

108TH CONGRESS
1ST SESSION

H. R. 2927

To amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

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

A BILL

To amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways.

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 “Orphan Highway Res-
5 toration Act”.

6 SEC. 2. NATIONAL ORPHAN HIGHWAYS PROGRAM.

7 (a) IN GENERAL.—Chapter 1 of title 23, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 165. National orphan highways program**

2 “(a) GRANTS AND TECHNICAL ASSISTANCE.—

3 “(1) IN GENERAL.—The Secretary shall make
4 grants and provide technical assistance to States,
5 and units of local government to—

6 “(A) perform preventive maintenance on or
7 carry out projects for resurfacing, restoration,
8 reconstruction, and rehabilitation of an orphan
9 highway, as defined in subsection (e); and

10 “(B) rehabilitate, repair, or construct side-
11 walks, medians, bike lanes, traffic-calming de-
12 vices, signaling, or signage to enhance commu-
13 nity livability on or adjacent to an orphan high-
14 way.

15 “(2) PRIORITY.—In making grants, the Sec-
16 retary shall give priority to projects that—

17 “(A) include rehabilitation measures that
18 focus on pedestrian safety;

19 “(B) are coordinated with State and local
20 adopted preservation or development plans;

21 “(C) promote cost-effective and strategic
22 investments in transportation infrastructure
23 that minimize adverse impacts on the environ-
24 ment;

25 “(D) promote innovative private sector
26 strategies;

1 “(E) foster public-private partnerships;
2 “(F) include a higher percentage of State
3 or locally matched funds;

4 “(G) have zoning designations that support
5 more intensive, mixed-use development along
6 part or all of the route; or

7 “(H) upon completion, will result in the
8 transfer of ongoing management and adminis-
9 trative responsibilities from the State to the
10 local jurisdiction.

11 “(3) DISTRIBUTION OF FUNDS.—The Secretary
12 shall allocate funds made available for this section
13 for fiscal years 2004 through 2009 among the grant
14 recipients, using 2000 census data as follows:

15 “(A) not less than 20 percent to units of
16 local government with a population between
17 50,000 and 250,000 residents; and

18 “(B) not less than 50 percent to units of
19 local government with a population of less than
20 50,000.

21 “(b) SAVINGS CLAUSE.—The Secretary shall not
22 withhold any grant or impose any requirement on a grant
23 recipient as a condition of providing a grant or technical
24 assistance for any orphan highway unless the requirement
25 is consistent with the authority provided in this chapter.

1 “(c) FEDERAL SHARE.—The Federal share of the
2 cost of carrying out a project under this section shall be
3 80 percent, except that, in the case of an orphan highway
4 that provides access to or within Federal or Indian land,
5 the head of a Federal land management agency may use
6 funds authorized for such agency for the non-Federal
7 share.

8 “(d) ADMINISTRATIVE OVERSIGHT.—A grant recipi-
9 ent may use not more than 2 percent of funds received
10 under this section for administrative costs.

11 “(e) DEFINITIONS.—For purposes of this Act the fol-
12 lowing definitions apply:

13 “(1) ORPHAN HIGHWAY.—

14 “(A) is or was formerly a United States
15 numbered highway;

16 “(B) is located within the boundaries of a
17 unit of local government as defined under para-
18 graph (2);

19 “(C) is no longer a principal route for traf-
20 fic passing through the State after construction
21 of a bypass or Interstate;

22 “(D) currently functions as a county, par-
23 ish, or city arterial or collector route, or pro-
24 vides access to or within Federal or tribal lands;
25 and

1 “(E) because of decreased importance to
2 statewide transportation, has received only rou-
3 tine maintenance but needs significant resur-
4 facing, restoration, reconstruction, or rehabilita-
5 tion.

6 “(2) UNIT OF LOCAL GOVERNMENT.—The term
7 ‘unit of local government’ means—

8 “(A) any city, county, township, town, bor-
9 ough, parish, village, or other general purpose
10 political subdivision of a State;

11 “(B) any law enforcement district or judi-
12 cial enforcement district that—

13 “(i) is established under applicable
14 State law; and

15 “(ii) has the authority to, in a manner
16 independent of other State entities, estab-
17 lish a budget and impose taxes;

18 “(C) an Indian Tribe (as that term is de-
19 fined in section 4 of the Indian Self-Determina-
20 tion and Education Assistance Act (25 U.S.C.
21 450b); or

22 “(D) for the purposes of assistance eligi-
23 bility, any agency of the government of the Dis-
24 trict of Columbia or the Federal Government

1 that performs law enforcement functions in and
2 for—

3 “(i) the District of Columbia; or
4 “(ii) any Trust Territory of the
5 United States.”.

6 (b) CONFORMING AMENDMENT.—The analysis for
7 such chapter is amended by inserting after the item relat-
8 ing to section 164 the following:

“165. National orphan highways program.”.

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