

107TH CONGRESS
1ST SESSION

S. 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 SENATE OF THE UNITED STATES

MAY 24, 2001

Mr. LOTT (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 2001”.

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

2 (a) ESTABLISHMENT.—

3 (1) AUTHORITY.—Chapter 2 of title 23, United
4 States Code, is amended by inserting after section
5 206 the following:

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

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

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

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

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

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

24 “(c) COSTS-BENEFITS REQUIREMENT.—A grant may
25 be awarded under this section for a project for the reloca-
26 tion of a rail line only if the benefits of the project for

1 the period equal to the estimated economic life of the relo-
2 cated rail line exceed the costs of the project for that pe-
3 riod, as determined by the Secretary considering the fol-
4 lowing factors:

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

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

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

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

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

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

1 “(3) Equitable treatment of the various regions
2 of the United States.

3 “(e) ALLOCATION REQUIREMENTS.—

4 “(1) PROJECTS UNDER \$20,000,000.—At least
5 50 percent of all grant funds awarded under this
6 section out of funds appropriated for a fiscal year
7 shall be provided for rail line relocation projects that
8 have an estimated project cost of less than
9 \$20,000,000 each.

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

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

18 “(g) STATE SHARE.—

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

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

1 “(3) IN-KIND CONTRIBUTIONS.—The in-kind
2 contributions that are permitted to be counted under
3 paragraph (2) for a project for a State are as fol-
4 lows:

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

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

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

23 “(4) COSTS NOT SHARED.—

24 “(A) IN GENERAL.—For the purposes of
25 subsection (f) and this subsection, the shared

1 costs of a project in a municipality do not in-
2 clude any cost that is defrayed with any funds
3 or in-kind contribution that a source other than
4 the municipality makes available for the use of
5 the municipality without imposing at least one
6 of the following conditions:

7 “(i) The condition that the munici-
8 pality use the funds or contribution only
9 for the project.

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

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

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

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

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

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

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

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

14 “(1) For fiscal year 2001, \$250,000,000.

15 “(2) For fiscal year 2002, \$500,000,000.

16 “(3) For fiscal year 2003, \$500,000,000.

17 “(4) For fiscal year 2004, \$500,000,000.

18 “(5) For fiscal year 2005, \$500,000,000.

19 “(6) For fiscal year 2006, \$500,000,000.”.

20 “(2) TABLE OF SECTIONS.—The table of sections
21 at the beginning of chapter 2 of title 23, United
22 States Code, is amended by inserting after the item
23 relating to section 206 the following:

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

24 “(b) REGULATIONS.—

1 (1) INTERIM REGULATIONS.—Not later than
2 December 31, 2001, the Secretary of Transportation
3 shall issue temporary regulations to implement the
4 grant program under section 207 of title 23, United
5 States Code, as added by subsection (a). Subchapter
6 II of chapter 5 of title 5, United States Code, shall
7 not apply to the issuance of a temporary regulation
8 under this paragraph or of any amendment of such
9 a temporary regulation.

10 (2) FINAL REGULATIONS.—Not later than Oc-
11 tober 1, 2002, the Secretary shall issue final regula-
12 tions implementing the program.

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