

Appendix A: Virginia Forest Highway Program Background

Forest Highway History

In 1891, Congress authorized the creation of Forest Reserves, now called National Forests. Forests were to be conserved to assure a permanent national timber supply; to preserve scenic and wilderness areas for recreational use by the public; and to safeguard the steady flow of streams that supplied water for domestic, farm, and industrial use.

Federal participation in forest road construction began when Congress passed the Federal-Aid Road Act in 1916. This act appropriated \$10 million (\$1 million per year for 10 years) for the "[...] survey, construction, and maintenance of roads and trails within or only partly within the national forests when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent."

It was not until the passage of the Federal Highway Act of 1921 that two types of forest roads were defined:

- Forest Development Roads¹ - those forest roads that are needed primarily for management of the national forests
- Forest Highways (FH) - those forest roads which must serve the national forests and also serve the communities within and adjacent to the national forests

During the first 50+ years of the program, most of the funds were expended on routes which were of primary importance to the States, Counties, or communities within or adjacent to the National Forests. Most of those routes were of statewide importance and were then, or later became, State Primary Highways.

The 1978 Surface Transportation Assistance Act changed the direction of the Forest Highway Program by redefining Forest Roads, Forest Development Roads, and Forest Highways as follows:

- "The term "forest road or trail" means a road or trail wholly or partly within, or adjacent to, and serving the National Forest system that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources."
- "The term "forest development road and trail" means a forest road or trail under the jurisdiction of the Forest Service."
- "The term "Forest Highway" means a forest road under the jurisdiction of, and maintained by, a public authority, and open to public travel."

¹ The historic term "Forest Development Road" has changed to "National Forest System Road" per 36 CFR §212.1, as amended July 2009.

A primary effect of these new definitions was increased Forest Highway Program emphasis on local roads with less emphasis on State Highways. This was possible because requirements that such routes be "[...] of primary importance to the States, Counties, or communities [...], and on the Federal-Aid System" had been eliminated.

Although many miles of roads have met the requirements of Nevada Forest Highway designation, funding for their improvement has remained in short supply. Congress had authorized an amount of \$33 million for each year from 1955 to 1982. These funds were made available to Federal Highway Administration (FHWA) for expenditure in the various States according to an apportionment formula based on the area and value of the national forests in each State.

The 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) combined the Forest Highway Program and Public Lands under the Public Lands Highway Program. Sixty-six (66) percent of these Public Lands funds were allocated for use on Forest Highways using the same formula as applied in FY 1987 to FY 1991. This formula used the Area/Value formula for 66 percent of the funding and the FHWA/USFS relative needs formula for the remaining 34 percent.

The 1998 TEA-21 reauthorization act did not alter any of the allocation formulas for 66 percent of the Public Lands funds but did increase the amount of funding for Forest Highways. The Forest Highway funds available under the TEA-21 and the subsequent SAFETEA-LU reauthorization act are as follows:

| Year | Total Forest Highway Funds |
|-------------|-----------------------------------|
| 1998 | \$129.4 million |
| 1999 | \$162.4 million |
| 2000 | \$162.4 million |
| 2001 | \$162.4 million |
| 2002 | \$162.4 million |
| 2003 | \$162.4 million |
| 2004 | \$162.4 million |
| 2005 | \$171.6 million |
| 2006 | \$184.8 million |
| 2007 | \$184.8 million |
| 2008 | \$191.4 million |
| 2009 | \$198.0 million |

The annual allocations for the Virginia Forest Highway Program, from 2002 to 2009, were as follows:

| Year | Virginia Forest Highway Annual Allocations |
|-----------------------------|---|
| 2002 | \$1,740,000 |
| 2003 | \$1,740,000 |
| 2004 | \$1,829,486 |
| 2005 | \$2,000,000 |
| 2006 | \$2,000,000 |
| 2007 | \$1,929,641 |
| 2008 | \$2,008,465 |
| 2009 | \$2,099,398 |
| Annual Average 2005-2009 | \$2,007,500 |

TEA-21 also legislated the following program changes:

- Allowed Public Lands funds to be used for the State/local share for Federal-Aid Highway funded projects.
- Reduced the administrative takedown to 1.5 percent.
- Placed an annual limitation on Public Land's funds.
- Provided full obligation limitation for future fiscal year carryover funds.
- Authorized funds which exceed the obligation limitation for FY 1998 to 2003 to be distributed to the States as Surface Transportation Program funds. These funds lose their funding designation and are not available for obligation by Federal Land Management agencies.

Because of the legislative and regulatory changes over the past decade, there is now more county involvement in the program as the forest needs generally are on those local roads connecting the Forest to the main State highways. With these changes, the objective of the Forest Highway Program has been clarified, i.e., to construct or improve roads serving the national forest and its resources and which connect the national forest to the main State transportation network.

Forest Highway Designation

Forest Highways are designated as such if they meet certain criteria. The list of designated forest highways is not fixed. Routes can be added or removed at any time. Forest Highway route designation may be requested by Virginia DOT (VDOT), the USFS or by a County through the State. Routes are designated by the Eastern Federal Lands Highway (EFL) Division Engineer with concurrence of the USFS and State. Routes do not have to be designated before a project can be proposed, but a route must be designated before Forest Highway funds are expended on it.

Route designation proposals must contain information on the criteria listed below and must be coordinated with the local USFS representatives who can provide information on USFS use of the proposed route. USFS support for the proposed designation is very important.

The Forest Service Manual Chapter 7700

7741.1 - Route Designation: Forest highways are a special classification of forest roads. They are specifically designated State or local government roads that meet the criteria listed in 23 CFR 660.105. The designation of forest highways is not intended to form a "system" of roads. Instead, the purpose of the designation is to identify State and local government roads that qualify for construction and reconstruction funding under the forest highway program.

The challenge is that the Forest Highway Routes in Virginia are not by themselves a “system” of roads, but are part of the Virginia state road system. Many roads in the Commonwealth of Virginia Nevada will meet the definition of a Forest Highway; the key is what roads need all or part of the Forest Highway Program to truly meet the needs of accessing the National Forests.

To be designated as a Forest Highway, a route must:

1. Be wholly or partially within, or adjacent to, and serving the National Forest System (NFS) (23 USC §101).
2. Be necessary for the protection, administration, and utilization of the NFS (23 USC §101).
3. Be necessary for the use and development of NFS resources (23 USC §101).
4. Be under the jurisdiction of a cooperator and open to public travel (23 CFR §660.105).
5. Provide a connection between NFS resources and one of the following (23 CFR §660.105):
 - a. A safe and adequate public road
 - b. Communities
 - c. Shipping points
 - d. Markets dependent on these resources
6. Serve one of the following (23 CFR §660.105):
 - a. Local needs such as schools, mail delivery, commercial supply
 - b. Access to private property within the NFS
 - c. A preponderance of NFS generated traffic
 - d. NFS generated traffic that has a significant impact on road design or construction.