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The National Trails System: A Brief Overview

Updated February 20, 2020

Congressional Research Service
https://crsreports.congress.gov
R43868

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The National Trails System was created in 1968 by the National Trails System Act (16 U.S.C. §§1241-1251). The system includes four types of trails: (1) national scenic trails (NSTs), which display significant physical characteristics of U.S. regions; (2) national historic trails (NHTs), which follow travel routes of national historical significance; (3) national recreation trails (NRTs), which provide outdoor recreation accessible to urban areas; and (4) connecting or side trails, which provide access to the other types of trails. As defined in the act, NSTs and NHTs are long-distance trails designated by acts of Congress. NRTs and connecting and side trails may be designated by the Secretaries of the Interior and Agriculture with the consent of the federal agency, state, or political subdivision with jurisdiction over the lands involved.

Congress plays an ongoing role in shaping the National Trails System through legislation and oversight. Broad issues for Congress include, among others:

- whether and where to establish new trails in the system,
- whether to establish new trail categories (such as "national discovery trails"), and
- how much funding to provide to agencies for trail management.

When designating individual trails, Congress has considered issues such as:

- how to balance trail designation with other potential land uses,
- how to address federal land acquisition, and
- whether to make specific provisions for trail use that may differ from those authorized in the overall act.

Congress has established 11 NSTs and 19 NHTs, as well as several NRTs (although recreation trails are more typically designated administratively). In addition, the Secretaries of the Interior and Agriculture have designated just under 1,300 NRTs and seven connecting or side trails. The scenic, historic, and connecting trails are federally administered by the National Park Service (NPS) and/or the Bureau of Land Management (BLM) in the Department of the Interior, or the U.S. Forest Service (FS) in the Department of Agriculture, with cooperation from states and other entities to operate nonfederal trail segments. The roughly 1,300 national recreation trails are typically managed by states, localities, and private organizations, except where they cross federal lands. The act limits federal land acquisition for the trails system, with specific provisions for different trail types.

Each federal agency with management authority over national trails has its own budget for trail administration and management. Trails have also received funding from federal transportation programs, private donations, permits and fees, and local excise taxes, among other sources.

Uses of the national trails may include, but are not limited to, bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Provisions for motorized vehicle use vary among the different types of trails.

In March 2019, the 116th Congress passed and the President signed the John Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9), which extended existing national scenic and historic trails and directed the study of an additional trail route for potential addition to the system. Other legislation introduced in the 116th Congress would designate a new national historic trail (H.R. 434) and establish a new tax credit for conservation contributions to NSTs (S. 809 and H.R. 1727). As in earlier Congresses, a bill (H.R. 726) has also been introduced to add a new type of trail—national discovery trails—to the system.

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The National Trails System Act of 1968 (16 U.S.C. §§1241-1251)[1] established the Appalachian and Pacific Crest National Scenic Trails, and authorized a national system of trails to provide outdoor recreational opportunities and to promote access to the nation's outdoor areas and historic resources. Since the act's passage, the system has grown to encompass trails in every U.S. state, the District of Columbia, and Puerto Rico.

The system has expanded over time and now includes four types of trails:

- **National Scenic Trails (NSTs)** display significant characteristics of the nation's "physiographic regions,"[2] representing desert, marsh, grassland, mountain, canyon, river, forest, or other areas. NSTs provide for outdoor recreation and for the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities.
- **National Historic Trails (NHTs)**[3] identify and protect travel routes of national historic significance, along with associated remnants and artifacts, for public use and enjoyment. NHTs can include land or water segments,[4] marked highways paralleling the route, and sites that together form a chain or network along the historic route.
- **National Recreation Trails (NRTs)** are on federal, state, or private lands that are in, or reasonably accessible to, urban areas. They provide for a variety of outdoor recreation uses.
- **Connecting or Side Trails** provide public access to the other types of nationally designated trails or connections between such trails.

Congress plays an ongoing role in shaping the National Trails System through legislation and oversight. Congress establishes new trails within the system; directs the Administration to study potential new trails; determines the level of agency funding for trail management; and considers whether new trail categories (such as "national discovery trails") should be included in the system, among other roles. For individual trails, Congress has made specific provisions concerning land acquisition, trail use, and other matters. Ongoing issues for Congress include whether to designate additional trails, how to balance trail designation with other potential land uses, whether trail designation should be accompanied by federal land acquisition, what activities should be permitted on trails, and how to appropriately balance federal and nonfederal funding for trails, among other issues.

Background

During the early history of the United States, trails served as routes for commerce and migration. Since at least the early 20th century, trails also have been constructed to provide access to scenic areas. The first interstate recreational trail, now known as the Appalachian National Scenic Trail,

[1] P.L. 90-543, as amended.

[2] Descriptions of the trail types are from 16 U.S.C. §1242.

[3] The National Parks and Recreation Act of 1978 (P.L. 95-625) amended the original act to establish national historic trails (NHTs) as a type of trail within the system, and it established the first four NHTs.

[4] The 109th Congress established the Captain John Smith Chesapeake National Historic Trail (P.L. 109-418), the nation's first all-water national historic trail. The Department of the Interior (DOI) has also established a National Water Trails System as a class of national recreation trails. For more information, see National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2020*, p. ONPS-21, at https://www.doi.gov/sites/doi.gov/files/fy2020-nps-justification.pdf.

was developed in the 1920s and 1930s.[5] In 1945, legislation to establish a "national system of foot trails" was introduced but not enacted.[6] In the years following the Second World War, the nation sought increased opportunities to enjoy the outdoors.[7] In 1965, in a message to Congress on "Natural Beauty," President Lyndon Johnson called for the nation "to copy the great Appalachian Trail in all parts of our country, and make full use of rights-of-way and other public paths."[8] Three years later, the National Trails System Act was enacted.

The system began in 1968 with two scenic trails: the Appalachian National Scenic Trail, which stretches roughly 2,190 miles from Mount Katahdin, ME, to Springer Mountain, GA;[9] and the Pacific Crest National Scenic Trail, which covers roughly 2,650 miles along the mountains of Washington, Oregon, and California.[10] The system was expanded a decade later when Congress designated four historic trails, with more than 9,000 miles, and another scenic trail, along the Continental Divide, with 3,100 miles.[11] Currently, there are a combined 30 NHTs and NSTs covering just under 60,600 miles. (See **Table 1** and **Figure 1**.)[12] Additionally, the system contains just under 1,300 NRTs and seven connecting or side trails, including trails in every state, the District of Columbia, and Puerto Rico. The National Trails System Act also authorizes the preservation of abandoned railroad rights-of-way for rails-to-trails conversions (16 U.S.C. §1247).[13]

Table 1. National Scenic and National Historic Trails, by Date of Designation

	States	Administering Agency	Date of Designation	Public Law
National Scenic Trails (NSTs)				
Appalachian NST	CT, GA, MA, MD, ME, NC, NH, NJ, NY, PA, TN, VA, VT, WV	NPS	Oct. 2, 1968	P.L. 90-543
Pacific Crest NST	CA, OR, WA	FS	Oct. 2, 1968	P.L. 90-543
Continental Divide NST	CO, ID, MT, NM, WY	FS	Nov. 10, 1978	P.L. 95-625
North Country NST	MI, MN, ND, NY, OH, PA, VT, WI[a]	NPS	Mar. 5, 1980	P.L. 96-199

[5] An October 1921 journal article proposed the idea of a series of camps along the Appalachian Mountains from New Hampshire to North Carolina, with a trail connecting them. The trail was in place as a continuous footpath by the late 1930s. See Appalachian Trail Conservancy, "About the Trail: History," at http://www.appalachiantrail.org/about-the-trail/history.

[6] The bill, H.R. 2142, 79th Congress, would have amended the Federal-Aid Highway Act of 1944 to provide for a system of foot trails to complement the nation's highway system. For discussion, see Donald D. Jackson, "The Long Way 'Round," *Wilderness*, vol. 51, no. 181 (summer 1998), pp. 19-20; and Sarah Mittlefehlt, "The Tangled Roots of the Appalachian Trail: A Social and Environmental History" (Ph.D. diss, University of Wisconsin, 2008), pp. 150-151.

[7] For example, in 1958, Congress established the Outdoor Recreation Resources Review Commission to make a nationwide study of outdoor national recreation needs. Outdoor Recreation Resources Review Commission, *Outdoor Recreation for America* (Washington, DC: January 1962). This report indicated that 90% of all Americans participated in some form of outdoor recreation and that walking for pleasure ranked second among all recreation activities.

[8] *Congressional Record*, vol. 111 (February 8, 1965), p. 2087.

[9] See Appalachian Trail Conservancy, "About the Trail," at http://www.appalachiantrail.org/about-the-trail.

[10] See Pacific Crest Trail Association, "PCT FAQ," at http://www.pcta.org/discover-the-trail/faq/.

[11] P.L. 95-625, National Parks and Recreation Act of 1978.

[12] Personal communication from Peter Bonsall, GIS Specialist, NPS, April 11, 2019. According to NPS, these data are based on GIS analysis of centerline data for all 30 NSTs and NHTs and are not reflective of legislative language designating the trails. **Figure 1** also reflects the recent trail extensions enacted as part of P.L. 116-9. Estimates may differ from publicly available data for these reasons.

[13] The provisions concerning railroad rights-of-way were added to the act in 1983 by P.L. 98-11.

	States	Administering Agency	Date of Designation	Public Law
Ice Age NST	WI	NPS	Oct. 3, 1980	P.L. 96-370
Potomac Heritage NST	DC, MD, PA, VA	NPS	Mar. 28, 1983	P.L. 98-11
Natchez Trace NST	AL, MS, TN	NPS	Mar. 28, 1983	P.L. 98-11
Florida NST	FL	FS	Mar. 28, 1983	P.L. 98-11
Arizona NST	AZ	FS	Mar. 30, 2009	P.L. 111-11
New England NST	CT, MA	NPS	Mar. 30, 2009	P.L. 111-11
Pacific Northwest NST	ID, MT, WA	FS	Mar. 30, 2009	P.L. 111-11
National Historic Trails (NHTs)				
Oregon NHT	ID, KS, MO, NE, OR, WA, WY	NPS	Nov. 10, 1978	P.L. 95-625
Mormon Pioneer NHT	IA, IL, NE, UT, WY	NPS	Nov. 10, 1978	P.L. 95-625
Lewis and Clark NHT	IA, ID, IL, IN, KS, KY, MO, MT, ND, NE, OH, OR, PA, SD, WA, WV[b]	NPS	Nov. 10, 1978	P.L. 95-625
Iditarod NHT	AK	BLM	Nov. 10, 1978	P.L. 95-625
Overmountain Victory NHT	NC, SC, TN, VA	NPS	Sept. 8, 1980	P.L. 96-344
Nez Perce NHT	ID, MT, OR, WA	FS	Oct. 6, 1986	P.L. 99-445
Santa Fe NHT	CO, KS, MO, NM, OK	NPS	May 8, 1987	P.L. 100-35
Trail of Tears NHT	AL, AR, GA, IL, KY, MO, NC, OK, TN	NPS	Dec. 16, 1987	P.L. 100-192
Juan Bautista de Anza NHT	AZ, CA	NPS	Aug. 15, 1990	P.L. 101-365
California NHT	CA, CO, ID, KS, MO, NE, NV, OR, UT, WY	NPS	Aug. 3, 1992	P.L. 102-328
Pony Express NHT	CA, CO, KS, MO, NE, NV, UT, WY	NPS	Aug. 3, 1992	P.L. 102-328
Selma to Montgomery NHT	AL	NPS	Nov. 12, 1996	P.L. 104-333
El Camino Real de Tierra Adentro NHT	NM, TX	NPS & BLM	Oct. 13, 2000	P.L. 106-307
Ala Kahakai NHT	HI	NPS	Nov. 13, 2000	P.L. 106-509
Old Spanish NHT	AZ, CA, CO, NM, NV, UT	NPS & BLM	Dec. 4, 2002	P.L. 107-325
El Camino Real de los Tejas NHT	LA, TX	NPS	Oct. 18, 2004	P.L. 108-342
Captain John Smith Chesapeake NHT	DC, DE, MD, PA, NY, VA	NPS	Dec. 19, 2006	P.L. 109-418
Star-Spangled Banner NHT	DC, MD, VA	NPS	May 8, 2008	P.L. 110-229
Washington-Rochambeau Revolutionary Route NHT	CT, DC, DE, MA, MD, NJ, NY, PA, RI, VA	NPS	Mar. 30, 2009	P.L. 111-11

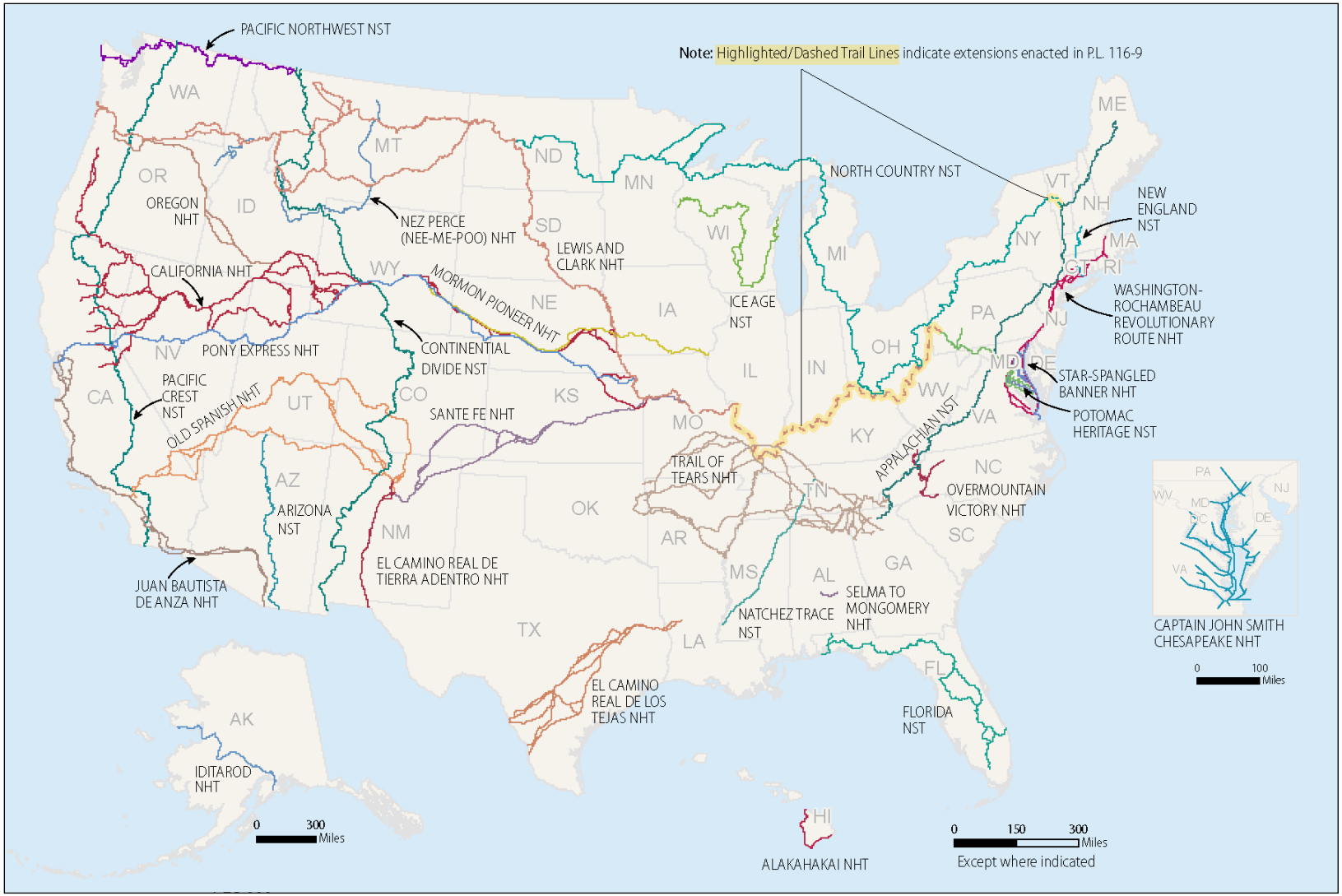
Sources: 16 U.S.C. §§1241-1251; National Park Service, *The National Parks: Index, 2012-2016*; National Park Service, "National Trails System: Frequently Asked Questions," at https://www.nps.gov/subjects/nationaltrailssystem/faqs.htm.

Note: NPS = National Park Service; FS = U.S. Forest Service; BLM = Bureau of Land Management.

a. Reflects a roughly 40-mile extension enacted by P.L. 116-9.

b. Reflects addition of 1,200 miles as part of the Eastern Legacy Extension enacted by P.L. 116-9.

Figure 1. Map of National Scenic and National Historic Trails



Source: CRS with centerline data adapted from National Park Service, "National Trails System Interactive Map," at https://nps.maps.arcgis.com/home/index.html. Data for trail extensions enacted in P.L. 116-9 are based on cartographic shape files and do not reflect geospatial data. NPS has yet to establish final centerline data for these routes.

Notes: NHT = National Historic Trails; NST = National Scenic Trails. Trail colors are for purposes of distinguishing the trails and do not indicate categories.

Designation and Land Acquisition

NSTs and NHTs are designated by acts of Congress.[14] Prior to establishing a trail, Congress typically directs the Secretary of the Interior or the Secretary of Agriculture to study the route for potential inclusion in the system.[15] The studies address both the suitability (i.e., characteristics that make the proposed trail "worthy of designation as a national scenic or national historic trail")[16] and the feasibility (i.e., physical and financial viability) of adding the trail to the system. The act contains additional criteria for NHTs, which must (1) be established by historic use and be significant because of that use; (2) be significant with respect to a broad facet of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns; and (3) have significant potential for public recreational use or historical interest.[17]

In contrast to national scenic and historic trails, national recreation trails may be designated by the Secretaries of the Interior and Agriculture with the consent of the federal agency, state, or political subdivision with jurisdiction over the lands involved.[18] Recreation trails must be reasonably accessible to urban areas and must meet other criteria as prescribed by the act or by the Secretaries.[19] The Secretaries also have authority to designate connecting and side trails.[20]

For all four trail types, routes may intersect both federal and nonfederal lands. The law provides limited authorities for federal land acquisition in connection with the trails. Along the designated rights-of-way for NSTs and NHTs, the Secretaries may acquire land in areas that are already under their administrative jurisdiction (e.g., on trail segments that lie within the boundaries of an existing national park or national forest but are not federally owned). Outside their administrative boundaries, the Secretaries are to encourage state and local governments either to acquire trail lands or to enter into agreements with private landowners for the necessary rights-of-way. Only if state and local governments fail to do so may the federal government acquire the land or form cooperative agreements with landowners.[21] For NRTs, the provisions are more limited, in that federal land acquisition may take place only within existing administrative boundaries.[22] Connecting and side trails may include nonfederal lands only if no federal acquisition is involved.[23]

When adding individual trails to the system, Congress has often included specific land acquisition provisions—for example, authorizing federal acquisition only from willing sellers or establishing a geographical boundary for land acquisition, such as within a quarter-mile on either side of the

[14] 16 U.S.C. §1244(a).

[15] 16 U.S.C. §1244(b). The law does not explicitly require that a trail be studied before it is added to the system, but in practice, Congress has directed a prior study for almost all of the national scenic and historic trails. The Secretaries may not undertake trail studies without congressional authorization.

[16] 16 U.S.C. §1244(b)(3).

[17] 16 U.S.C. §1244(b)(11).

[18] Although most of these trails are designated administratively, Congress has also occasionally established national recreation trails. For example, P.L. 110-229 established the Jim Weaver Loop Trail in Oregon's Willamette National Forest as a national recreation trail.

[19] 16 U.S.C. §1243.

[20] 16 U.S.C. §1245.

[21] 16 U.S.C. §1246(d) and (e). The law authorizes that, when federal acquisition is necessary, it may take place through donations, by purchase with donated or appropriated funds, by exchange, and, within limits, by condemnation (16 U.S.C. §1246(f) and (g)).

[22] 16 U.S.C. §1246(d).

[23] 16 U.S.C. §1245.

trail.[24] P.L. 111-11 gave federal land management agencies the authority to purchase land from willing sellers for a number of trails for which Congress had previously prohibited federal land acquisition.

Organization and Management

The 30 national scenic and historic trails are administered by either the Secretary of the Interior or the Secretary of Agriculture, acting through the land management agencies. The NPS administers 21 of the 30 trails; the FS administers 6 trails; the Bureau of Land Management (BLM) administers 1 trail; and the NPS and BLM jointly administer 2 trails.[25] The administering agency typically develops the trail management plan,[26] oversees development of trail segments, coordinates trail marking and mapping, develops maintenance standards, coordinates trail interpretation, administers cooperative and interagency agreements, and provides financial assistance to others for trail purposes, among other functions.[27]

The agencies point to a distinction between trail *administration* and trail *management*: While there is usually only one administering agency, multiple federal agencies, state and local governments, private groups, and individuals may own and manage lands along a national scenic or historic trail.[28] The National Trails System Act authorizes the administering Secretary to enter into cooperative agreements with state or local governments, landowners, private organizations, or individuals for trail development, operation, and maintenance.[29] In addition, several federal agencies involved with the trails signed a memorandum of understanding (MOU) in 2006 to coordinate federal trail management.[30] In 2018, the U.S. Court of Appeals for the Fourth Circuit ruled that the laws applicable to the overall trail administrator, rather than the agency or entity managing the underlying land components, would govern the permitting of easements or rights-of-way to cross the Appalachian National Scenic Trail.[31]

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[24] For examples of these types of provisions for individual trails, see 16 U.S.C. 1244(a).

[25] See NPS, "Frequently Asked Questions," https://www.nps.gov/subjects/nationaltrailssystem/faqs.htm.

[26] 16 U.S.C. §1244(e) and (f) require the Secretaries to develop management plans for all national scenic and historic trails, in consultation with affected federal agencies, states, and other stakeholders.

[27] The memorandum of understanding (MOU) cited in footnote 30, among other sources, describes agency functions generally. Agency-specific guidance includes the following: for the National Park Service, Director's Order 45, *National Trails System*, https://www.nps.gov/policy/DOrders/DO_45.pdf; for the Bureau of Land Management, BLM Manual 6250, *National Scenic and Historic Trail Administration*, BLM Manual 6280, *Management of National Scenic and Historic Trails and Trails Under Study or Recommended as Suitable for Congressional Designation*, and BLM Manual 8353, *Trail Management Areas, Secretarially Designated National Recreation, Water, and Connecting and Side Trails*, all available at https://www.blm.gov/policy/manuals; and for the Forest Service, FS Manual 2300, *Recreation, Wilderness, and Related Resource Management*, Chapter 2350, "Trail, River, and Similar Recreation Opportunities," at http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsm?2300.

[28] See, e.g., National Park Service, "National Trails System: Frequently Asked Questions," at http://www.nps.gov/nts/nts_faq.html.

[29] 16 U.S.C. §1246(h)(1).

[30] Memorandum of Understanding, "The National Trails System 2017-2027," at https://home.nps.gov/subjects/nationaltrailssystem/upload/National_Trails_System_MOU_2017-2027.pdf. The agencies included NPS, FS, and BLM, as well as the Fish and Wildlife Service and the U.S. Army Corps of Engineers, both of which manage segments of some trails, although they do not serve as primary trail administrators. Additionally, the Federal Highway Administration, which provides transportation funding for trails, participated in the MOU. The MOU encourages cooperation among both federal and nonfederal land managers in activities such as resource inventory and mapping, development of new trail segments and sites, mitigation of resource damage, interpretation, and maintenance.

[31] See *Cowpasture River Pres. Ass'n v. Forest Serv*., 911 F.3d 150, 180-81 (4th Cir. 2018), *pet. for panel and en banc*

In contrast to the NSTs and NHTs, NRTs are typically administered by states, localities, and private organizations, with federal agencies participating when the trails cross federal lands. The National Park Service (NPS) is responsible for the overall coordination of the national recreation trails, including nonfederal trails.[32] Nonfederal trail managers have access to federal training and technical assistance, and are eligible for some types of federal funding.[33]

Connecting or side trails are administered by the Secretary under whose jurisdiction the trail lands fall.[34] The seven existing trails are all administered by the Secretary of the Interior.[35]

The Federal Interagency Council on the National Trails System has discussed a number of management issues facing the agencies that administer the National Trails System.[36] These issues include tight federal agency budgets, financial constraints among partner groups, inconsistent mapping, aging volunteers, and expansion of energy projects and the transmission grid in ways that affect the trails. Other challenges include the lack of awareness among many Americans of the system and its health, community, economic, and educational benefits.

Trail Uses

The administering Secretary may regulate the use of federally owned portions of the national trails, in consultation with relevant agencies.[37] The Secretary may permit uses "which will not substantially interfere with the nature and purposes of the trail."[38] Such uses may include but are not limited to bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities.[39] The use of motorized vehicles by the general public is typically prohibited

rehearing denied, 2019 U.S. App. LEXIS 5532 (4th Cir. Feb. 25, 2019). The three-judge panel ruled that the FS lacked statutory authority to grant a pipeline right of way across the Appalachian NST, despite being the managing agency for the segment in question. Per the court's decision, because the overall administration of the Appalachian NST was delegated to NPS as a unit of the National Park System, only NPS has the authority to grant such a right of way, which, subject to the applicable laws of the National Park System, is not permitted.

[32] However, the FS administers national recreation trails within the national forests.

[33] For example, designated national recreation trails may receive funding through the Federal Highway Administration's Recreational Trails Program, administered by the states (see http://www.fhwa.dot.gov/environment/recreational_trails/index.cfm), and are eligible to be considered for support through the Challenge Cost-Share Programs of the NPS, BLM, and FS (see, e.g., https://www.nps.gov/orgs/1837/index.htm).

[34] 16 U.S.C. §1245.

[35] Two connecting or side trails were designated by the Secretary of the Interior in 1990: the 18-mile Timm's Hill Trail in Wisconsin, which connects to the Ice Age National Scenic Trail; and the 186-mile Anvik Connector in Alaska, which connects to the Iditarod National Historic Trail. Another four were designated by the Secretary of the Interior in 2012, all water trails that connect to the water-based Captain John Smith National Historic Trail. For more information, see U.S. Department of the Interior, "Four Rivers in Five States to Make Up Connecting Water Trails," press release, May 16, 2012, at http://www.doi.gov/news/pressreleases/AMERICAS-GREAT-OUTDOORS-Secretary-Salazar-Designates-Captain-John-Smith-Chesapeake-National-Historic-Trail.cfm. The Secretary of the Interior designated a seventh connecting trail in 2015 connecting to the Selma to Montgomery National Historic Trail.

[36] Federal Interagency Council on Trails, *National Trails System: Annual Report for FY2013*, February 2014, p. 3, at http://www.nps.gov/nts/2013%2006MOU%20RPT%207%20Version.pdf. The Federal Interagency Council on the National Trails System (also known as the National Trails System Council) was previously known as the Federal Interagency Council on Trails. The 2017 National Trails System MOU renamed the council and reaffirmed its role as an interagency task force consisting of representatives of the Departments of the Interior and Agriculture with the goal of providing for interagency coordination of administration and management of the NTS.

[37] 16 U.S.C. §1246 (i).

[38] 16 U.S.C. §1246 (c).

[39] 16 U.S.C. §1246 (j).

on national scenic trails.[40] However, motorized vehicles may be allowed on national historic trails if they do not substantially interfere with the nature and purposes of the trail and were allowed by administrative regulations at the time of designation.[41]

Trail uses on nonfederal lands—whether segments of scenic, historic, recreation, or connecting trails—are typically controlled at the state and local levels. State, local, and private-sector trail managers may work together to develop cooperative principles for use and management.[42]

Funding

Each agency with management authority over national trails has its own funding for carrying out activities related to trail administration and management.[43] Since 2006, federal land management agencies have agreed, within the limits of agency authorities, to eliminate duplicate efforts and increase effectiveness by coordinating requests for and obligation of funds for the National Trails System.[44] Since 1992, the Department of Transportation, through federal transportation programs authorized by Congress,[45] has provided just under $14 billion for bicycle and pedestrian transportation projects, including many transportation trails.[46] Additional sources of funding for trails have included challenge cost-share projects, cooperative agreements with trail partner organizations, charitable foundations, corporations, permits and fees, local excise taxes, and dedicated funds.

Legislation

In the 116th Congress, a number of bills were introduced to make adjustments to the National Trails System. Among the changes were adjustments to the boundaries of the North Country National Scenic Trail (H.R. 1216 and S. 96), an extension of the Lewis and Clark National Historic Trail (H.R. 862 and S. 167), and the study of a proposed Pike National Historic Trail running from Missouri through Louisiana (S. 57). These bills were enacted into law as part of the

[40] Ibid. However, this provision directs the Secretary to allow motorized vehicle use in certain circumstances, such as for emergencies and when necessary to give adjacent landowners reasonable access to their lands or timber rights. Additionally, specific provisions for the Continental Divide National Scenic Trail (16 U.S.C. §1244(a)(5)) allow motorized use in accordance with regulations established by the administering Secretary.

[41] 16 U.S.C. §1246 (c).

[42] See, e.g., NPS, Appalachian Trail Project Office, *Comprehensive Plan for the Protection, Management, Development and Use of the Appalachian National Scenic Trail*, 1987, at http://www.nps.gov/appa/parkmgmt/upload/CompPlan_web.pdf.

[43] A total amount of federal appropriations for the National Trails System is not available, since many of the agencies do not separately track trail funding.

[44] Memorandum of Understanding 06-SU-11132424-196, "The National Trails System," at http://www.nps.gov/nts/memorandum2006.html. This agreement was reiterated in the 2017 updated interagency MOU "The National Trails System 2017-2027," at https://home.nps.gov/subjects/nationaltrailssystem/upload/National_Trails_System_MOU_2017-2027.pdf.

[45] Congress has authorized recreational trail assistance in surface transportation laws; for more information, see CRS Report R44388, *Surface Transportation Funding and Programs Under the Fixing America's Surface Transportation Act (FAST Act; P.L. 114-94)*, coordinated by Robert S. Kirk.

[46] See Federal Highway Administration (FHWA), "Federal-Aid Highway Program for Pedestrian and Bicycle Facilities and Programs, FY1992 to FY2018 Obligations," at http://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/bipedfund.cfm. The agency does not break out the portion of this funding that has gone to trails within the National Trails System. For example, funding in FHWA's Recreational Trails Program (a subset of the agency's overall funding for pedestrian and bicycle transportation) is used for recreational trails both within and outside the system.

omnibus public lands bill (P.L. 116-9) on March 12, 2019. On January 27, 2020, P.L. 116-111 (introduced as H.R. 434 and S. 2646) became law, authorizing the study of the Emancipation National Historic Trail, a route from Galveston, TX, to Freedmen's Town and Emancipation Park in Houston following the migration route taken by newly freed slaves in the 19th century. Other bills have been introduced to designate other trails or make broader adjustments to the trails system. For example, H.R. 726 would add a new type of trail—*national discovery trails*—to the system. National discovery trails would be extended, continuous interstate trails that provide for outdoor recreation and travel and that connect representative examples of America's trails and communities.[47] These and other 116th Congress bills affecting the National Trails System are shown in **Table 2**. Many comparable bills were introduced in previous Congresses.

Table 2. National Trails System Bills Introduced in the 116th Congress

Title or Trail	Type	Bill No.	Status
John D. Dingell, Jr. Conservation, Management, and Recreation Act[a]	Extend/Study	S. 47	Became P.L. 116-9
Emancipation National Historic Trail[b]	Study	H.R. 434 S. 2646	Became P.L. 116-111
Chief Standing Bear National Historic Trail[c]	Study	H.R. 2490	Reported H.Rept. 116-232
Complete America's Great Trails[d]	Other	H.R. 1727 S. 809	Introduced Introduced
National Discovery Trails[e]	Other	H.R. 726	Introduced
National Scenic Trails Parity[f]	Other	H.R. 2090 S. 1027	Introduced Introduced
North Country National Scenic Trail[g]	Extend	H.R. 1216 S. 96	Enacted in P.L. 116-9 Enacted in P.L. 116-9
Lewis and Clark National Historic Trail[h]	Extend	H.R. 862 S. 167	Enacted in P.L. 116-9
Pike National Historic Trail[i]	Study	S. 57	Enacted in P.L. 116-9

Source: Table compiled by the Congressional Research Service.

a. P.L. 116-9, among other purposes, extended both the North Country NST and the Lewis and Clark NHT and directed the study of a proposed Pike NHT running from Missouri through Louisiana.

b. P.L. 116-111 directs the study of the Emancipation National Historic Trail, a route from Galveston, TX, to Freedmen's Town and Emancipation Park in Houston following the migration route taken by newly freed slaves in the 19th century.

c. H.R. 2490 would direct the study of the Chief Standing Bear Trail, a 550-mile trail that extends from Niobrara, NE, to Ponca City, OK, following the route taken by Chief Standing Bear and the Ponca people during federal Indian removal.

d. H.R. 1727 and S. 809 would amend the Internal Revenue Code to allow a tax credit for the fair market value of any NST conservation contribution. The bills would also require the Secretary of the Interior to study the efficacy of such a tax credit in completing, extending, and increasing the number of NSTs.

e. H.R. 726 would establish a new trail type, national discovery trails. These extended, continuous interstate trails would be located so as to provide for outdoor recreation and travel, and would connect representative examples of America's trails and communities.

[47] H.R. 726 would establish the American Discovery Trail, extending from Delaware to California, as the first national discovery trail. Similar bills to create national discovery trails within the system were introduced in previous Congresses. H.R. 3251 in the 115th Congress would also have established this trail type and designated the American Discovery Trail.

f. H.R. 2090 and S. 1027 would require that the North Country, Ice Age, and New England NSTs be administered as units of the National Park System
g. H.R. 1216 and S. 96 would extend the North Country NST into VT.
h. H.R. 862 and S. 167 (Eastern Legacy Extension Act) would extend the Lewis and Clark NHT from Wood River, IL, to Pittsburgh, PA, passing through portions of IA, KY, OH, PA, and WV.
i. S. 57 directs the study of the Pike National Historic Trail, a route extending approximately 3,664 miles that follows the route taken by Lt. Zebulon Montgomery Pike during the 1806-1807 Pike expedition.

In addition to bills introduced in the 116th Congress, other recent developments have included the completion of trail studies directed in earlier legislation. For example, P.L. 111-11 directed the Secretary of the Interior to conduct feasibility studies for both the Chisholm and Great Western trails for potential designation as national historic trails. NPS subsequently completed a feasibility study in 2016 with the recommendation that the trails be designated as the Chisholm National Historic Trail and Great Western National Historic Trail and administered as a combined unit of the National Trails System.[48] To date, these recommendations have not resulted in legislation.

[48] NPS, "Chisholm and Great Western National Historic Trail Feasibility Study/Environmental Assessment" at https://parkplanning.nps.gov/projectHome.cfm?projectID=30803.

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Acknowledgments

Laura Comay, CRS Specialist in Natural Resources Policy, made important contributions to earlier versions of this report.

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