

107TH CONGRESS  
2D SESSION

# H. R. 3258

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## AN ACT

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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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.

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  
10 LAND POLICY AND MANAGEMENT ACT.—Section 504 of  
11 the Federal Land Policy and Management Act of 1976  
12 (43 U.S.C. 1764) is amended by adding at the end the  
13 following new subsection:

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

22 “(2) Not later than one year after the date of enact-  
23 ment of the Reasonable Right-of-Way Fees Act of 2002,  
24 and in accordance with subsection (k), the Secretary of  
25 the Interior shall amend section 2803.1–2 of title 43, Code

1 of Federal Regulations, as in effect on the date of enact-  
2 ment of such Act, to revise the per acre rental fee zone  
3 value schedule by State, county, and type of linear right-  
4 of-way use to reflect current values of land in each zone.  
5 The Secretary of Agriculture shall make the same revi-  
6 sions for linear rights-of-way granted, issued, or renewed  
7 under this title on National Forest System lands.

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

15       “(4) Whenever the cumulative change in the index  
16 referred to in paragraph (3) exceeds 30 percent, or the  
17 change in the 3-year average of the 1-year Treasury inter-  
18 est rate used to determine per acre rental fee zone values  
19 exceeds plus or minus 50 percent, the Secretary concerned  
20 shall conduct a review of the zones and rental per acre  
21 figures to determine whether the value of Federal land has  
22 differed sufficiently from the index referred to in para-  
23 graph (3) to warrant a revision in the base zones and rent-  
24 al per acre figures. If, as a result of the review, the Sec-  
25 retary concerned determines that such a revision is war-

1 ranted, the Secretary concerned shall revise the base zones  
2 and rental per acre figures accordingly.”.

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

Passed the House of Representatives July 22, 2002.

Attest:

*Clerk.*