

(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)).	Pub. L. 91–383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826.
	16 U.S.C. 1b (matter before (1)).	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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 GENERAL<sup>1</sup>—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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 purposes of enhancing the quality of the visitor

experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.—The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with

<sup>1</sup> So in original. A period probably should appear.