

104TH CONGRESS  
2D SESSION

# H. R. 3377

To amend the Federal Land Policy and Management Act of 1976 to provide for determining tort liability of holders of rights-of-way over Federal lands under the ordinary rules of negligence and to clarify the exemption from right-of-way rental fees for certain rural electric and telephone facilities.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1996

Mr. COOLEY of Oregon (for himself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Federal Land Policy and Management Act of 1976 to provide for determining tort liability of holders of rights-of-way over Federal lands under the ordinary rules of negligence and to clarify the exemption from right-of-way rental fees for certain rural electric and telephone facilities.

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 “Rural Right-of-Way  
5 Fairness Act”.

1 **SEC. 2. STANDARD FOR DETERMINING LIABILITY OF HOLD-**  
2 **ERS OF RIGHTS-OF-WAY.**

3 (a) IN GENERAL.—Paragraph (2) of section 504(h)  
4 of the Federal Land Policy and Management Act of 1976  
5 (43 U.S.C. 1764(h)) is amended to read as follows:

6 “(2) Any regulation or stipulation imposing liability  
7 for damage or injury shall be determined by ordinary rules  
8 of negligence.”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) shall apply with respect to damages or inju-  
11 ries occurring after the date of enactment of this Act.

12 **SEC. 3. EXEMPTION FROM RENTAL FEES FOR CERTAIN**  
13 **RURAL ELECTRIC AND TELEPHONE FACILI-**  
14 **TIES.**

15 (a) IN GENERAL.—Section 504(g) of the Federal  
16 Land Policy and Management Act of 1976 (43 U.S.C.  
17 1764(g)) is amended by striking “financed pursuant to the  
18 Rural Electrification Act of 1936, as amended,” in the  
19 last sentence and inserting “eligible for financing pursu-  
20 ant to the Rural Electrification Act of 1936, as amended,  
21 determined without regard to any application requirement  
22 under that Act,”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall apply with respect to rights-of-way  
25 leases held on or after the date of enactment of this Act.

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