

## GOLDEN SPIKE 150TH ANNIVERSARY ACT

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JUNE 25, 2018.—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. 5751]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5751) to redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Golden Spike 150th Anniversary Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

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

(2) **HISTORICAL CROSSING.**—The term “historical crossing” means a corridor with a maximum width of 30 feet across former railroad rights-of-way within the Park—

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

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

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

(4) **PARK.**—The term “Park” means the Golden Spike National Historical Park designated under section 3.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(6) **TRANSCONTINENTAL RAILROAD.**—The term “Transcontinental Railroad” means the approximately 1,912-mile continuous railroad constructed between 1863 and 1869 from Council Bluffs, Iowa, to San Francisco, California.

**SEC. 3. REDESIGNATION.**

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

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Golden Spike National Historic Site shall be considered a reference to the “Golden Spike National Historical Park”.

(c) **NETWORK.**—The Park shall be part of the Network.

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

(a) **IN GENERAL.**—The Secretary shall establish, within the National Park Service, the Transcontinental Railroad Network. The Network shall not include properties used in active freight railroad operations (or other ancillary purposes) or reasonably anticipated to be used for freight railroad operations in the future.

(b) **STUDY.**—The Secretary shall—

- (1) inventory National Park Service sites, facilities, and programs; and
- (2) identify other sites, facilities, and programs,

to determine their suitability for inclusion in the Network, as delineated under subsection (e).

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

(1) produce and disseminate appropriate education materials relating to the history, construction, and legacy of the Transcontinental Railroad, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (d); and

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

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

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

(2) With the consent of each person owning any legal interest in the property, other Federal, State, local, and privately owned properties that have a verifiable connection to the history, construction, and legacy of the Transcontinental Railroad and are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places.

(3) Other governmental and nongovernmental programs of an educational, research, or interpretive nature that are directly related to the history, construction, and legacy of the Transcontinental Railroad.

(e) **COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.**—To achieve the purposes of this section and to ensure effective coordination of the Federal and non-Federal elements of the Network described in subsection (d) with National Park System units and programs of the National Park Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.

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

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

(b) **ADJACENT LANDOWNERS.**—After the completion of the Programmatic Agreement under subsection (a), an adjacent landowner shall give the Secretary notice of proposed certain undertakings. The Programmatic Agreement shall include provision for a 30-day approval or disapproval process for the proposed certain undertaking.

(c) **DEFINITION OF CERTAIN UNDERTAKINGS.**—As used in this section, the term “certain undertakings” means those activities that take place on, within, or under a historical crossing and—

(1) will last less than 1 month and will have limited physical impact on the surface of the historical crossing;

(2) have been implemented by an adjacent landowner or other adjacent landowners in the past; or

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

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

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

- (1) that the invasive species proposed for eradication is identified as such by the National Park Service;
- (2) that the method, timing, and location of the eradication must be approved by the Secretary; and
- (3) appropriate indemnification of the adjacent landowner.

**SEC. 7. FUNDING CLARIFICATION.**

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

PURPOSE OF THE BILL

The purpose of H.R. 5751 is to redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network.

BACKGROUND AND NEED FOR LEGISLATION

With the driving of the final spike of the Transcontinental Railroad on May 10, 1869, at Promontory, Utah, the United States was transformed. The great race across the frontier between the Union Pacific and Central Pacific Railroads was over and the American continent was connected. The 3,000-mile journey from New York to San Francisco that had taken months now only took seven days.<sup>1</sup> The “Wedding of the Rails” accelerated the industrial revolution and gave America a network of communication, commerce, and transportation that united the nation.

The mid-19th century goal of building a rail line across the continent became a reality with the passage of the Pacific Rail Act of 1862 (12 Stat. 489, App. July 1, 1862). The Act called for the creation of the Union Pacific Railroad Company and for it to construct a rail line and telegraph westward from the Missouri River near Omaha, Nebraska. Likewise, the Central Pacific Railroad Company was to construct a railroad and telegraph eastward from the Pacific Coast at or near San Francisco or the navigable waters of the Sacramento River.<sup>2</sup> Subsequent Rail Acts set up a race between the two companies to lay the most miles of track as they built towards a meeting point in the Utah desert. The parallel grades of the Union Pacific and Central Pacific Railroads that can still be seen today near Promontory Summit are a testament to the intense competition.<sup>3</sup>

The estimated 20,000 men who laid 1,776 miles of track overcame formidable physical and logistical challenges that many believed were impossible.<sup>4</sup> The builders of the Central Pacific con-

<sup>1</sup>“*Transcontinental Travel Times in 1869.*” Central Pacific Railroad Photographic History Museum. <http://discussion.cpr.net/2011/05/transcontinental-travel-times-in-1869.html>.

<sup>2</sup>“*An Act to aid in the Construction of a Railroad and Telegraph Line from The Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and Other Purposes.*” 37th United States Congress, 2nd Session, July 1, 1862. <http://memory.loc.gov/cgi-bin/ampage?collId=lsl&fileName=012/lsl012.db&recNum=520>.

<sup>3</sup>National Park Service. 1969. “Historical Base Map 1869 Golden Spike National Historic Site Utah.” <http://npshistory.com/publications/gosp/hbm.pdf>.

<sup>4</sup>“Building a Road.” Union Pacific Corporation. UP.com [https://www.up.com/aboutup/history/overview/building\\_road/index.htm](https://www.up.com/aboutup/history/overview/building_road/index.htm).

quered waterless deserts and the rugged Sierra Mountains, blasting tunnels through resistant granite sometimes at a rate of only six inches per day.<sup>5</sup> Those building the Union Pacific had to cross the Rocky Mountains and faced attack by some hostile American Indian tribes whose traditional way of life was being threatened. Both railroads employed laborers that reflected the changing face of the nation: Chinese, Irish, and Italian immigrants, as well as Civil War veterans, former slaves, and American Indians.<sup>6</sup>

An often overlooked but equally momentous event also occurred on May 10, 1869, when the telegraph lines running parallel to the tracks were joined. For the first time, news and information could be heard simultaneously across the country. The driving of the Golden Spike and the ceremony at Promontory was the nation's first mass media event, as residents from New York to Sacramento and everywhere in between turned out to hear the announcement that the last tie was laid and the country was finally connected.<sup>7</sup>

The "Last Spike" site in remote northern Utah became a symbol of a joined nation, industrialization, westward expansion, and sheer human determination. The area was recognized as a National Historic Site in 1957, though not in federal ownership, and became a unit of the National Park Service in 1965 through Public Law 89-102. Golden Spike National Historic Site preserves a critical piece of America's heritage and interprets the people, stories, and setting of the completion of the world's first transcontinental railroad.

On May 10, 1969, Americans celebrated the 100th Anniversary of the "Wedding of the Rails." An astounding 28,000 people were on hand for the centennial commemoration event, and that year 169,600 visited the site in total.<sup>8</sup> Ten years later, for the 110th Anniversary, two fully functional replicas of the Jupiter and No. 119 locomotives arrived at the site.

The Golden Spike 150th Anniversary Act, H.R. 5751, elevates the status of the site by redesignating Golden Spike National Historic Site as Golden Spike National Historical Park. The Committee believes that redesignation as a historical park will enhance the visibility of the site and increase visitation. Redesignation as a national historical park will not affect management of the site.

The bill also ensures that other federal, State, local, and privately-owned sites and structures critical to the history, construction, and legacy of the Transcontinental Railroad are recognized and linked together in a new Transcontinental Railroad Network. This network will be similar to the previously established National Underground Railroad Network to Freedom and the African American Civil Rights Network.

Additionally, H.R. 5751 eases restrictions on ranchers whose land is bisected by the park, and who need to cross federal lands to operate their ranches. The bill requires the Secretary of the Interior to develop a programmatic agreement with the Utah State His-

<sup>5</sup>Stewart, John J. 1994. *The Iron Trail to the Golden Spike*. New York: Meadow Lark Press. p 130.

<sup>6</sup>National Park Service. 2000. "Cultural Landscape Report: Golden Spike National Historic Site, Box Elder County, Utah" <http://nps.history.com/series/archeology/rmr/16/index.htm>.

<sup>7</sup>Ambrose, Stephen E. 2000. *Nothing Like it in the World: The Men Who Built the Transcontinental Railroad 1863-1869*. New York: Simon & Schuster. pp 364-365.

<sup>8</sup>National Park Service. 2018. "The Last Spike: History at a Glance." <https://www.nps.gov/gosp/learn/historyculture/the-last-spike-history-at-a-glance.htm>.

toric Preservation Office and other consulting parties. The completed programmatic agreement will provide a streamlined process for adjacent landowners to complete minor projects through defined prescriptive easements, while ensuring compliance with the National Historic Preservation Act of 1966 (54 U.S.C. 300101 et seq.) and other federal laws and regulations.

Finally, adjacent landowners are concerned about land managed by the National Park Service at Golden Spike National Historic Site becoming an incubator for invasive species. The bill requires the Secretary of the Interior, at the request of a local landowner, to authorize the landowner to participate in the eradication of the invasive species. The Secretary will dictate through the agreement the method, timing, and location where eradication may occur and must provide for appropriate indemnification of the adjacent landowner.

A companion bill has been introduced in the Senate as S. 2831 by Senator Orrin G. Hatch (R-UT).

#### COMMITTEE ACTION

H.R. 5751 was introduced on May 10, 2018, by Congressman Rob Bishop (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On May 22, 2018, the Subcommittee held a hearing on the legislation. On June 6, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

#### 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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 22, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5751, the Golden Spike 150th Anniversary Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Janani Shankaran and Sophie Godfrey-McKee.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 5751—Golden Spike 150th Anniversary Act*

H.R. 5751 would redesignate the Golden Spike National Historic Site in Promontory, Utah, as the Golden Spike National Historical Park. The bill also would direct the National Park Service (NPS) to establish the Transcontinental Railroad Network, which would comprise existing units and programs of the NPS related to the history of the Transcontinental Railroad as well as the properties and programs of other federal, state, local, and private entities that join the network.

Redesignating the Golden Spike National Historic Site may require the NPS to update maps, informational materials, and signage. Based on the costs of similar tasks, CBO estimates that those costs would be insignificant and would be subject to the availability of appropriated funds.

As part of establishing the Transcontinental Railroad Network, the NPS would produce and distribute maps and interpretive guides, create and adopt an official symbol for the network, and provide assistance to participating entities. Using information from the NPS about the costs of administering similar efforts and based on the expected scope of the program, CBO estimates that the agency would need less than \$500,000 in the first year following enactment for basic planning, developing educational materials, and coordinating activities with participating entities. In subsequent years, CBO estimates that the NPS would require about \$1 million each year to manage the network and provide technical assistance to participating entities through cooperative agreements.

In total, CBO estimates that implementing H.R. 5751 would cost about \$4 million over the 2019–2023 period; such spending would be subject to availability of appropriated funds.

Enacting H.R. 5751 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5751 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5751 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contacts for this estimate are Janani Shankaran and Sophie Godfrey-McKee. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

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

#### 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. This bill does not contain any directed rule makings.

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

If enacted, this bill would make no changes to existing law.