

# Union Calendar No. 337

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3258

**[Report No. 107-563]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

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

JULY 11, 2002

Additional sponsors: Mrs. WILSON, Mr. RADANOVICH, Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. CALVERT

JULY 11, 2002

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on November 8, 2001]

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## 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 deter-

mine 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,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Reasonable Right-of-*  
 5 *Way Fees Act of 2002”.*

6 **SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE**  
 7                    **DETERMINATIONS FOR PUBLIC LANDS AND**  
 8                    **FOREST SERVICE RIGHTS-OF-WAY.**

9        *(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND*  
 10 *POLICY AND MANAGEMENT ACT.—Section 504 of the Fed-*  
 11 *eral Land Policy and Management Act of 1976 (43 U.S.C.*  
 12 *1764) is amended by adding at the end the following new*  
 13 *subsection:*

14        *“(k) DETERMINATION OF FAIR MARKET VALUE OF*  
 15 *LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance*  
 16 *of the rules required by paragraph (2), for purposes of sub-*  
 17 *section (g), the Secretary concerned shall determine the fair*  
 18 *market rental for the use of land encumbered by a linear*  
 19 *right-of-way granted, issued, or renewed under this title*  
 20 *using the valuation method described in paragraphs (2),*  
 21 *(3), and (4).*

1       “(2) Not later than one year after the date of enact-  
2       ment of the Reasonable Right-of-Way Fees Act of 2002, and  
3       in accordance with subsection (k), the Secretary of the Inte-  
4       rior shall amend section 2803.1–2 of title 43, Code of Fed-  
5       eral Regulations, as in effect on the date of enactment of  
6       such Act, to revise the per acre rental fee zone value schedule  
7       by State, county, and type of linear right-of-way use to re-  
8       flect current values of land in each zone. The Secretary of  
9       Agriculture shall make the same revisions for linear rights-  
10      of-way granted, issued, or renewed under this title on Na-  
11      tional Forest System lands.

12      “(3) The Secretary concerned shall update annually  
13      the schedule revised under paragraph (2) by multiplying  
14      the current year’s rental per acre by the annual change,  
15      second quarter to the second quarter (June 30 to June 30)  
16      in the Gross National Product Implicit Price Deflator  
17      Index published in the Survey of Current Business of the  
18      Department of Commerce, Bureau of Economic Analysis.

19      “(4) Whenever the cumulative change in the index re-  
20      ferred to in paragraph (3) exceeds 30 percent, or the change  
21      in the 3-year average of the 1-year Treasury interest rate  
22      used to determine per acre rental fee zone values exceeds  
23      plus or minus 50 percent, the Secretary concerned shall con-  
24      duct a review of the zones and rental per acre figures to  
25      determine whether the value of Federal land has differed

1 *sufficiently from the index referred to in paragraph (3) to*  
2 *warrant a revision in the base zones and rental per acre*  
3 *figures. If, as a result of the review, the Secretary concerned*  
4 *determines that such a revision is warranted, the Secretary*  
5 *concerned shall revise the base zones and rental per acre*  
6 *figures accordingly.”.*

7       **(b) RIGHTS-OF-WAY UNDER MINERAL LEASING**  
8 *ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C.*  
9 *185(l)) is amended by inserting before the period at the end*  
10 *the following: “using the valuation method described in sec-*  
11 *tion 2803.1–2 of title 43, Code of Federal Regulations, as*  
12 *revised pursuant to section 504(k) of the Federal Land Pol-*  
13 *icy and Management Act of 1976 (43 U.S.C. 1764(k))”.*

Amend the title so as to read: “A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.”.



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