

112TH CONGRESS
1ST SESSION

S. 1083

To amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the national trails system.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

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

A BILL

To amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the national trails system.

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 “Smoky Hill National
5 Historic Trail Study Act”.

1 **SEC. 2. DESIGNATION OF TRAIL FOR STUDY.**

2 Section 5(c) of the National Trails System Act (16
3 U.S.C. 1244(c)) is amended by adding at the end the fol-
4 lowing:

5 “(46) **SMOKY HILL TRAIL.**—The Smoky Hill
6 Trail, extending approximately 640 miles along the
7 route from Atchison and Leavenworth, Kansas, to
8 Denver, Colorado, which was an overland trail route,
9 including all of its various branches, tributaries, and
10 connecting routes to the Santa Fe Trail, across the
11 Great Plains during pioneer days beginning in 1859
12 and ending with the arrival of the railroad in Denver
13 in 1870.”.

14 **SEC. 3. PRIVATE PROPERTY PROTECTIONS.**

15 (a) **ALTERNATIVES TO PROTECT PRIVATE PROP-**
16 **ERTY.**—In conducting the study required by the amend-
17 ment made by section 2, the Secretary shall not consider
18 any alternative that would—

19 (1) require any private property owner to allow
20 public access (including Federal, State, or local gov-
21 ernment access) to such private property;

22 (2) modify any provision of Federal, State, or
23 local law with regard to public access to or use of
24 private property;

25 (3) create any liability, or have any effect on
26 any liability under any other law, of any private

1 property owner with respect to any persons injured
 2 on such private property;

3 (4) modify the authority of Federal, State, or
 4 local governments to regulate land use;

5 (5) require the owner of any private property to
 6 participate in or be associated with any addition to
 7 the National Parks System;

8 (6) result in the reduction in value of property
 9 held by a private property owner; or

10 (7) require or allow the Federal Government to
 11 acquire lands, or interests therein, outside the exte-
 12 rior boundaries of any federally administered area,
 13 except with the consent of the owner thereof.

14 (b) IMPACTS ON PRIVATE PROPERTY.—The study
 15 shall include an analysis and documentation regarding
 16 whether each alternative proposed has potential or actual
 17 impact on private property located within or abutting the
 18 trail area.

19 **SEC. 4. PRIVATE PROPERTY OWNER NOTIFICATION.**

20 Not less than 30 days before the Secretary of the In-
 21 terior begins the study required by the amendment made
 22 by section 2, the Secretary shall notify all private property
 23 owners whose land will be studied that the study will be
 24 conducted.

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