

107TH CONGRESS  
1ST SESSION

# H. R. 3258

To amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of rights-of-way granted, issued, or renewed under such Act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources

---

## A BILL

To amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of rights-of-way granted, issued, or renewed under such Act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reasonable Right-of-  
3 Way Fees Act of 2001”.

4 **SEC. 2. CLARIFICATION OF FAIR MARKET VALUE DETER-**  
5 **MINATIONS FOR PUBLIC LANDS AND FOREST**  
6 **SERVICE RIGHTS-OF-WAY.**

7 Section 504(g) of the Federal Land Policy and Man-  
8 agement Act of 1976 (43 U.S.C. 1764(g)) is amended—

9 (1) by inserting “(1)” after “(g)”;

10 (2) in the first sentence, by striking “thereof”  
11 and inserting “of the holder’s use of the land en-  
12 cumbered by the right-of-way”; and

13 (3) by adding at the end the following new  
14 paragraphs:

15 “(2) For purposes of paragraph (1), the fair market  
16 value of a use of land encumbered by a right-of-way grant-  
17 ed, issued, or renewed under this title may not exceed the  
18 lowest amount determined using the following valuation  
19 methods:

20 “(A) The value to the Secretary concerned of  
21 the land encumbered by the right-of-way.

22 “(B) The diminution in the value of the land to  
23 the Secretary concerned as a result of the right-of-  
24 way.

1           “(C) The amount necessary to restore the land  
2           to its use immediately before the initial grant or  
3           issuance of the right-of-way.

4           “(3) Fair market value and related rents shall be de-  
5           termined from the perspective of the Government as a  
6           land holder and willing seller of the right-of-way under  
7           this title. Right-of-way uses that have similar initial or po-  
8           tential physical impacts on the land or adjacent lands, in-  
9           cluding the disturbance necessary to establish the right-  
10          of-way and directly related ancillary facilities, including  
11          points of access, substations, compressor stations, and re-  
12          generation facilities, shall be valued based on the fee value  
13          of the underlying land, regardless of the technology  
14          present or related commercial values of the facilities.”.

○