

Public Law 110–329  
110th Congress  
An Act

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009”.

**CHAPTER 10—TRANSPORTATION AND HOUSING AND**

**URBAN DEVELOPMENT**

**DEPARTMENT OF TRANSPORTATION**

**FEDERAL HIGHWAY ADMINISTRATION**

**FEDERAL-AID HIGHWAYS**

**EMERGENCY RELIEF PROGRAM**

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$850,000,000, to remain available until expended: *Provided*, That notwithstanding section 125(d)(1) of such title, the Secretary of Transportation may obligate more than \$100,000,000 for eligible expenses in a State in a fiscal year to respond to damage caused by Hurricanes Gustav and Ike.

**FEDERAL RAILROAD ADMINISTRATION**

**RAILROAD REHABILITATION AND REPAIR**

For necessary expenses for the Secretary of Transportation to make grants to repair and rehabilitate Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in areas for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$20,000,000, to remain available until expended, and to be awarded to States on a competitive case-by-case basis based on need: *Provided*, That funds available

under this heading shall be available for repair and rehabilitation of railroad rights-of-way, bridges, signals, and other infrastructure which is part of the general railroad system of transportation and primarily used by railroads to move freight traffic: *Provided further*, That the maximum Federal share for carrying out a project under this heading shall be 80 percent of the project cost with the non-Federal share provided only in cash, equipment or supplies: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds under this heading to fund the oversight by the Administrator of the Federal Railroad Administration of the design and implementation of projects funded by grants made under this heading: *Provided further*, That the provisions of section 24312 of title 49, United States Code, shall apply to grantees assisted under this heading: *Provided further*, That grantees must exhaust all other Federal and State resources prior to seeking assistance under this heading.