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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To provide for certain requirements of the Surface Transportation Board and any State, political subdivision, or qualified private organization requesting interim recreational use of an abandoned railway right-of-way, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for certain requirements of the Surface Transportation Board and any State, political subdivision, or qualified private organization requesting interim recreational use of an abandoned railway right-of-way, 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 “Rails to Trails Land-
5 owner Rights Act”.

1 **SEC. 2. INTERIM USE OF RAILROAD RIGHTS-OF-WAY.**

2 Section 8 of the National Trails System Act (16
3 U.S.C. 1247) is amended—

4 (1) in subsection (d)—

5 (A) by striking “The Secretary of Trans-
6 portation” and inserting “(1) The Secretary of
7 Transportation”; and

8 (B) by adding at the end the following:

9 “(2) To be eligible for the treatment described in this
10 subsection, a State, political subdivision, or qualified pri-
11 vate organization shall—

12 “(A) provide notice to—

13 “(i) the owners of any property upon which
14 the railroad right-of-way crosses, or is adjacent
15 to the land subject to the right-of-way; and

16 “(ii) any unit of local government with ju-
17 risdiction over any property upon which the
18 railroad right-of-way crosses;

19 “(B) not later than 30 days after intervening in
20 an abandonment proceeding under this subsection,
21 receive signed approval from each owner described in
22 subparagraph (A)(i) for the proposed interim use;

23 “(C) disclose the legal status of the occupancy
24 for the right-of-way;

25 “(D) with respect to any proposed agreement
26 under this subsection—

1 “(i) ensure that any agreement reached
2 under this subsection requires the State, polit-
3 ical subdivision, or qualified private organiza-
4 tion party to such agreement to compensate the
5 owners of property upon which such right-of-
6 way crosses for any additional cost attributed to
7 the interim use, with a minimum compensation
8 level at fair market value of such property, in-
9 cluding costs imposed on affected landowners
10 due to the required movement of existing infra-
11 structure and lost development opportunities;

12 “(ii) provide to the Board such assurances
13 as the Board may require, that the State, polit-
14 ical subdivision, or qualified private organiza-
15 tion has the financial resources to provide com-
16 pensation as described under clause (i); and

17 “(iii) ensure that any agreement reached
18 under this subsection requires the trail sponsor
19 to continue all right-of-way maintenance re-
20 sponsibilities in perpetuity or until the right-of-
21 way returns to active rail service; and

22 “(E) create an online publicly accessible portal
23 to disclose the information described in subpara-
24 graph (A) through (D).

1 “(3) Before issuing a notice for interim trail use de-
2 scribed in this subsection, and after the approval has been
3 provided under paragraph (2)(B), the Board shall—

4 “(A) provide for a public notice and comment
5 period beginning not less than 90 days before a cer-
6 tification is awarded under this subsection;

7 “(B) review the width of any applicable ease-
8 ment and consider narrowing an easement if it such
9 width is not necessary for the corridor to potentially
10 be returned to service as a rail corridor;

11 “(C) not later than 10 days after the comple-
12 tion of the requirements under subparagraph (A),
13 carry out a cost-benefit analysis of the full impact
14 of the interim use of the railway that considers—

15 “(i) the impact on—

16 “(I) safety;

17 “(II) health;

18 “(III) security;

19 “(IV) privacy;

20 “(V) biosecurity;

21 “(VI) food security; and

22 “(VII) economic impact on owners de-
23 scribed in paragraph (2)(A)(i) and other
24 local communities; and

1 “(ii) the likelihood that the corridor will re-
2 turn to use as rail service if such a consider-
3 ation was not taken into account in such anal-
4 ysis.

5 “(4) Any cost incurred carrying out the requirements
6 of paragraph (3)(B) shall be borne by the State, political
7 subdivision, or qualified private organization proposing the
8 interim railway use and the Board shall not incur any such
9 expenses until funding for carrying out such activities is
10 received from the trail sponsor.”; and

11 (2) by adding at the end the following:

12 “(f) Notwithstanding any other provision of this sec-
13 tion, the Board may contract with an independent third
14 party to conduct a cost-benefit analysis required to be car-
15 ried out under subsection (d)(3)(B).”.

16 **SEC. 3. PERIODIC REVIEW OF RAILS-TO-TRAILS COR-**
17 **RIDORS.**

18 The Surface Transportation Board shall—

19 (1) periodically review rails-to-trails corridors
20 described in section 8(d) of the National Trails Sys-
21 tem Act (16 U.S.C. 1247(d)); and

22 (2) make recommendations to relevant congres-
23 sional committees on maintenance requirements of
24 the trail sponsor and consider requests of land-

1 owners and trail sponsors to narrow the width of the
2 easement for a corridor.

3 **SEC. 4. ADVISORY COMMITTEE.**

4 (a) ESTABLISHMENT.—The Secretary of the Interior
5 shall establish an advisory committee to recommend main-
6 tenance requirements for trail sponsors under the program
7 described in section 8(d) of the National Trails System
8 Act (16 U.S.C. 1247(d)) and any agreement reached
9 under such program.

10 (b) MEMBERSHIP.—The advisory committee estab-
11 lished under subsection (a) shall be composed of 11 mem-
12 bers appointed by the Secretary not later than 60 days
13 after the date of enactment of this Act. The members of
14 the committee shall be as follows:

15 (1) 6 members selected from landowners along
16 existing trails created under such program.

17 (2) 3 members representing rail carriers.

18 (3) 2 members that are trail sponsors under
19 such program.

20 (c) COMPENSATION; TRAVEL EXPENSES.—

21 (1) COMPENSATION.—Members of the com-
22 mittee established under subsection (a) shall not re-
23 ceive compensation from the Secretary in carrying
24 out the duties of the committee under this section.

1 (2) TRAVEL EXPENSES.—Travel expenses in-
2 curred by a member of the committee in carrying
3 out the duties of the committee under this section
4 shall not be eligible for Federal reimbursement.

5 (d) REPORT TO SECRETARY.—Not later than 2 years
6 after the date of enactment of this Act, the committee es-
7 tablished under subsection (a) shall submit to the Com-
8 mittee on Natural Resources of the House of Representa-
9 tives a report containing the recommendations described
10 under subsection (a).