

quire or perform the necessary services, resources, or water.

(c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(d) UTILITY FACILITIES.—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract, under terms and conditions that the Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the System, regardless of whether the lines and facilities are located within or outside the System.

(g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.—The Secretary may acquire—

- (1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and
- (2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

- (i) to provide adequate protection of natural features; or
- (ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.—

(1) IN GENERAL.—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) REIMBURSEMENT.—Reimbursement shall be—

- (A) made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary,

based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control; and

(B) credited to appropriations currently available at the time adjustment is effected.

(3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3112.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100901(a)	16 U.S.C. 1a-2 (matter before (a)). 16 U.S.C. 1b (matter before (1)).	Pub. L. 91-383, § 3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Aug. 8, 1953, ch. 384, § 1 (matter before (1)), (2), (5) through (8), 67 Stat. 495, 496; Pub. L. 91-383, § 2(a), Aug. 18, 1970, 84 Stat. 826.
100901(b)	16 U.S.C. 1a-2(e).	Pub. L. 91-383, § 3(e), Aug. 18, 1970, 84 Stat. 827; Pub. L. 94-458, § 1(1), Oct. 7, 1976, 90 Stat. 1939; Pub. L. 106-176, title I, § 118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100901(c)	16 U.S.C. 1a-2(f).	Pub. L. 91-383, § 3(f), Aug. 18, 1970, 84 Stat. 827; Pub. L. 106-176, title I, § 118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100901(d)	16 U.S.C. 1b(2).	
100901(e) through (h).	16 U.S.C. 1b(5) through (8).	

In subsection (a), the words “and he may use applicable appropriations for the aforesaid system for the following purposes” in 16 U.S.C. 1b (matter before (1)) are omitted as unnecessary.

§ 100902. Rights of way for public utilities and power and communication facilities

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical plants, poles, and lines for the generation and distribution of electrical power;

(B) telephone and telegraph purposes; and

(C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

- (A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and
- (B) not more than 50 feet—

(i) on each side of the marginal limits of the ground; or

(ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical poles and lines for the transmission and distribution of electrical power;

(B) poles and lines for communication purposes; and

(C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

(A) shall be for not more than 50 years from the date the right of way is granted; and

(B) for—

(i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and

(ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

(A) nonuse for a period of 2 years; or

(B) abandonment.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3113.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100902(a)	16 U.S.C. 79.	Feb. 15, 1901, ch.372 (relating to System units), 31 Stat. 790.
100902(b)	16 U.S.C. 5.	Mar. 4, 1911, ch. 238 (4th and last paragraphs (relating to System units) under heading "IMPROVEMENT OF THE NATIONAL FOREST" under heading "FOREST SERVICE"), 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.

In subsection (a), the text of 16 U.S.C. 79 (2d proviso) is omitted as obsolete because title 65 of the Revised

States of the United States was repealed by section 1 of the Act of July 16, 1947 (ch. 256, 61 Stat. 327).

In subsection (a)(1), the words "and the Yosemite, Sequoia, and General Grant national parks, California" are omitted as unnecessary because "other reservations" encompasses all System units.

The inclusion of paragraphs (4) and (5) of subsection (a) do not have any effect on rights of way under subsection (b).

In subsection (a)(4), the words "or his successor in his discretion" are omitted as unnecessary.

In subsection (b), the text of 16 U.S.C. 5 (last paragraph) is omitted as obsolete. The word "Secretary" is substituted for "the head of the department having jurisdiction over the lands" and "chief officer of the department under whose supervision or control such reservation falls" because the portion of the Act of March 4, 1911 (ch. 238, 36 Stat. 1253) classified to 16 U.S.C. 5 relates only to System units.

§ 100903. Solid waste disposal operations

(a) IN GENERAL¹—To protect the air, land, water, and natural and cultural values of the System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

(1) a site that was operating as of September 1, 1984; or

(2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3115.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100903	16 U.S.C. 460l-22(c).	Pub. L. 90-401, §5(c), as added Pub. L. 98-506, §2, Oct. 19, 1984, 98 Stat. 2338.

§ 100904. Admission and special recreation use fees

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105-83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the pur-

¹ So in original. A period probably should appear.