

114TH CONGRESS
2D SESSION

H. R. 4313

To establish a procedure for resolving claims to certain rights-of-way.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2016

Mr. COOK (for himself, Mrs. KIRKPATRICK, Mr. GOSAR, Mr. STEWART, and Mr. TIPTON) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish a procedure for resolving claims to certain rights-of-way.

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, FINDINGS, AND PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Historic Routes Preservation Act”.

6 (b) **FINDINGS.**—Congress finds the following:

7 (1) The Act of July 26, 1866 (43 U.S.C. 932),
8 provided for an open-ended grant of “the right of
9 way for the construction of highways over public
10 lands, not reserved for public use.”.

1 (2) The purpose of that Act was to encourage
2 the opening, expansion, settlement, use and develop-
3 ment of the American West. Rights-of-way estab-
4 lished by use over land in the public domain are not
5 terminated or abandoned by subsequent Federal
6 grants of the property underlying the rights-of-way
7 and Federal attempts to reacquire the rights-of-way
8 or reservation by the Federal Government. Instead,
9 all rights-of-way accepted before October 21, 1976,
10 continue as easements that can be used by the pub-
11 lic.

12 (3) Unlike rights-of-way granted under
13 FLPMA, the grant of R.S. 2477 rights-of-way was
14 complete on its face, and no formalities, such as no-
15 tice, entry, license, lease, application, deed, patent,
16 hearing, or formal public written or oral acceptance
17 were required to establish public rights-of-way under
18 R.S. 2477. That law simply required some limited
19 degree of construction activity on the land necessary
20 or advisable to enable passage over it or mere public
21 usage for some undefined amount of time.

22 (4) When early R.S. 2477 right-of-way grants
23 were made and accepted, the United States had no
24 laws or regulations governing the establishment or
25 use of roads and rights-of-way; so the territories,

1 then the States, provided early interpretive guidance
2 on the action the “use” or “construction activity”—
3 necessary to accept and establish the scope of those
4 rights-of-way.

5 (5) Some rights-of-way established under R.S.
6 2477 were easily identified, including thoroughfares
7 that connected settlements, towns and trade centers,
8 postal routes, routes for inter-territory commerce,
9 and the like. But the rights-of-way for lesser known,
10 or lesser used, rights-of-way (perhaps established as
11 single-person trails, horse trails, mining trails, fur
12 trade routes, wagon routes, and other similar or
13 lesser uses) have been more difficult to identify; and
14 special interest organizations, business and govern-
15 ment have argued for various interpretations regard-
16 ing the establishment, acceptance and scope of R.S.
17 2477 rights-of-way. Those disputes have often re-
18 sulted in unsuccessful settlement negotiations and
19 expensive time-consuming litigation to establish R.S.
20 2477 rights-of-way.

21 (6) After decades of lawsuits, case-by-case ne-
22 gotiations, law review articles, expert commentary,
23 and various issued and reissued government policies
24 and procedures on point, there is still no consistent
25 definition or agreement regarding what evidence or

1 action is required to establish a R.S. 2477 right-of-
2 way, whether State or Federal law governs R.S.
3 2477 grants, and what the scope of R.S. 2477
4 rights-of-way are today. The uncertainty may be
5 due, in substantial part, to the fact that rights cre-
6 ated by past laws, such as R.S. 2477, are generally
7 interpreted according to the understanding of termi-
8 nology at the time of passage: The historic meaning
9 of the statutory language as determined with ref-
10 erence to the surrounding environment and events of
11 the day.

12 (7) Although court decisions have provided
13 much of the guidance in quieting title to rights-of-
14 way under R.S. 2477, they have often incorporated
15 differing State law to define the acceptance and
16 scope of R.S. 2477 rights-of-way, resulting in incon-
17 sistent outcomes under similar facts. There is still
18 sentiment, apparent from comments by Federal par-
19 ties in R.S. 2477 litigation, that interpretation and
20 application of R.S. 2477 should be left exclusively to
21 the Federal Government.

22 (8) Apparently intending to bring some cer-
23 tainty to R.S. 2477 right-of-way claims, in 1988
24 Secretary of the Interior Hodel established a De-
25 partment of the Interior policy that would verify

1 R.S. 2477 rights-of-way and allow the Department
2 to record them in Department land records if—

3 (A) they were not reserved public lands at
4 the time they were put into public use;

5 (B) there was some minimal “construc-
6 tion” to enable public passage, such as clearing
7 vegetation or removing obstructions; and

8 (C) the R.S. 2477 route was open to public
9 use by pedestrians, pack animal, wagons or mo-
10 torized vehicles.

11 (9) Nevertheless, the policy did not authorize
12 the Department of the Interior to adjudicate appli-
13 cations for R.S. 2477 rights-of-way.

14 (10) A more restrictive approach evolved under
15 Secretary of the Interior Babbitt that, among other
16 restrictions, substantially limited motorized vehicle
17 access to Federal lands and required more than
18 mere “use” to establish “construction” necessary to
19 accept a R.S. 2477 right-of-way grant. Accordingly,
20 the Federal Bureau of Land Management (the
21 BLM) was required to determine whether “construc-
22 tion” equivalent to building road structures had oc-
23 curred in those instances where a R.S. 2477 right-
24 of-way was claimed.

1 (11) Apparently in response to Secretary
2 Babbitt's strict policy, Congress enacted a tem-
3 porary moratorium, followed by section 108 of the
4 Omnibus Consolidated Appropriations Act, 1997,
5 which states, in part, that "No final rule or regula-
6 tion of any agency of the Federal Government per-
7 taining to the recognition, management, or validity
8 of a right-of-way pursuant to Revised Statute 2477
9 (43 U.S.C. 932) shall take effect unless expressly
10 authorized by an Act of Congress subsequent to the
11 date of enactment of this Act.". That law has been
12 determined to be permanent.

13 (12) Uncertainty leading to litigation and other
14 expensive forms of dispute resolution regarding pub-
15 lic acceptance and right to use R.S. 2477 rights-of-
16 way has persisted for more than 100 years. Al-
17 though Congress in the early 1990s received a report
18 from the Department of the Interior suggesting a
19 Federal administrative process was necessary to for-
20 mally recognize validly accepted R.S. 2477 rights-of-
21 way, that process has not been implemented and
22 there is limited, inconsistent action by Federal ad-
23 ministrative agencies and departments to determine
24 whether a R.S. 2477 grant has been accepted by the
25 public, thus indicating an apparent preference by the

1 Federal Government to have the courts decide R.S.
2 2477 claims.

3 (13) It is in the best interest of the public and
4 government to establish consistent, clear and conclu-
5 sive direction to timely evaluate and officially recog-
6 nize valid R.S. 2477 claims, to provide a legislative
7 framework for objectively achieving those ends with-
8 in clearly limited timeframes and with minimal exec-
9 utive and administrative involvement, and to mini-
10 mize costs and delays typically associated with liti-
11 gating R.S. 2477 claims.

12 (c) PURPOSE.—The purpose of this Act is to achieve
13 judicial and administrative efficiency, and to reduce costs
14 typically associated with resolving R.S. 2477 right-of-way
15 claims by establishing a deadline for filing those claims,
16 establishing mandatory procedures for considering and
17 acting on those claims, and requiring Federal administra-
18 tive action to finally resolve those claims.

19 **SEC. 2. DEFINITIONS.**

20 As used in this Act:

21 (1) ABANDON OR ABANDONMENT.—The terms
22 “abandon” and “abandonment” mean normal action
23 by the governing body of a claimant taken at a pub-
24 lic meeting pursuant to notice that declares all right,

1 title and claim to any right-of-way or right-of-way
2 grant under R.S. 2477 is relinquished.

3 (2) ACCEPTANCE OR ACCEPTED.—The terms
4 “acceptance” and “accepted” mean the construction
5 and continuous public use for passage over a R.S.
6 2477 right-of-way.

7 (3) AUTHORITY OR AUTHORIZED OFFICER.—
8 The terms “Authority” and “Authorized Officer”
9 mean the Secretary’s designee in the Federal depart-
10 ment, agency, enclave, reservation or installation
11 under the Secretary’s jurisdiction.

12 (4) CLAIM.—The term “claim” means the writ-
13 ten document required under section 3, in form es-
14 tablished by the Secretary, Authority or Authorized
15 Officer, which shall be made available for use by any
16 claimant not later than 30 days after the effective
17 date of this Act.

18 (5) CLAIMANT.—The term “claimant” means
19 any person, including a State, State political subdivi-
20 sion, city, town, county, government parish, com-
21 pany, or individual, asserting the existence and pub-
22 lic acceptance of a right-of-way under R.S. 2477.

23 (6) CONSTRUCTION.—The term “construction”
24 means the physical activity reasonably necessary, ad-
25 visable or desirable to allow continuous public use

1 over a highway according to the intended mode of
2 travel or transportation. Maintenance activities or
3 the use of any tools or equipment may, but are not
4 required to, establish construction.

5 (7) CONTINUOUS PUBLIC USE.—The term “con-
6 tinuous public use” means the use by the public for
7 passage as often as generally regarded by the public
8 to be convenient or necessary, during any length of
9 time, whether continuous, sporadic, interrupted or
10 discontinued, and as the character or location of the
11 use has changed from October, 1866, to October 21,
12 1976, to meet the exigencies of increased travel in
13 light of the traditional passage uses.

14 (8) DAY.—The term “day” means 24-hour pe-
15 riod immediately following 12 o’clock midnight in
16 the time zone where the longest lineal part of the
17 claimed R.S. 2477 right-of-way is located, excluding
18 official Federal holidays.

19 (9) EVIDENCE.—The term “evidence” means
20 any item under section 4 that would be reliable, au-
21 thentic, probative and persuasive in Federal District
22 Court civil litigation under the Federal Rules of Evi-
23 dence that are operative on the effective date of this
24 Act.

1 (10) FLPMA.—The term “FLPMA” means
2 Federal Land Policy and Management Act of 1976
3 (43 U.S.C. 1701 et seq.).

4 (11) HIGHWAY.—The term “highway” means
5 any road, way or other land surface route of travel
6 that the public has the right of use for passage,
7 whether by carriage, animal, foot, non-motorized or
8 motorized vehicle.

9 (12) PUBLIC.—The term “public” means peo-
10 ple, population, or community as a whole.

11 (13) PUBLIC LANDS.—The term “public lands”
12 means land that is owned, controlled by, or subject
13 to the jurisdiction of the Federal Government for the
14 benefit of the public and not reserved at the time
15 that the right-of-way was created.

16 (14) R.S. 2477 RIGHT-OF-WAY GRANT.—The
17 term “R.S. 2477 right-of-way grant” means an
18 open-ended grant or dedication of land by the
19 United States for rights-of-way allowing public use
20 and passage, which could be accepted by construc-
21 tion or continuous public use before October 21,
22 1976.

23 (15) R.S. 2477.—The term “R.S. 2477” means
24 that part of “An Act Granting the Right-of-Way to
25 Ditch and Canal Owners Over the Public Lands and

1 for Other Purposes,” commonly called the Mining
2 Act of 1866 (the Act of July 26, 1866, ch. 262, sec-
3 tion 8, 14, statutes 251, 253; 43 U.S.C. 932), stat-
4 ing “And be it further enacted, that the right of way
5 for the construction of highways over public lands,
6 not reserved for public uses, is hereby granted,” as
7 that law continued in full force and effect until Oc-
8 tober 21, 1976.

9 (16) RELINQUISHMENT AND DISCLAIMER.—The
10 terms “relinquishment” and “disclaimer” mean any
11 type of deed or equivalent document in form suitable
12 for recordation, approved and issued by the Sec-
13 retary, Authority, or Authorized Officer, disclaiming
14 and relinquishing the interest of the Federal Govern-
15 ment in a R.S. 2477 right-of-way that has been ac-
16 cepted pursuant to the provisions of this Act, and
17 which documents the right of public passage over
18 and within that right-of-way.

19 (17) RESERVE OR RESERVED.—The terms “re-
20 serve” and “reserved”—

21 (A) mean action by the United States to
22 withdraw land from the public domain and
23 make it unavailable for appropriation under
24 Federal public land laws, which requires dedica-
25 tion of that land by the United States to a par-

1 ticular public use, such as a park, forest, mili-
2 tary establishment, national monument, wilder-
3 ness area, Federal enclave, wildlife refuge,
4 water diversion or impoundment, or government
5 power generation, and such withdrawal, dedica-
6 tion, and use for the dedicated purpose occurs
7 before the earlier of the R.S. 2477 right-of-way
8 acceptance or October 21, 1976; and

9 (B) do not include Wilderness Study Areas
10 and Areas of Critical Environmental Concern.

11 (18) SCOPE.—The term “scope” means estab-
12 lished public use of the R.S. 2477 right-of-way as
13 necessarily improved, expanded, realigned or relo-
14 cated before October 21, 1976, to meet the public
15 convenience, safety, or exigencies of increased travel
16 in light of its traditional right-of-way uses. Permis-
17 sible improvements, expansion, realignment or relo-
18 cation is determined according to the section 2(k)
19 highway standards of the State where the longest
20 lineal part of the right-of-way is located; or in the
21 absence of such standards, ten feet on each side of
22 the survey center line, subject to reduction according
23 to the historic right-of-way width for the R.S. 2477
24 right-of-way traditional uses as of the date of ac-

1 ceptance, and necessarily expanded according to the
2 first sentence of this paragraph.

3 (19) SECRETARY.—The term “Secretary”
4 means the Secretary of the Federal department hav-
5 ing management jurisdiction over land owned or con-
6 trolled by the United States upon which a R.S. 2477
7 right-of-way is claimed to be located.

8 **SEC. 3. PROCEDURE.**

9 (a) CLAIM AND LIMITATION OF ACTION.—A claimant
10 asserting public acceptance of a right-of-way granted pur-
11 suant to R.S. 2477 must file a claim, which shall include
12 supporting evidence and proof of the notice and reasonably
13 attempted notice under subsection (c), within the 25-year
14 period that shall commence to run on the next business
15 day following the effective date of this Act.

16 (b) PLACE OF FILING.—

17 (1) GENERALLY.—Except as provided by para-
18 graph (2), the claim must be filed at the State or
19 regional location as designated by the Secretary.

20 (2) DEFENSE LAND.—If the land underlying
21 the claimed R.S. 2477 right-of-way is subject to the
22 ownership or control of the United States Depart-
23 ment of Defense, evidence supporting the claim shall
24 be filed with the commanding officer of the military
25 installation or office having ownership or control of

1 the underlying land, or at such other location as des-
2 ignated by the Secretary.

3 (c) NOTICE.—Claimant shall provide notice of the
4 R.S. 2477 right-of-way claim by publishing a general sum-
5 mary of the claim, including the location and general de-
6 scription of the claimed R.S. 2477 right-of-way, in a news-
7 paper authorized to publish public notice under the laws
8 of the State where the longest lineal part of the claimed
9 R.S. 2477 right-of-way is located, once per week for the
10 two consecutive weeks immediately preceding the filing of
11 the claim. Within the four consecutive weeks immediately
12 following the filing of the claim, claimant shall additionally
13 provide, or reasonably attempt to provide, written notice
14 of the claim to all record owners of land underlying the
15 claimed R.S. 2477 right-of-way, except the Federal Gov-
16 ernment, and to all owners of land contiguous to each edge
17 of that claimed right-of-way. Claimant's reasonable at-
18 tempt to provide such written notice is sufficient addi-
19 tional notice under this subsection if claimant verifies the
20 reasonable attempt under claimant's written oath or affir-
21 mation to that effect filed with the Secretary where the
22 claim is filed.

23 (d) ABANDONMENT.—Failure to comply with sub-
24 sections (a), (b), and (c) is, on the first day following the
25 time period in subsection (a), an automatic irrevocable

1 abandonment of any R.S. 2477 right-of-way that has not
2 been established by final judgment in a court of competent
3 jurisdiction or final enforceable settlement agreement be-
4 tween claimant and the United States. The continuance
5 authorized by section 6(b) shall not apply to this sub-
6 section.

7 (e) STATUTE OF LIMITATIONS.—Any statute of limita-
8 tions for documenting the right-of-way after such reserva-
9 tion is hereby waived except as provided in subsection (a).

10 **SEC. 4. EVIDENCE AND FINAL DECISION.**

11 (a) BURDEN OF PROOF.—Claimant shall establish
12 acceptance by a preponderance of the evidence.

13 (b) PRESUMPTIONS.—

14 (1) ACCEPTANCE CONCLUSIVELY AND FINALLY
15 ESTABLISHED.—Unless the land underlying the
16 claimed R.S. 2477 right-of-way was reserved before
17 the earlier of construction of a trail, path, or other
18 throughway on the right-of-way, or October 21,
19 1976, acceptance (including continuous public use,
20 location, construction and scope of the R.S. 2477
21 right-of-way) shall be conclusively verified, proven,
22 and established upon filing, under oath or affirma-
23 tion by claimant attesting to its authenticity and ac-
24 curacy, of—

1 (A) at least one type of evidence related to
2 that right-of-way selected from subsection
3 (c)(1); or

4 (B) at least one type of evidence selected
5 from each of two subparagraphs in subsection
6 (c)(2) showing scope and acceptance before Oc-
7 tober 21, 1976.

8 (2) COPIES AND HEARSAY IN DOCUMENTS.—

9 Copies may be used as evidence in place of original
10 documents if they are accompanied by a written dec-
11 laration, under oath by a custodian, owner, or au-
12 thor, that the copy is an accurate representation of
13 the original document's material terms. Hearsay
14 contained in documents, or otherwise, is regarded as
15 reliable, admissible, and probative for the purposes
16 of this Act.

17 (3) GRANT WITHDRAWAL.—Evidence produced
18 by the United States that establishes the United
19 States reserved the land underlying the alleged R.S.
20 2477 right-of-way before its acceptance conclusively
21 establishes withdrawal of the Federal grant for that
22 right-of-way.

23 (c) CATEGORIES OF EVIDENCE.—For the purposes of
24 actions under this Act, the following rules apply to cat-
25 egories of evidence:

1 (1)(A) A center line or other survey done by the
2 Federal Government or duly licensed land surveyor,
3 applying generally accepted survey standards and
4 procedures or Federal Bureau of Land Management
5 Manual of Surveying Instructions applicable to sur-
6 veys before October 21, 1976, clearly showing the
7 public use, control, construction, location, direction,
8 beginning and end points, length, width and type of
9 surface of the R.S. 2477 right-of-way as of a date
10 certain.

11 (B) Maps, plats, maintenance records including
12 actual or estimated costs, photographs, GIS or glob-
13 al positioning data, or other computer-generated im-
14 ages showing the location of the R.S. 2477 right-of-
15 way, prepared, made, edited, kept, or relied on, gen-
16 erally or on a case-by-case basis, by any Federal,
17 State, or local government, college, university, public
18 or private organization historically, customarily or
19 regularly engaged in the preparation, retention,
20 analysis, or expert interpretation of contemporary or
21 historic maps.

22 (C) Historical or other records of government
23 entities, or records constructed, obtained or kept by
24 the government in the ordinary course of business,
25 including, without limitation, Federal, State, local,

1 and territorial records, such as records of the United
2 States Departments of the Interior, Agriculture, or
3 Defense, Bureau of Land Management, Forest Serv-
4 ice, Natural Resources Conservation Service, Soil
5 Conservation Service, Government Land office, Fed-
6 eral Centers or Enclaves, the Smithsonian Institu-
7 tion and Library of Congress.

8 (2)(A) Historical records, other than those in-
9 cluded under subsection (c)(3), including original
10 documents, authenticated copies, facsimiles, and
11 computer-transmitted images reliably showing evi-
12 dence of construction (including tools used, if any),
13 location (including dimensions), fixtures and other
14 structures, or maintenance by a State or local gov-
15 ernment of the R.S. 2477 right-of-way under consid-
16 eration.

17 (B) Written statements given under oath before
18 a notary public, court recorder, judge or any other
19 government official authorized by law to administer
20 oaths, or otherwise authenticated, reciting reliable
21 knowledge of the facts that establish the acceptance
22 of the R.S. 2477 right-of-way under consideration. If
23 this category of evidence is used, written statements
24 by at least two persons shall be required.

1 (C) A title opinion prepared by a duly licensed
2 title examiner prepared in accordance with generally
3 accepted title standards, establishing title, location
4 and dimensions of the R.S. 2477 right-of-way under
5 consideration.

6 (d) DETERMINATION OF ABANDONMENT.—Not later
7 than 30 days after a R.S. 2477 right-of-way is conclusively
8 established as accepted pursuant to this section, the Sec-
9 retary, Authority, or Authorized Officer shall determine,
10 in writing, whether that right-of-way has been previously
11 abandoned by claimant. Failure to make such written de-
12 termination within that 30-day period shall conclusively
13 establish the right-of-way has not been abandoned. That
14 determination by the Secretary, Authority or Authorized
15 Officer, or the failure to make that determination, within
16 the time specified by this subsection shall be a final agency
17 action, subject to appeal as provided and limited by section
18 5.

19 (e) DISCLAIMER AND RELINQUISHMENT RE-
20 QUIRED.—Subject to subsection (d), not later than 60
21 days after the evidence to establish a R.S. 2477 right-of-
22 way has been filed pursuant to this section, the Secretary,
23 Authority, or Authorized Officer shall deliver or cause to
24 be delivered to claimant a written document disclaiming
25 and relinquishing the United States right and interest in

1 the R.S. 2477 right-of-way, which document and actions
2 under this Act shall only be subject to review as provided
3 and limited by section, and shall not be subject to quiet
4 title proceedings under section or otherwise, or subject to
5 any other judicial or administrative de novo, or on the
6 record, reviews, claims, actions or proceedings. The dis-
7 claimer and relinquishment shall immediately be recorded
8 in the public land records under the jurisdiction of the
9 Secretary, and shall conclusively establish the public right
10 to use the R.S. 2477 right-of-way. The disclaimer and re-
11 linquishment shall be in form to allow recording in State
12 and local real estate records.

13 (f) FEDERAL REGISTER NOTICE OF FINAL AGENCY
14 ACTION.—Notice of the action under subsection (e) shall
15 be published once in the Federal Register not later than
16 30 days after the delivery occurs as specified by that sub-
17 section.

18 (g) REQUIREMENT TO TIMELY RECORD CENTERLINE
19 SURVEY.—A centerline survey of the R.S. 2477 right-of-
20 way disclaimed and relinquished by the United States pur-
21 suant to this Act shall be completed and filed by claimant
22 with the Secretary, Authority, or Authorized Officer not
23 later than 10 years after the time specified by section 3(a).

24 (h) ABANDONMENT.—Failure by claimant to com-
25 plete and file a centerline survey as required by subsection

1 (g) shall be an abandonment of any and all rights to the
2 R.S. 2477 right-of-way for which the relinquishment was
3 issued.

4 **SEC. 5. JUDICIAL REVIEW.**

5 (a) JURISDICTION.—Subject to section 4(e), any case
6 or controversy arising under this Act shall be filed in the
7 United States District Court located in the District within
8 which the longest lineal segment of the claimed R.S. 2477
9 right-of-way is located, which Federal Court shall have ex-
10 clusive jurisdiction to decide the case or controversy on
11 the record regarding the claimed R.S. 2477 right-of-way,
12 subject only to appeal or review on the record under Fed-
13 eral appellate court jurisdiction.

14 (b) LIMITATION OF ACTION.—Cases shall be filed in
15 the court specified by subsection (a) not later than 30 days
16 after the publication specified by subsection 4(f).

17 (c) PRIOR ADJUDICATION UNAFFECTED.—A final
18 settlement, or final judgment in any court of competent
19 jurisdiction before the effective date of this Act, where the
20 United States was a party in determining rights to a R.S.
21 2477 right-of-way shall not be affected by this Act.

22 (d) ACTIONS TO QUIET TITLE UNAFFECTED.—Sub-
23 ject to the provisions of this section and section 4, includ-
24 ing the expiration of time periods specified therein, this
25 Act shall apply to prohibit Federal court actions to quiet

1 R.S. 2477 titles that involve R.S. 2477 claims previously
2 filed under this Act, where a disclaimer and relinquish-
3 ment are pending or have been issued. Any quiet title ac-
4 tion not prohibited by this paragraph must be filed on or
5 before the date specified by section 3(a).

6 **SEC. 6. APPLICABLE LAW AND TIME EXTENSIONS.**

7 (a) APPLICATION OF STATE AND FEDERAL LAW.—
8 This Act shall apply to conclusively establish the accept-
9 ance, scope, validity, or abandonment of a R.S. 2477
10 right-of-way. From and after the date of enactment, the
11 provisions of this Act will be supreme, preempt and control
12 any inconsistency or conflict between provisions of this Act
13 and State law in determining the acceptance, scope, valid-
14 ity and abandonment of a R.S. 2477 right-of-way.

15 (b) DEADLINES.—Any deadline established by this
16 Act shall be extended one time, for a maximum of 365
17 days, for good cause stated in writing signed by claimant
18 under oath or affirmation and delivered to the Secretary,
19 Authority or Authorized Officer not less than 30 days be-
20 fore the deadline to be continued.

21 **SEC. 7. IMPLEMENTATION REQUIRED.**

22 Subject to section 2(d), not later than 90 days after
23 the effective date of this Act, the Secretary, Authority and
24 Authorized Officer shall have completed all policies, proce-
25 dures, delegations, forms and any other action necessary

1 to implement the provisions of this Act and begin proc-
2 essing claims immediately thereafter. The duties and obli-
3 gations of, or failure to perform by, the Secretary, Author-
4 ity, and Authorized Officer within the scope of this sec-
5 tion, are enforceable by injunction, restraining order and
6 may result in official and personal civil liability all pursu-
7 ant to action in any Federal District Court.

8 **SEC. 8. FEDERAL LAND POLICY AND MANAGEMENT ACT OF**
9 **1976 AND ALASKA NATIONAL INTEREST**
10 **LANDS CONSERVATION ACT.**

11 Nothing in this Act is intended, or shall be construed,
12 to affect, change, alter, or modify title V of FLPMA or
13 title XI of the Alaska National Interest Lands Conserva-
14 tion Act (16 U.S.C. 3161 et seq.).

15 **SEC. 9. RULES AND REGULATIONS.**

16 Any final rule or regulation of any agency of the Fed-
17 eral Government pertaining to the recognition, manage-
18 ment, or validity of a rights-of-way pursuant to R.S. 2477
19 may take effect without further express authorization by
20 an Act of Congress subsequent to the date of enactment
21 of this Act.

22 **SEC. 10. EXEMPTION FOR CERTAIN LANDS.**

23 Nothing in this Act shall apply to or effect use of
24 land by the Department of Defense or lands the use of
25 which is shared with the Department of Defense.

1 **SEC. 11. REPEAL OF RESTRICTIONS ON REGULATIONS.**

2 Section 108 of the Omnibus Consolidated Appropria-
3 tions Act, 1997 (110 Stat. 3009–200), related to Revised
4 Statute 2477, is hereby repealed.

○