

108TH CONGRESS
1ST SESSION

H. R. 1815

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. SPRATT introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to direct the Secretary of Transportation to carry out a grant program for providing financial assistance for 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 “Rail Line Relocation
5 Act of 2003”.

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

7 (a) ESTABLISHMENT.—

1 (1) AUTHORITY.—Chapter 3 of title 23, United
2 States Code, is amended by inserting after section
3 306 the following:

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

5 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
6 of Transportation shall carry out a grant program to pro-
7 vide financial assistance for local rail line relocation
8 projects.

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

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

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

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

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

1 the period of the estimated economic life of the relocated
2 rail line exceed the costs of the project for that period,
3 as determined by the Secretary considering the following
4 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) APPROVAL OF GRANT APPLICATIONS.—

16 “(1) ADDITIONAL FACTORS.—In addition to
17 considering the relationship of benefits to costs in
18 determining whether to award a grant to an eligible
19 State under this section, the Secretary shall consider
20 the following factors:

21 “(A) The capability of the State to fund
22 the rail line relocation project without Federal
23 grant funding.

1 “(B) The requirement and limitation relat-
2 ing to allocation of grant funds provided in sub-
3 section (e).

4 “(C) Equitable treatment of the various re-
5 gions of the United States.

6 “(2) EXISTING PROJECTS.—The Secretary may
7 award a grant under this section to a State to pro-
8 vide reimbursement for the cost of work carried out
9 after January 1, 2002, and before the date of enact-
10 ment of Rail Line Relocation Act of 2003 for a
11 project for relocation of a rail yard if—

12 “(A) the project conforms with the require-
13 ments of this section, including requirements
14 for State participation under subsection (g);
15 and

16 “(B) the Secretary determines that the
17 cost of the project has caused a substantial fi-
18 nancial hardship for non-Federal interests in-
19 volved in the project.

20 “(e) ALLOCATION REQUIREMENTS.—

21 “(1) GRANTS NOT GREATER THAN
22 \$20,000,000.—At least 50 percent of all grant funds
23 awarded under this section out of funds appro-
24 priated for a fiscal year shall be provided as grant
25 awards of not more than \$20,000,000 each.

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

5 “(f) FEDERAL SHARE.—The total amount of a grant
6 awarded under this section for a rail line relocation project
7 shall be 80 percent of the shared costs of the project, as
8 determined under subsection (g)(4).

9 “(g) STATE SHARE.—

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

13 “(2) FORMS OF CONTRIBUTIONS.—The share
14 required by paragraph (1) may be paid in cash or
15 in kind.

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

20 “(A) A contribution of real property or
21 tangible personal property (whether provided by
22 the State or a person for the State).

23 “(B) A contribution of the services of em-
24 ployees of the State, calculated on the basis of
25 costs incurred by the State for the pay and ben-

1 efits of the employees, but excluding overhead
2 and general administrative costs.

3 “(C) A payment of any costs that were in-
4 curred for the project before the filing of an ap-
5 plication for a grant for the project under this
6 section, and any in-kind contributions that were
7 made for the project before the filing of the ap-
8 plication, if and to the extent that the costs
9 were incurred or in-kind contributions were
10 made, as the case may be, to comply with a
11 provision of a statute required to be satisfied in
12 order to carry out the project.

13 “(4) COSTS NOT SHARED.—

14 “(A) IN GENERAL.—For the purposes of
15 subsection (f) and this subsection, the shared
16 costs of a project in a municipality do not in-
17 clude any cost that is defrayed with any funds
18 or in-kind contribution that a source other than
19 the municipality makes available for the use of
20 the municipality without imposing at least one
21 of the following conditions:

22 “(i) The condition that the munici-
23 pality use the funds or contribution only
24 for the project.

1 “(ii) The condition that the avail-
2 ability of the funds or contribution to the
3 municipality is contingent on the execution
4 of the project.

5 “(B) DETERMINATIONS OF THE SEC-
6 RETARY.—The Secretary shall determine the
7 amount of the costs, if any, that are not shared
8 costs under this paragraph and the total
9 amount of the shared costs. A determination of
10 the Secretary shall be final.

11 “(h) MULTISTATE AGREEMENTS TO COMBINE
12 AMOUNTS.—Two or more States (not including political
13 subdivisions of States) may, pursuant to an agreement en-
14 tered into by the States, combine any part of the amounts
15 provided through grants for a project under this section
16 if—

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

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

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

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

1 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary for use
3 in carrying out this section \$300,000,000 for each of the
4 fiscal years 2004 through 2008.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
6 chapter 3 of title 23, United States Code, is amended by
7 inserting after the item relating to section 306 the fol-
8 lowing:

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

9 (c) REGULATIONS.—

10 (1) INTERIM REGULATIONS.—Not later than
11 October 1, 2003, the Secretary of Transportation
12 shall issue temporary regulations to implement the
13 grant program under section 307 of title 23, United
14 States Code. Subchapter II of chapter 5 of title 5,
15 United States Code, shall not apply to the issuance
16 of a temporary regulation under this subsection or
17 of any amendment of such a temporary regulation.

18 (2) FINAL REGULATIONS.—Not later than April
19 1, 2004, the Secretary shall issue final regulations
20 implementing the program.

21 (3) CRITERIA.—In developing regulations under
22 paragraph (1), and in any final regulations, the Sec-
23 retary shall establish criteria that ensure that all

1 grants under section 307 of title 23, United States
2 Code, are awarded on a competitive basis.

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