

109TH CONGRESS  
2D SESSION

# H. R. 5244

To revitalize the Los Angeles River, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Ms. ROYBAL-ALLARD (for herself, Ms. WATSON, Mrs. NAPOLITANO, Mr. BECERRA, Ms. SOLIS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To revitalize the Los Angeles River, 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 “Los Angeles River Re-  
5       vitalization Act”.

6       **SEC. 2. LOS ANGELES RIVER REVITALIZATION, CALI-**  
7       **FORNIA.**

8       (a) DEFINITIONS.—In this section, the following defi-  
9       nitions apply:

10               (1) CITY.—The term “City” means the city of  
11       Los Angeles, California.

1           (2) SECRETARY.—The term “Secretary” means  
2     the Secretary of the Army.

3           (b) REVITALIZATION PLAN.—

4           (1) IN GENERAL.—The Secretary, in coordina-  
5     tion with the City and in consultation with appro-  
6     priate Federal, State, regional, and local agencies,  
7     shall—

8           (A) prepare a project-specific plan for the  
9           revitalization of the Los Angeles River that is  
10          consistent with the goals of the Los Angeles  
11          River Revitalization Master Plan published by  
12          the City; and

13          (B) submit the plan to Congress by not  
14          later than 3 years after the date on which funds  
15          are appropriated to carry out this subsection.

16          (2) CONTENTS.—The plan under paragraph (1)  
17     shall—

18           (A) address environmental restoration, rec-  
19           reational, water conservation, flood control, eco-  
20           nomic development, and other uses of the Los  
21           Angeles River; and

22           (B) include—

23           (i) a feasibility report with respect to  
24           the implementation of the plan; and

1                   (ii) a project-specific environmental  
2                   impact statement or similar analysis re-  
3                   quired under the National Environmental  
4                   Policy Act of 1969 (42 U.S.C. 4321 et  
5                   seq.) relating to each proposed Federal ac-  
6                   tion under the plan.

7                   (3) USE OF EXISTING INFORMATION AND MEAS-  
8                   URES.—In preparing and implementing the plan  
9                   under paragraph (1), the Secretary shall use, to the  
10                  maximum extent practicable—

11                 (A) information that is available as of the  
12                 date of enactment of this Act;

13                 (B) information developed under the pilot  
14                 projects under subsection (c); and

15                 (C) any measure being carried out as of  
16                 the date of enactment of this Act by a partici-  
17                 pating agency.

18                 (4) AGREEMENT.—

19                 (A) IN GENERAL.—The Secretary shall  
20                 offer to enter into a binding agreement with the  
21                 City and any other non-Federal sponsor to  
22                 carry out the plan under paragraph (1).

23                 (B) NON-FEDERAL SHARE.—

24                 (i) IN GENERAL.—The agreement  
25                 under subparagraph (A) shall include cost-

1 sharing provisions under which the City  
2 and any other non-Federal sponsor shall  
3 pay not less than 50 percent of the total  
4 costs of carrying out the plan under para-  
5 graph (1).

6 (ii) FORM.—The non-Federal share  
7 under clause (i) may be provided in cash  
8 or in-kind.

9 (iii) CREDIT FOR PREVIOUSLY DEVEL-  
10 OPED INFORMATION.—In calculating the  
11 non-Federal share under clause (i), the  
12 Secretary shall provide to the City a credit  
13 in the amount of the cost of developing any  
14 information used under paragraph (3)(A).

15 (5) ALTERNATIVES.—

16 (A) IN GENERAL.—The Secretary, in co-  
17 ordination with the City, may recommend,  
18 through a full and open evaluation process, any  
19 locally-preferred project as an alternative to a  
20 measure proposed in the plan under paragraph  
21 (1).

22 (B) INCLUSION IN FEASIBILITY REPORT  
23 AND EIS.—Each recommended locally-preferred  
24 project under subparagraph (A) shall be in-  
25 cluded in the feasibility report or an environ-

1           mental impact statement or analysis, as appro-  
2           priate, under paragraph (2)(B).

3           (6) REPORT TO CONGRESS.—The Secretary  
4           shall submit to Congress a report describing the im-  
5           plementation and results of the plan under para-  
6           graph (1) as soon as practicable after the date on  
7           which the plan is carried out.

8           (7) AUTHORIZATION OF APPROPRIATIONS.—  
9           There is authorized to be appropriated to carry out  
10          this subsection \$4,000,000.

11          (c) PILOT PROJECTS.—

12           (1) IN GENERAL.—The Secretary is authorized  
13           to construct, at any time, any pilot project described  
14           in paragraph (2) in order to provide information to  
15           develop, or to carry out, the revitalization plan under  
16           subsection (b)(1).

17           (2) DESCRIPTION OF PROJECTS.—A pilot  
18           project referred to in paragraph (1) is a pilot project  
19           for the revitalization of the Los Angeles River, in-  
20           cluding—

21           (A) a channel wall texturing or other aes-  
22           thetic treatment construction project;

23           (B) a flood control system that incor-  
24           porates an in-channel temporary dam to pond  
25           water for environmental or aesthetic purposes;

1 (C) a graffiti removal or control construc-  
2 tion project; or

3 (D) a wetlands or riparian habitat restora-  
4 tion demonstration project.

5 (3) AGREEMENTS.—

6 (A) IN GENERAL.—The Secretary shall  
7 offer to enter into a binding agreement with the  
8 City and any other non-Federal sponsor to  
9 carry out each pilot project under paragraph  
10 (1) under which the City and any other non-  
11 Federal sponsor shall agree—

12 (i) to pay at least 35 percent of the  
13 total costs of the pilot project;

14 (ii) to acquire any land, easement,  
15 right-of-way, relocation, or dredged mate-  
16 rial disposal area required to carry out the  
17 pilot project; and

18 (iii) to hold the United States harm-  
19 less for any claim or damage that arises in  
20 carrying out the pilot project, except for a  
21 claim or damage arising from the neg-  
22 ligence of an officer or contractor of the  
23 United States.

24 (B) NON-FEDERAL SHARE.—

1 (i) FORM.—The non-Federal share  
2 under subparagraph (A)(i) may be pro-  
3 vided in cash or in-kind.

4 (ii) CREDITS.—

5 (I) IN GENERAL.—In calculating  
6 the non-Federal share under clause  
7 (i), the Secretary shall provide to the  
8 City and any other non-Federal spon-  
9 sor a credit (including an in-kind  
10 credit) in an amount that reflects—

11 (aa) the value of any land,  
12 easement, right-of-way, reloca-  
13 tion, or dredged material disposal  
14 area provided by the City and  
15 any other non-Federal sponsor in  
16 carrying out the applicable pilot  
17 project; and

18 (bb) the reasonable cost of  
19 any work performed in connec-  
20 tion with a study,  
21 preconstruction engineering and  
22 design project, or construction  
23 project required to carry out the  
24 revitalization plan under sub-  
25 section (b)(1).

1 (II) USE.—A credit provided  
2 under this clause may be used for any  
3 pilot project under this subsection.

4 (4) PRIORITY.—The Secretary, in consultation  
5 with the City, shall assign a priority to each pilot  
6 project under this subsection.

7 (5) FEDERAL SHARE.—Subject to subsection  
8 (e), the Federal share of a pilot project under this  
9 subsection shall not exceed \$5,000,000.

10 (6) REPORT TO CONGRESS.—The Secretary  
11 shall submit to Congress a report describing each  
12 pilot project carried out under this subsection as  
13 soon as practicable after the date on which the pilot  
14 project is completed.

15 (7) AUTHORIZATION OF APPROPRIATIONS.—  
16 There is authorized to be appropriated to carry out  
17 this subsection \$35,000,000.

18 (d) WATER REUSE PROJECT.—Section 219(f) of the  
19 Water Resources Development Act of 1992 (106 Stat.  
20 4835; 117 Stat. 1836, 1838, 1841, 1844; 119 Stat. 2255)  
21 is amended—

22 (1) by striking “CHARLESTON, SOUTH CARO-  
23 LINA.—\$5,000,000” and inserting the following:

24 “(72) CHARLESTON, SOUTH CAROLINA.—  
25 \$5,000,000”;



1           (2) by redesignating the second paragraph (71)  
2           and each subsequent paragraph as paragraphs (73)  
3           through (77), respectively;

4           (3) in paragraph (75) (as redesignated by para-  
5           graph (2))—

6                   (A) by striking “(75) \$6,430,000” and in-  
7                   serting the following:

8                   “(75) INDIANAPOLIS, INDIANA.—\$6,430,000”;  
9           and

10                   (B) by striking the semicolon at the end  
11                   and inserting a period; and

12           (4) by adding at the end the following:

13                   “(78) LOS ANGELES RIVER, LOS ANGELES,  
14           CALIFORNIA.—\$40,000,000 for a water reuse  
15           project, including measures for environmental res-  
16           toration and revitalization of the Los Angeles River  
17           within the City of Los Angeles, California.”.

18           (e) MAXIMUM COST OF PROJECTS.—Each project  
19           carried out under the revitalization plan under subsection  
20           (b), and each pilot project carried out under subsection  
21           (c), shall be subject to section 902 of the Water Resources  
22           Development Act of 1986 (100 Stat. 4183).

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