

AMENDING THE DELAWARE WATER GAP NATIONAL RECREATION AREA  
IMPROVEMENT ACT TO PROVIDE ACCESS TO CERTAIN VEHICLES SERV-  
ING RESIDENTS OF MUNICIPALITIES ADJACENT TO THE DELAWARE  
WATER GAP NATIONAL RECREATION AREA, AND FOR OTHER PURPOSES

FEBRUARY 24, 2016.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3620]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3620) to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3620 is to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area.

BACKGROUND AND NEED FOR LEGISLATION

The Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey preserves 70,000 acres on both sides of the Delaware River. Highway 209 spans 21 miles through the middle of the National Recreation Area and served as a major truck route for many years. In 1981, Highway 209 was transferred from the Commonwealth of Pennsylvania to the National Park Service (NPS).

Two years later, a provision of Public Law 98-63, the Fiscal Year 1983 Supplemental Appropriations Act, closed the Park segment of Highway 209 to commercial traffic and authorized NPS to collect and retain fees from commercial use of the road. A 10-year transi-

tion period was established to accommodate impacts on the surrounding communities, especially the 13 trucking companies that were in existence in towns adjacent to the Park at that time. This portion of federal roadway was a heavily travelled commercial vehicle route between Interstates 80 and 84. The Federal Government ensured that I-287 in New Jersey and I-380 in Pennsylvania were built to provide an alternate route between I-80 and I-84, and the Commonwealth of Pennsylvania was tasked with the improvement of State Road 2001 to absorb the remaining traffic.

In 1996, Congress passed Public Law 104-333, which extended permitting for commercial vehicle traffic until September 30, 2005. In 2005, the 109th Congress passed Public Law 109-156, the Delaware Water Gap Improvement Act, which extended permitting for commercial vehicle traffic until September 30, 2015. This extension was passed to provide more time for the Commonwealth of Pennsylvania to complete upgrades to State Road 2001, including a land exchange.

As the third extension permitting commercial vehicle use of Highway 209 neared expiration on September 30, 2015, local elected officials requested that Congress enact legislation directed at permitting access for smaller class commercial vehicles for businesses physically located in towns adjacent to Highway 209, for a period of five years. H.R. 3620 does just that.

#### COMMITTEE ACTION

H.R. 3620 was introduced on September 28, 2015, by Congressman Tom Marino (R-PA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent on February 3, 2016.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 3620—A bill to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes*

H.R. 3620 would permit certain commercial vehicles to pass through the Delaware Water Gap National Recreation Area and allow the Department of the Interior (DOI) to collect an annual fee up to \$200 from the users of those vehicles until September 30, 2020.

The National Park Service (NPS) would be authorized to spend the fees collected to offset the cost of operating the program.

Because the legislation would allow NPS to collect fees from commercial vehicles, H.R. 3620 would increase offsetting receipts from permit fees and associated direct spending; therefore, pay-as-you-go procedures apply. However, based on information from NPS, CBO estimates that the net effect on direct spending would be insignificant. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 3620 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2027.

H.R. 3620 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Marin Burnett. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office (CBO), because the bill would allow the National Park Service to collect fees (of up to \$200) from certain commercial vehicles that transit the Recreation Area, enactment of the bill would increase offsetting receipts. However, CBO concludes that the net effect on direct spending “would be insignificant.”

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**DELAWARE WATER GAP NATIONAL RECREATION AREA  
IMPROVEMENT ACT**

\* \* \* \* \*

**SEC. 2. DEFINITIONS.**

In this Act:

*(1) ADJACENT MUNICIPALITIES.—The term “adjacent municipalities” means Delaware Township, Dingman Township, Lehman Township, Matamoras Borough, Middle Smithfield Township, Milford Borough, Milford Township, Smithfield Township and Westfall Township, in Pennsylvania.*

**[(1)]** *(2) CORPORATION.—The term “Corporation” means the Columbia Gas Transmission Corporation.*

**[(2)]** *(3) PIPELINE.—The term “pipeline” means that portion of the pipeline of the Corporation numbered 1278 that is—*

*(A) located in the Recreation Area; and*

*(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.*

**[(3)]** *(4) RECREATION AREA.—The term “Recreation Area” means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.*

**[(4)]** *(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.*

**[(5)]** *(6) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the Recreation Area.*

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**[SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.**

**[**Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

**[**(1) in subsection (a), by striking “at noon on September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015”; and

**[**(2) in subsection (c)—

**[**(A) in paragraph (1), by striking “September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or September 30, 2015”; and

**[**(B) in paragraph (2)—

**[**(i) by striking “noon on September 30, 2005” and inserting “the earlier of the date on which a feasible alternative is available or noon of September 30, 2015”; and

**[**(ii) by striking “not exceed \$25 per trip” and inserting the following: “be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed \$40 per trip”.**]**

**SEC. 4. USE OF CERTAIN ROADS WITHIN THE RECREATION AREA.**

*(a) IN GENERAL.—Except as otherwise provided in this section, Highway 209, a federally owned road within the boundaries of the Recreation Area, shall be closed to all commercial vehicles.*

*(b) EXCEPTION FOR LOCAL BUSINESS USE.—Until September 30, 2020, subsection (a) shall not apply with respect to the use of commercial vehicles that have four or fewer axles and are—*

*(1) owned and operated by a business physically located in—*

*(A) the Recreation Area; or*

*(B) one or more adjacent municipalities; or*

*(2) necessary to provide services to businesses or persons located in—*

*(A) the Recreation Area; or*

*(B) one or more adjacent municipalities.*

*(c) FEE.—The Secretary shall establish a fee and permit program for the use by commercial vehicles of Highway 209 under subsection*

*(b). The program shall include an annual fee not to exceed \$200 per vehicle. All fees received under the program shall be set aside in a special account and be available, without further appropriation, to the Secretary for the administration and enforcement of the program, including registering vehicles, issuing permits and vehicle identification stickers, and personnel costs.*

*(d) EXCEPTIONS.—The following vehicles may use Highway 209 and shall not be subject to a fee or permit requirement under subsection (c):*

*(1) Local school buses.*

*(2) Fire, ambulance, and other safety and emergency vehicles.*

*(3) Commercial vehicles using Federal Road Route 209, from—*

*(A) Milford to the Delaware River Bridge leading to U.S. Route 206 in New Jersey; and*

*(B) mile 0 of Federal Road Route 209 to Pennsylvania State Route 2001.*

\* \* \* \* \*

**SECTION 702 OF THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996**

**§ 702. DELAWARE WATER GAP.**

[(a) IN GENERAL.—Effective on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

[(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of the recreation area, as determined by the Secretary.

[(c) CONFORMING PROVISIONS.—

[(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading “ADMINISTRATIVE PROVISIONS” in chapter VII of title I of Public Law 98-63 (97 Stat. 329) are repealed, effective on the earlier of the date on which a feasible alternative is available or September 30, 2015.

[(2) Prior to the earlier of the date on which a feasible alternative is available or noon of September 30, 2015, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed \$40 per trip.]