

110TH CONGRESS
1ST SESSION

H. R. 3157

To amend the National Trails System Act relating to the statute of limitations that applies to certain claims.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2007

Mr. CARNAHAN (for himself, Mr. CLAY, Mr. AKIN, and Mr. GRAVES) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the National Trails System Act relating to the statute of limitations that applies to certain claims.

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 “Trails Act Technical
5 Correction Act of 2007”.

1 **SEC. 2. CLAIMS AGAINST UNITED STATES FOR INTERIM**
2 **USE OF RIGHTS-OF-WAY.**

3 (a) AMENDMENT TO NATIONAL TRAILS SYSTEM
4 ACT.—Section 8(d) of the National Trails System Act (16
5 U.S.C. 1247(d)) is amended—

6 (1) by striking “The Secretary of Transpor-
7 tation” and inserting “(1) The Secretary of Trans-
8 portation”; and

9 (2) by adding at the end the following:

10 “(2) In any action brought against the United
11 States, by the owner of property that is subject to
12 a railroad right-of-way and to interim use described
13 in paragraph (1), for damages sustained by reason
14 of paragraph (1), the claim for damages shall not be
15 deemed to first accrue for purposes of the limita-
16 tions period prescribed by sections 2401 and 2501
17 of title 28, United States Code, before the date on
18 which the State, political subdivision, or qualified
19 private organization enters into an agreement with
20 the railroad to assume full responsibility for such
21 right-of-way and interim use under paragraph (1).”.

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—The amendments made by
24 subsection (a) shall take effect on the date of the en-
25 actment of this Act and shall apply to any civil ac-

1 tion pending on, or commenced on or after, such
2 date of enactment.

3 (2) PRIOR ORDERS VACATED UPON REQUEST.—

4 If, not later than 1 year after the date of the enact-
5 ment of this Act, a party to the case or the party's
6 successor in interest files with the court a request
7 that an order be vacated, the order shall be vacated
8 by the court if the order—

9 (A) was entered, before the date of the en-
10 actment of this Act, by a court in a case pend-
11 ing on such date of enactment; and

12 (B) is inconsistent with the amendments
13 made by subsection (a).

14 (c) JUDICIAL REVIEW.—

15 (1) REVIEW OF CERTAIN CLAIMS.—Notwith-
16 standing any other provision of law, the court in
17 which the claim was originally filed shall review on
18 the merits, without regard to the defense of res judi-
19 cata or collateral estoppel, any claim that—

20 (A) was brought against the United States,
21 by the owner of property that is subject to a
22 railroad right-of-way and to interim use de-
23 scribed in paragraph (1) of section 8(d) of the
24 National Trails System Act, for damages sus-
25 tained by reason of such section 8(d);

1 (B) was dismissed, before the date of the
2 enactment of this Act, for not being brought
3 within the time period provided under section
4 2401 or 2501 of title 28, United States Code;
5 and

6 (C) would have been considered to have
7 been brought in a timely manner if the amend-
8 ments made by subsection (a) had been in ef-
9 fect when the claim was brought, if the claim-
10 ant applies to the court for such review not
11 later than 60 days after the date of the enact-
12 ment of this Act.

13 (2) ACTION BY THE COURT.—In reviewing a
14 claim under paragraph (1), the court shall receive
15 and consider any additional evidence, including oral
16 testimony, that any party may wish to provide and
17 shall determine the issues de novo.

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