

**Western Association of State Highway
and Transportation Officials**

Resolution 9-04

**Maintaining a Strong State Role and Limiting Regulation in Implementation of the Federal
Lands Highway Program Under TEA-21**

Whereas, the Federal Lands Highways Program (FLHP) helps meet important national and regional interests in good transportation in and across large areas of the nation which include significant Federal Land holdings; and

Whereas, in light of the very large federal land holdings in the West and the fact that many roads traverse in and out of Federal, State, and private lands, it is appropriate that decisions regarding Federal investment under FLHP be made by the Federal government with concurrence of the applicable States, as has been the case under current State-Federal agreements; and

Whereas, the FLHP should remain free of overreaching regulations, in regard to planning, management systems or other areas; and

Whereas, Section 115(d) of the "Transportation Equity Act for the 21st Century (Tea 21) amended Section 204 of Title 23, United States Code, to provide for establishment of a "coordinated Federal lands highways program" and directs the Secretary of Transportation to "develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135," and "to the extent appropriate, develop by rule, safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program"; and

Whereas, amended Section 204 no longer includes the provision that a federal lands highways program project may not "be undertaken in a State....unless the State concurs in the selection and planning of the project", but does provide that all "regionally significant Federal lands highways program projects" shall be developed in "cooperation with States and metropolitan planning organizations", thereby making clear the intent of Congress to continue the strong role of the States in project selection and development under the FLHP;

Whereas, the Federal Highway Administration did not address State concurrence in the selection and planning of FLHP projects in the final rule, 23 CFR Parts 970, 971, 972 and 973 effective March 29, 2004;

Now Therefore Be it Resolved, by the Western Association of State Highway and Transportation Officials, that the implementation of the FLHP regulations should require the State's concurrence in the selection and planning of FLHP projects including the decision of what constitutes a "regionally significant" project, and

That, implementation of the FLHP should not adversely affect the current working arrangements already developed between States, localities, and federal agencies, and

That, the management systems developed for federal lands should complement the systems and plans developed by the States and should be consistent with the planning processes of Sections 134 and 135, and should not restrict State authority or prerogatives, and

That, FLHP management decisions that may affect State highways be cooperatively developed with the States.

Adopted by the WASHTO Board of Directors on July 21, 2004

Attest:

Secretary-Treasurer