a 30-day comment period;

(D) reviewed by the Secretary concerned at least once every 5 years to determine if the restriction is still justified; and

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

SEC. 3. PUBLIC NOMINATION OF TRAILS.

(a) PUBLIC NOMINATIONS FOR MOTORIZED ROUTES.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall accept and consider proposals submitted by the public for additions to designated motorized road and trail networks at any time, including during the development or revision of transportation or travel management plans carried out pursuant to the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

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

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

(3) the inclusion of roads or trails not previously identified in agency transportation or travel inventories.

(c) CONSIDERATION PRIORITY.—In considering proposals under this section, the Secretary of the Interior and the Secretary of Agriculture shall give priority to proposals that—

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

(2) protect natural resources;

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

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

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

SEC. 4. RULE OF CONSTRUCTION.

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

(1) public access (except as described in subsection (b)); or

(2) other uses.

SEC. 5. DEFINITIONS.

In this Act:

(1) COVERED ROAD OR TRAIL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''covered road or trail'' means a road or trail designated for motorized use that is a—

(i) a National Forest System road;

(ii) a National Forest System trail;

(iii) a Bureau of Land Management road; or

(iv) a Bureau of Land Management trail.

(B) EXCEPTION.—The term ''covered road or trail'' does not apply to a road or trail within an area within a congressionally designated wilderness area or national park.

(2) MOTORIZED ACCESS.—The term ''motorized access'' means access or use by a motor or self-propelled vehicle capable of off-highway travel during winter or summer including all-terrain vehicles, four-wheelers, three-wheelers, dirt bikes, motorcycles, trail bikes, and snowmobiles.

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

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

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

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

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

(8) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to a National Forest System road or National Forest System trail; and

(B) the Secretary of the Interior, with respect to a Bureau of Land Management road or Bureau of Land Management trail.