



Montana Department of Transportation
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Memorandum

To: The Honorable Brian Schweitzer, Governor

From: Tim Reardon, Director

Date: August 9, 2012

Subject: Recreational Trails Program

Congress passed and the President recently signed the *Moving Ahead for Progress in the 21st Century Act (MAP-21)*. MAP-21 is a two-year transportation bill providing funding for federal highway, transit, and safety programs through September 30, 2014.

MAP-21 provides for the continuation of the Recreational Trails Program as it exists in current law and provides added flexibility for States to opt out if the Governor chooses. Failure to opt out by the September 1, 2012 deadline will result in the recreational trails set-aside being applied to the State's transportation alternatives funding. The new language in Title 23 of the United States Code, Section 213 Transportation Alternatives is as follows:

- (f) Continuation of Certain Recreational Trails Projects- Each State shall--*
- (1) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2) for projects relating to recreational trails under section 206;*
 - (2) return 1 percent of those funds to the Secretary for the administration of that program; and*
 - (3) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described under subsection (d)(3)(A) of that section.*
- (g) State Flexibility- A State may opt out of the recreational trails program under subsection (f) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.*

The Montana Department of Transportation has no intention of asking the Governor to exercise the opting out provision. This program is recognized as important to supporting many of Montana's recreational opportunities including hiking, bicycling, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, four-wheel driving, or using other off-road motorized vehicles. Developing and maintaining recreational trails and trail-related facilities for the enjoyment of Montana citizens and visitors through the Recreational Trails Program will continue.