

**AMENDMENT**

**OFFERED BY MR. PATRONIS OF FLORIDA**

At the end of subtitle E of title X, add the following:

1 **SEC. 105\_\_\_ . RAILROAD RIGHTS-OF-WAY.**

2 Section 24202 of title 49, United States Code, is  
3 amended to read as follows:

4 **“SEC. 24202. RAILROAD RIGHTS-OF-WAY.**

5 “(a) IN GENERAL.—Except as provided in subsection  
6 (b), a railroad right-of-way (including any property, site,  
7 or individual element of such right-of-way) shall not be  
8 considered to be a historic property under section 306108  
9 of title 54 or a historic site under section 303 of this title  
10 or section 138 of title 23, regardless of whether the rail-  
11 road right-of-way or portions or elements of the railroad  
12 right-of-way are listed on, or eligible for listing on, the  
13 National Register of Historic Places.

14 “(b) INDIVIDUAL ELEMENTS.—

15 “(1) IN GENERAL.—Not later than 1 year after  
16 the date of the enactment of this section, the Sec-  
17 retary shall determine the individual elements of a  
18 railroad right-of-way that possess national or excep-  
19 tional historic significance, each of which shall be  
20 considered to be a historic property under section

1       306108 of title 54 or a historic site under section  
2       303 of this title or section 138 of title 23, as appli-  
3       cable.

4           “(2) REMAINING ELEMENTS.—The portions of  
5       railroad rights-of-way that are not determined to  
6       possess national or exceptional historic significance  
7       pursuant to paragraph (1) before the deadline set  
8       forth in such paragraph shall not be considered to  
9       be—

10           “(A) a historic property under section  
11       306108 of title 54; or

12           “(B) a historic site under section 303 of  
13       this title or section 138 of title 23.

14       “(c) WITHDRAWAL OF PROGRAM COMMENT.—Not  
15       later than 30 days after the Secretary makes a determina-  
16       tion required under subsection (b), the Advisory Council  
17       on Historic Preservation shall withdraw the property-  
18       based approach of the Program Comment to Exempt Con-  
19       sideration of Effects to Rail Properties within Rail Rights-  
20       of-Way (83 Fed. Reg. 42920, August 24, 2018).

21       “(d) RULE OF CONSTRUCTION.—Nothing in the sec-  
22       tion may be construed to invalidate any application of the  
23       Program Comment referred to in subsection (c) by any

- 1 Federal agency for any undertaking before its withdrawal
- 2 pursuant to subsection (c).”.

