

111TH CONGRESS
1ST SESSION

S. 452

To ensure public access to Federal land and to the airspace over Federal land.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2009

Mr. CRAPO (for himself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To ensure public access to Federal land and to the airspace over Federal land.

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 “Backcountry Landing
5 Strip Access Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that aircraft landing strips—

8 (1) serve an essential safety function as emer-
9 gency landing areas;

10 (2) serve as trailhead access points for—

1 (A) outdoor enthusiasts and their activi-
2 ties, including hiking, fishing, and hunting;

3 (B) land management activities, including
4 forest management and firefighting; and

5 (C) inholdings, including mining, ranching,
6 scientific research, and tourism;

7 (3) provide access to national parks, national
8 forests, wilderness areas, and other Federal land for
9 people who would otherwise be physically unable to
10 enjoy such places;

11 (4) support the economies of the surrounding
12 communities by providing efficient access for visitors
13 seeking recreational activities; and

14 (5) serve an essential role in search and rescue,
15 forest and ecological management, research, wildlife
16 management, aerial mapping, firefighting, and dis-
17 aster relief.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Federal
22 Aviation Administration.

23 (2) AIRCRAFT LANDING STRIP.—The term “air-
24 craft landing strip” means an established aircraft
25 landing strip located on Federal land under the ad-

1 ministrative jurisdiction of the Secretary that is for
2 aircraft landing and departure activities.

3 (3) PERMANENTLY CLOSE.—The term “perma-
4 nently close” means any closure lasting more than
5 30 consecutive days in any calendar year.

6 (4) SECRETARY.—The term “Secretary”
7 means—

8 (A) with respect to land under the jurisdic-
9 tion of the Department of the Interior, the Sec-
10 retary of the Interior; and

11 (B) with respect to land under the jurisdic-
12 tion of the Department of Agriculture, the Sec-
13 retary of Agriculture.

14 **SEC. 4. PROCEDURE FOR CONSIDERATION OF ACTIONS AF-**
15 **FECTING CERTAIN AIRCRAFT LANDING**
16 **STRIPS.**

17 (a) IN GENERAL.—The Secretary shall not take any
18 action that would permanently close, restrict, or render
19 or declare as unserviceable any aircraft landing strip un-
20 less—

21 (1) the action has been approved by the head
22 of the aviation department of the State in which the
23 aircraft landing strip is located;

24 (2) the Secretary publishes notice of the pro-
25 posed action in the Federal Register, including no-

1 tice that the action would permanently close, re-
2 strict, or render or declare as unserviceable the air-
3 craft landing strip;

4 (3) the Secretary provides for a 90-day public
5 comment period beginning on the date on which the
6 notice under paragraph (2) is published; and

7 (4) the Secretary and the head of the aviation
8 department of the State in which the affected air-
9 craft landing strip is located have taken into consid-
10 eration any comments received during the comment
11 period described in paragraph (3).

12 (b) POLICIES.—

13 (1) BACKCOUNTRY AVIATION POLICIES.—Not
14 later than 2 years after the date of the enactment
15 of this Act, the Secretary of the Interior and the
16 Secretary of Agriculture shall jointly—

17 (A) establish a national policy for gov-
18 erning backcountry aviation issues relating to
19 the management of Federal land under the ju-
20 risdiction of the Department of the Interior and
21 the Department of Agriculture; and

22 (B) require officials with jurisdiction over
23 the land described in subparagraph (A) to ad-
24 here to the policy established pursuant to such
25 subparagraph.

1 (2) REQUIREMENTS.—Any policy affecting air
2 access to an aircraft landing strip, including the pol-
3 icy established under paragraph (1), shall not take
4 effect unless the policy—

5 (A) acknowledges that the Administrator
6 has the sole authority to control aviation and
7 airspace over the United States; and

8 (B) was developed after seeking and con-
9 sidering comments from State governments and
10 the public.

11 (c) MAINTENANCE OF AIRSTRIPS.—

12 (1) IN GENERAL.—To ensure that aircraft land-
13 ing strips are maintained in a manner that is con-
14 sistent with the resource values of any adjacent
15 area, the Secretary shall consult with—

16 (A) the head of the aviation department of
17 each State in which an aircraft landing strip is
18 located; and

19 (B) any other interested parties.

20 (2) COOPERATIVE AGREEMENTS.—The Sec-
21 retary may enter into cooperative agreements with
22 interested parties for the maintenance of aircraft
23 landing strips.

24 (3) MAINTENANCE STANDARDS.—State aircraft
25 landing strip maintenance standards shall be used as

1 the minimum standard when such standards are
2 available.

3 (d) EXCHANGES OR ACQUISITIONS.—

4 (1) CONDITIONS.—If the Federal Government
5 acquires private or public property on which an air-
6 craft landing strip is located, the acquisition may
7 not require—

8 (A) the closure or purposeful neglect of the
9 aircraft landing strip; or

10 (B) any other action that would restrict
11 the use of any aircraft landing strip.

12 (2) AVAILABILITY.—Each private or publicly-
13 owned aircraft landing strip acquired by the Federal
14 Government shall be made available to the general
15 public for unrestricted use.

16 (e) EFFECT ON FEDERAL AVIATION ADMINISTRA-
17 TION AUTHORITY.—Nothing in this Act may be construed
18 to affect the authority of the Administrator over aviation
19 or airspace.

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