

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 906

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, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources

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## A BILL

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, 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 “Reasonable Right-of-  
5       Way Fees Act of 2005”.

1 **SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE**  
2 **DETERMINATIONS FOR PUBLIC LANDS AND**  
3 **FOREST SERVICE RIGHTS-OF-WAY.**

4 (a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL  
5 LAND POLICY AND MANAGEMENT ACT.—Section 504 of  
6 the Federal Land Policy and Management Act of 1976  
7 (43 U.S.C. 1764) is amended by adding at the end the  
8 following new subsection:

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

17 “(2) Not later than one year after the date of enact-  
18 ment of the Reasonable Right-of-Way Fees Act of 2005,  
19 and in accordance with subsection (k), the Secretary of  
20 the Interior shall amend section 2803.1–2 of title 43, Code  
21 of Federal Regulations, as in effect on the date of enact-  
22 ment of such Act, to revise the per acre rental fee zone  
23 value schedule by State, county, and type of linear right-  
24 of-way use to reflect current values of land in each zone.  
25 The Secretary of Agriculture shall make the same revi-

1 sions for linear rights-of-way granted, issued, or renewed  
2 under this title on National Forest System lands.

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

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

23 (b) RIGHTS-OF-WAY UNDER MINERAL LEASING  
24 ACT.—Section 28(l) of the Mineral Leasing Act (30  
25 U.S.C. 185(l)) is amended by inserting before the period

1 at the end the following: “using the valuation method de-  
2 scribed in section 2803.1–2 of title 43, Code of Federal  
3 Regulations, as revised pursuant to section 504(k) of the  
4 Federal Land Policy and Management Act of 1976 (43  
5 U.S.C. 1764(k))”.

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