

108TH CONGRESS
1ST SESSION

H. R. 948

To amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2003

Mr. WICKER (for himself and Mr. PICKERING) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Rail Line
5 Relocation Assistance Act of 2003”.

6 **SEC. 2. RAIL LINE RELOCATION GRANT PROGRAM.**

7 (a) ESTABLISHMENT.—

1 (1) AUTHORITY.—Chapter 2 of title 23, United
2 States Code, is amended by inserting after section
3 206 the following:

4 **“§ 207. Capital grants for rail line relocation projects**

5 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
6 shall carry out a grant program to provide financial assist-
7 ance for local rail line relocation projects.

8 “(b) ELIGIBILITY.—A State is eligible for a grant
9 under this section for any project for the improvement of
10 the route or structure of a rail line passing through a mu-
11 nicipality of the State that—

12 “(1) is carried out for the purpose of mitigating
13 the adverse effects of rail traffic on safety, motor ve-
14 hicle traffic flow, or economic development in the
15 municipality;

16 “(2) involves a lateral or vertical relocation of
17 any portion of the rail line within the municipality
18 to avoid a closing of a grade crossing or the con-
19 struction of a road underpass or overpass; and

20 “(3) meets the costs-benefits requirement set
21 forth in subsection (c).

22 “(c) COSTS-BENEFITS REQUIREMENT.—A grant may
23 be awarded under this section for a project for the reloca-
24 tion of a rail line only if the benefits of the project for
25 the period equal to the estimated economic life of the relo-

1 cated rail line exceed the costs of the project for that pe-
2 riod, as determined by the Secretary considering the fol-
3 lowing factors:

4 “(1) The effects of the rail line and the rail
5 traffic on motor vehicle and pedestrian traffic, safe-
6 ty, and area commerce if the rail line were not so
7 relocated.

8 “(2) The effects of the rail line, relocated as
9 proposed, on motor vehicle and pedestrian traffic,
10 safety, and area commerce.

11 “(3) The effects of the rail line, relocated as
12 proposed, on the freight and passenger rail oper-
13 ations on the rail line.

14 “(d) CONSIDERATIONS FOR APPROVAL OF GRANT
15 APPLICATIONS.—In addition to considering the relation-
16 ship of benefits to costs in determining whether to award
17 a grant to an eligible State under this section, the Sec-
18 retary shall consider the following factors:

19 “(1) The capability of the State to fund the rail
20 line relocation project without Federal grant fund-
21 ing.

22 “(2) The requirement and limitation relating to
23 allocation of grant funds provided in subsection (e).

24 “(3) Equitable treatment of the various regions
25 of the United States.

1 “(e) ALLOCATION REQUIREMENTS.—

2 “(1) PROJECTS UNDER \$20,000,000.—At least
3 50 percent of all grant funds awarded under this
4 section out of funds appropriated for a fiscal year
5 shall be provided for rail line relocation projects that
6 have an estimated project cost of less than
7 \$20,000,000 each.

8 “(2) LIMITATION PER PROJECT.—Not more
9 than 25 percent of the total amount available for
10 carrying out this section for a fiscal year may be
11 provided for any one project in that fiscal year.

12 “(f) FEDERAL SHARE.—The total amount of a grant
13 awarded under this section for a rail line relocation project
14 shall be 90 percent of the shared costs of the project, as
15 determined under subsection (g)(4).

16 “(g) STATE SHARE.—

17 “(1) PERCENTAGE.—A State shall pay 10 per-
18 cent of the shared costs of a project that is funded
19 in part by a grant awarded under this section.

20 “(2) FORMS OF CONTRIBUTIONS.—The share
21 required by paragraph (1) may be paid in cash or
22 in kind.

23 “(3) IN-KIND CONTRIBUTIONS.—The in-kind
24 contributions that are permitted to be counted under

1 paragraph (2) for a project for a State are as fol-
2 lows:

3 “(A) A contribution of real property or
4 tangible personal property (whether provided by
5 the State or a person for the State).

6 “(B) A contribution of the services of em-
7 ployees of the State, calculated on the basis of
8 costs incurred by the State for the pay and ben-
9 efits of the employees, but excluding overhead
10 and general administrative costs.

11 “(C) A payment of any costs that were in-
12 curred for the project before the filing of an ap-
13 plication for a grant for the project under this
14 section, and any in-kind contributions that were
15 made for the project before the filing of the ap-
16 plication, if and to the extent that the costs
17 were incurred or in-kind contributions were
18 made, as the case may be, to comply with a
19 provision of a statute required to be satisfied in
20 order to carry out the project.

21 “(4) COSTS NOT SHARED.—

22 “(A) IN GENERAL.—For the purposes of
23 subsection (f) and this subsection, the shared
24 costs of a project in a municipality do not in-
25 clude any cost that is defrayed with any funds

1 or in-kind contribution that a source other than
2 the municipality makes available for the use of
3 the municipality without imposing at least one
4 of the following conditions:

5 “(i) The condition that the munic-
6 ipality use the funds or contribution only
7 for the project.

8 “(ii) The condition that the avail-
9 ability of the funds or contribution to the
10 municipality is contingent on the execution
11 of the project.

12 “(B) DETERMINATIONS OF THE SEC-
13 RETARY.—The Secretary shall determine the
14 amount of the costs, if any, that are not shared
15 costs under this paragraph and the total
16 amount of the shared costs. A determination of
17 the Secretary shall be final.

18 “(h) MULTISTATE AGREEMENTS TO COMBINE
19 AMOUNTS.—Two or more States (not including political
20 subdivisions of States) may, pursuant to an agreement en-
21 tered into by the States, combine any part of the amounts
22 provided through grants for a project under this section
23 if—

24 “(1) the project will benefit each of the States
25 entering into the agreement; and

1 “(2) the agreement is not a violation of a law
2 of any such State.

3 “(i) REGULATIONS.—The Secretary shall prescribe
4 regulations for carrying out this section.

5 “(j) STATE DEFINED.—In this section, the term
6 ‘State’ includes, except as otherwise specifically provided,
7 a political subdivision of a State.

8 “(k) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated from the general
10 fund of the Treasury for carrying out this section for fiscal
11 years and in amounts as follows:

12 “(1) For fiscal year 2004, \$250,000,000.

13 “(2) For fiscal year 2005, \$500,000,000.

14 “(3) For fiscal year 2006, \$500,000,000.

15 “(4) For fiscal year 2007, \$500,000,000.

16 “(5) For fiscal year 2008, \$500,000,000.

17 “(6) For fiscal year 2009, \$500,000,000.”.

18 “(2) TABLE OF SECTIONS.—The table of sections
19 at the beginning of chapter 2 of title 23, United
20 States Code, is amended by striking the item relat-
21 ing to section 207 and inserting the following:

“207. Capital grants for rail line relocation projects.”.

22 “(b) REGULATIONS.—

23 “(1) INTERIM REGULATIONS.—Not later than
24 December 31, 2003, the Secretary of Transportation
25 shall issue temporary regulations to implement the

1 grant program under section 207 of title 23, United
2 States Code, as added by subsection (a). Subchapter
3 II of chapter 5 of title 5, United States Code, shall
4 not apply to the issuance of a temporary regulation
5 under this paragraph or of any amendment of such
6 a temporary regulation.

7 (2) FINAL REGULATIONS.—Not later than Oc-
8 tober 1, 2004, the Secretary shall issue final regula-
9 tions implementing the program.

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