

Suspend the Rules and Pass the Bill, H.R. 5751, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 5751

To redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

Mr. BISHOP of Utah (for himself, Mr. CURTIS, Mrs. LOVE, and Mr. STEWART) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network.

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 “Golden Spike 150th
5 Anniversary Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADJACENT LANDOWNER.—The term “adja-
2 cent landowner” means the non-Federal owner of
3 property that directly abuts the Park boundaries.

4 (2) HISTORICAL CROSSING.—The term “histor-
5 ical crossing” means a corridor with a maximum
6 width of 30 feet across former railroad rights-of-way
7 within the Park—

8 (A) that has been used by adjacent land-
9 owners in an open manner multiple times in
10 more than 1 of the past 10 years for vehicle,
11 farm machinery, or livestock travel; or

12 (B) where existing utility or pipelines have
13 been placed.

14 (3) NETWORK.—The term “Network” means
15 the Transcontinental Railroad Network established
16 under section 4.

17 (4) PARK.—The term “Park” means the Gold-
18 en Spike National Historical Park designated under
19 section 3.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior, acting through the Di-
22 rector of the National Park Service.

23 (6) TRANSCONTINENTAL RAILROAD.—The term
24 “Transcontinental Railroad” means the approxi-
25 mately 1,912-mile continuous railroad constructed

1 between 1863 and 1869 from Council Bluffs, Iowa,
2 to San Francisco, California.

3 **SEC. 3. REDESIGNATION.**

4 (a) REDESIGNATION.—The Golden Spike National
5 Historic Site designated April 2, 1957, and placed under
6 the administration of the National Park Service under the
7 Act of July 10, 1965 (79 Stat. 426), shall be known and
8 designated as the “Golden Spike National Historical
9 Park”.

10 (b) REFERENCES.—Any reference in a law, map, reg-
11 ulation, document, paper, or other record of the United
12 States to the Golden Spike National Historic Site shall
13 be considered a reference to the “Golden Spike National
14 Historical Park”.

15 (c) NETWORK.—The Park shall be part of the Net-
16 work.

17 **SEC. 4. TRANSCONTINENTAL RAILROAD NETWORK.**

18 (a) IN GENERAL.—The Secretary shall establish,
19 within the National Park Service, the Transcontinental
20 Railroad Network. The Network shall not include prop-
21 erties used in active freight railroad operations (or other
22 ancillary purposes) or reasonably anticipated to be used
23 for freight railroad operations in the future.

24 (b) STUDY.—The Secretary shall—

1 (1) inventory National Park Service sites, facili-
2 ties, and programs; and

3 (2) identify other sites, facilities, and programs,
4 to determine their suitability for inclusion in the Network,
5 as delineated under subsection (e).

6 (c) DUTIES OF THE SECRETARY.—In carrying out
7 the Network, the Secretary shall—

8 (1) produce and disseminate appropriate edu-
9 cation materials relating to the history, construction,
10 and legacy of the Transcontinental Railroad, such as
11 handbooks, maps, interpretive guides, or electronic
12 information;

13 (2) identify opportunities to enhance the rec-
14 ognition of immigrant laborers' contributions to the
15 history, construction, and legacy of the Trans-
16 continental Railroad;

17 (3) enter into appropriate cooperative agree-
18 ments and memoranda of understanding to provide
19 technical assistance under subsection (d); and

20 (4) create and adopt an official, uniform symbol
21 or device for the Network and issue guidance for the
22 use of such symbol or device.

23 (d) ELEMENTS.—The Network shall encompass the
24 following elements:

1 (1) All units and programs of the National
2 Park Service that are determined by the Secretary
3 to relate to the history, construction, and legacy of
4 the Transcontinental Railroad.

5 (2) With the consent of each person owning any
6 legal interest in the property, other Federal, State,
7 local, and privately owned properties that have a
8 verifiable connection to the history, construction,
9 and legacy of the Transcontinental Railroad and are
10 included in, or determined by the Secretary to be eli-
11 gible for inclusion in, the National Register of His-
12 toric Places.

13 (3) Other governmental and nongovernmental
14 programs of an educational, research, or interpretive
15 nature that are directly related to the history, con-
16 struction, and legacy of the Transcontinental Rail-
17 road.

18 (e) COOPERATIVE AGREEMENTS AND MEMORANDA
19 OF UNDERSTANDING.—To achieve the purposes of this
20 section and to ensure effective coordination of the Federal
21 and non-Federal elements of the Network described in
22 subsection (d) with National Park System units and pro-
23 grams of the National Park Service, the Secretary may
24 enter into cooperative agreements and memoranda of un-
25 derstanding with, and provide technical assistance to, the

1 heads of other Federal agencies, States, units of local gov-
2 ernment, regional governmental bodies, and private enti-
3 ties.

4 **SEC. 5. AGREEMENTS AFFECTING CERTAIN HISTORICAL**
5 **CROSSINGS.**

6 (a) PROGRAMMATIC AGREEMENT.—No later than 6
7 months after the date of enactment of this Act, the Sec-
8 retary shall enter into a Programmatic Agreement with
9 the Utah State Historic Preservation Office and other con-
10 sulting parties to add certain undertakings in the Park
11 to the list of those eligible for streamlined review under
12 section 106 of the Historic Preservation Act of 1966 (54
13 U.S.C. 306108). In the development of the Programmatic
14 Agreement, the Secretary shall collaborate with adjacent
15 landowners, Tribes, and other consulting parties.

16 (b) PROCESS FOR APPROVAL.—After the completion
17 of the Programmatic Agreement under subsection (a), an
18 adjacent landowner shall give the Secretary notice of pro-
19 posed certain undertakings. Within 30 days of the receipt
20 of the notice, the Secretary shall review and approve the
21 proposed certain undertakings if consistent with the Pro-
22 grammatic Agreement.

23 (c) DEFINITION OF CERTAIN UNDERTAKINGS.—As
24 used in this section, the term “certain undertakings”

1 means those activities that take place on, within, or under
2 a historical crossing and—

3 (1) will last less than 1 month and will have
4 limited physical impact on the surface of the histor-
5 ical crossing;

6 (2) have been implemented by an adjacent land-
7 owner or other adjacent landowners in the past; or

8 (3) is the subject of a categorical exclusion
9 under the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.).

11 **SEC. 6. INVASIVE SPECIES CONTROL.**

12 At the request of an adjacent landowner, within 30
13 days of such a request, the Secretary shall authorize the
14 adjacent landowner to participate in the eradication of
15 invasive species in the Park for a period of up to 10 years,
16 subject to renewal. Such an authorization shall provide—

17 (1) that the invasive species proposed for eradi-
18 cation is identified as such by the National Park
19 Service;

20 (2) that the method, timing, and location of the
21 eradication must be approved by the Secretary; and

22 (3) appropriate indemnification of the adjacent
23 landowner.

1 SEC. 7. FUNDING CLARIFICATION.

2 No additional funds are authorized to carry out the
3 requirements of this Act. Such requirements shall be car-
4 ried out using amounts otherwise authorized.