

106TH CONGRESS
1ST SESSION

S. 1685

To authorize the Golden Spike/Crossroads of the West National Heritage Area.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 1999

Mr. BENNETT introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Golden Spike/Crossroads of the West National Heritage Area.

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/Cross-
5 roads of the West National Heritage Area Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the industrial, cultural, and natural heritage
9 legacies of linking the United States by rail in

1 northern Utah at the Crossroads of the West are na-
2 tionally significant;

3 (2) in the areas of northern Utah (including
4 and in proximity to Ogden, Utah), linking the
5 United States by rail at the Crossroads of the West
6 helped establish and expand the industrial power of
7 the United States;

8 (3) the economic strength of the United States
9 is connected integrally to the vitality of the inter-
10 continental railways, which employ millions of work-
11 ers;

12 (4) the industrial and cultural heritage of the
13 intercontinental railways at the Crossroads of the
14 West includes social history and living cultural tradi-
15 tions of several generations;

16 (5) the National Historic District in Ogden,
17 Utah, is a prime example of the cultural heritage of
18 the linking of the United States by rail at the Cross-
19 roads of the West;

20 (6)(A) the Department of the Interior is re-
21 sponsible for protecting and interpreting the cultural
22 and historic resources of the United States; and

23 (B) there are significant examples of cultural
24 and historic resources in Ogden, Utah, and northern
25 Utah that merit the involvement of the Federal Gov-

1 ernment to develop programs and projects in co-
2 operation with the city of Ogden, Utah, and other
3 local and governmental bodies, to adequately con-
4 serve, protect, and interpret the heritage for the
5 education and recreational benefit of people of the
6 United States;

7 (7) the city of Ogden, Utah, would be an appro-
8 priate entity to oversee the development of the Her-
9 itage Area; and

10 (8) a 1993 National Park Service study, enti-
11 tled “Golden Spike Rail Feasibility Study”, dem-
12 onstrated that sufficient historical resources exist to
13 establish the Heritage Area.

14 (b) PURPOSES.—The purposes of this Act are to es-
15 tablish the Golden Spike/Crossroads of the West National
16 Heritage Area—

17 (1) to foster a close working relationship with
18 all levels of government, the private sector, and the
19 local communities in Utah;

20 (2) to empower communities in Utah to con-
21 serve their Golden Spike heritage while strength-
22 ening future economic opportunities; and

23 (3) to conserve, interpret, and develop the his-
24 torical, cultural, natural, and recreational resources

1 related to the industrial and cultural heritage of the
2 Heritage Area.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CITY.—The term “City” means the city of
6 Ogden, Utah.

7 (2) HERITAGE AREA.—The term “Heritage
8 Area” means the Golden Spike/Crossroads of the
9 West National Heritage Area established by section
10 4.

11 (3) MANAGEMENT PLAN.—The term “manage-
12 ment plan” means the management plan for the
13 Heritage Area required under section 6(a).

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 **SEC. 4. GOLDEN SPIKE/CROSSROADS OF THE WEST NA-**
17 **TIONAL HERITAGE AREA.**

18 (a) ESTABLISHMENT.—There is established in the
19 State of Utah the Golden Spike/Crossroads of the West
20 National Heritage Area.

21 (b) BOUNDARIES.—The boundaries of the Heritage
22 Area—

23 (1) shall be those specified in the management
24 plan approved under section 6; and

25 (2) shall include land in Utah related to—

1 (A) Union Pacific Station in Ogden, Utah;
2 and

3 (B) 24th and 25th Street Historic District
4 in Ogden, Utah.

5 (c) MAP.—

6 (1) PREPARATION.—The Secretary shall pre-
7 pare a map of the Heritage Area.

8 (2) AVAILABILITY.—The map described in sub-
9 paragraph (A) shall be on file and available for pub-
10 lic inspection in the office of the Director of the Na-
11 tional Park Service.

12 (d) ADMINISTRATION.—The Heritage Area shall be
13 administered in accordance with this Act.

14 (e) STUDY.—The Secretary, in cooperation with the
15 City, shall conduct a study to determine the feasibility of
16 establishing a national heritage corridor from the City to
17 Promontory Point.

18 (f) ADDITIONS OF LANDS.—The Secretary may add
19 land to the Heritage Area in response to a request from
20 the City.

21 **SEC. 5. DESIGNATION OF CITY AS MANAGEMENT ENTITY.**

22 (a) IN GENERAL.—The City shall be the management
23 entity for the Heritage Area.

24 (b) FEDERAL FUNDING.—

1 (1) AUTHORIZATION TO RECEIVE FUNDS.—Sub-
 2 ject to paragraph (2), the City may receive amounts
 3 appropriated to carry out this Act.

4 (2) DISQUALIFICATION.—If a management plan
 5 for the Heritage Area is not submitted to the Sec-
 6 retary in accordance with section 6, the City shall
 7 cease to be authorized to receive Federal funding
 8 under this Act until the date on which a manage-
 9 ment plan is submitted to the Secretary.

10 (c) AUTHORITIES OF CITY.—The City may, for pur-
 11 poses of preparing and implementing the management
 12 plan, use Federal funds made available under this Act—

13 (1) to make grants and loans to the State of
 14 Utah (including political subdivisions), nonprofit or-
 15 ganizations, and other persons;

16 (2) to enter into cooperative agreements with or
 17 provide technical assistance to Federal agencies, the
 18 State of Utah (including political subdivisions), non-
 19 profit organizations, and other persons;

20 (3) to hire and compensate staff;

21 (4) to obtain money from any source under any
 22 program or law requiring the recipient of the money
 23 to make a contribution in order to receive the
 24 money;

25 (5) to contract for goods and services; and

1 (6) for such other activities as are necessary to
2 carry out the duties of the City under this Act.

3 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
4 ERTY.—The City shall not use Federal funds received
5 under this Act to acquire real property or any interest in
6 real property.

7 **SEC. 6. MANAGEMENT DUTIES OF THE CITY.**

8 (a) HERITAGE AREA MANAGEMENT PLAN.—

9 (1) SUBMISSION FOR REVIEW BY SECRETARY.—
10 Not later than 3 years after the date of enactment
11 of this Act, the City shall submit to the Secretary
12 a management plan for the Heritage Area.

13 (2) PLAN REQUIREMENTS, GENERALLY.—A
14 management plan submitted under this section
15 shall—

16 (A) present comprehensive recommenda-
17 tions for the conservation, funding, manage-
18 ment, and development of the Heritage Area;

19 (B) be prepared with public participation;

20 (C) take into consideration existing Fed-
21 eral, State, county, and local plans;

22 (D) involve residents, public agencies, and
23 private organizations in the management of the
24 Heritage Area;

(E) include a description of recommended actions that units of government and private organizations should take to protect the resources of the Heritage Area; and

(F) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan shall include, as appropriate, the following:

(A) An inventory of resources contained in the Heritage Area that—

(i) shall include a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area; and

(ii) shall not include property that is privately owned, unless the owner of the property consents in writing to the inclusion.

(B) Recommendations for the interpretation of the Heritage Area, including recommendations for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that maintains appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including—

(i) plans for restoration and construction; and

(ii) a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of the means by which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan

1 by the City, the Secretary shall approve or dis-
2 approve the plan.

3 (B) NO ACTION ON PLAN.—If the Sec-
4 retary does not approve or disapprove the plan
5 in accordance with subsection (A), the plan
6 shall be considered approved.

7 (C) DISAPPROVAL.—If the Secretary dis-
8 approves the plan under subparagraph (A), the
9 Secretary shall, in writing—

10 (i) advise the City of the reasons for
11 the disapproval; and

12 (ii) make recommendations to the City
13 for the revision of the plan.

14 (D) PROPOSED REVISIONS TO PLAN.—Not
15 later than 60 days after receipt from the City
16 of proposed revisions to the plan, the Secretary
17 shall approve or disapprove the proposed revi-
18 sions.

19 (E) NO ACTION ON PROPOSED REVI-
20 SIONS.—If the Secretary does not approve or
21 disapprove the proposed revisions to the plan in
22 accordance with subparagraph (D), the plan
23 and proposed revisions shall be considered ap-
24 proved.

1 (b) PRIORITIES.—The City shall give priority to the
 2 implementation of actions, goals, and policies set forth in
 3 the management plan for the Heritage Area, including—

4 (1) the conservation of the Heritage Area;

5 (2) the establishment and maintenance of inter-
 6 pretive exhibits in the Heritage Area;

7 (3) the development of recreational opportuni-
 8 ties in the Heritage Area;

9 (4) the increase in public awareness of and ap-
 10 preciation for the natural, historical, and cultural re-
 11 sources of the Heritage Area;

12 (5) the restoration of historic buildings that are
 13 located within the boundaries of the Heritage Area
 14 and related to the theme of the Heritage Area;

15 (6) the placement of clear, consistent, and envi-
 16 ronmentally appropriate signs identifying access
 17 points and sites of interest throughout the Heritage
 18 Area; and

19 (7) the encouragement of economic viability in
 20 the affected communities by appropriate means, in
 21 accordance with the goals of the management plan.

22 (c) CONSIDERATION OF INTERESTS OF LOCAL
 23 GROUPS.—The City shall, in preparing and implementing
 24 the management plan, consider the interests of diverse

1 units of government, businesses, private property owners,
2 and nonprofit groups in the Heritage Area.

3 (d) PUBLIC MEETINGS.—The City shall conduct pub-
4 lic meetings at least annually regarding the implementa-
5 tion of the management plan.

6 (e) ANNUAL REPORTS.—The City shall, for each fis-
7 cal year in which the City receives Federal funds under
8 this Act, submit to the Secretary an annual report that
9 describes—

10 (1) the accomplishments of the City;

11 (2) the expenses and income of the City; and

12 (3) each entity to which the City made a loan
13 or grant during the year.

14 (f) COOPERATION WITH AUDITS.—The City shall, for
15 any fiscal year in which the City receives Federal funds
16 under this Act, make available for audit by Congress, the
17 Secretary, and appropriate units of government—

18 (1) all records and other information pertaining
19 to the expenditures of Federal funds by other orga-
20 nizations that the receiving organizations make
21 available for audit; and

22 (2) all records and other information pertaining
23 to the expenditure of Federal funds.

24 (g) DELEGATIONS.—

1 (1) IN GENERAL.—The City may delegate the
 2 responsibilities and actions under this section for
 3 each area or district identified in section 4(b)(2).

4 (2) REVIEW AND APPROVAL.—All responsibil-
 5 ities and actions delegated under paragraph (1) shall
 6 be subject to review and approval by the City.

7 **SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

8 (a) TECHNICAL ASSISTANCE AND GRANTS.—

9 (1) IN GENERAL.—The Secretary may provide
 10 technical assistance and, subject to the availability
 11 of appropriations, grants, to assist in implementa-
 12 tion of the management plan, to—

13 (A) the City; and

14 (B) on request of the City, units of govern-
 15 ment, nonprofit organizations, and other per-
 16 sons.

17 (2) PROHIBITION OF CERTAIN REQUIRE-
 18 MENTS.—The Secretary shall not, as a condition of
 19 the award of technical assistance or grants under
 20 this section, require any recipient of the technical
 21 assistance or grant to enact or modify land use re-
 22 strictions.

23 (3) DETERMINATIONS REGARDING ASSIST-
 24 ANCE.—

1 (A) IN GENERAL.—The Secretary shall de-
2 termine whether, and in what amount, technical
3 assistance or a grant shall be awarded under
4 paragraph (1), giving preference to projects
5 that provide a greater leverage of Federal
6 funds.

7 (B) CRITERIA FOR DETERMINATION.—A
8 determination under subparagraph (A) shall be
9 based on the relative degree to which the tech-
10 nical assistance or grant effectively—

11 (i) fulfills the objectives contained in
12 the management plan; and

13 (ii) achieves the purposes of this Act.

14 (b) PROVISION OF INFORMATION.—In cooperation
15 with other Federal agencies, the Secretary shall provide
16 the general public with information regarding the location
17 and character of the Heritage Area.

18 (c) OTHER ASSISTANCE.—The Secretary may enter
19 into cooperative agreements with public and private orga-
20 nizations for the purposes of implementing this section.

21 (d) DUTIES OF OTHER FEDERAL AGENCIES.—Any
22 Federal entity conducting any activity directly affecting
23 the Heritage Area shall—

24 (1) consider the potential effect of the activity
25 on the management plan; and

1 (2) consult with the City with respect to the ac-
2 tivity to minimize the adverse effects of the activity
3 on the Heritage Area.

4 **SEC. 8. LACK OF EFFECT ON LAND USE REGULATION AND**
5 **PRIVATE PROPERTY.**

6 (a) LACK OR EFFECT ON AUTHORITY OF LOCAL
7 GOVERNMENT.—Nothing in this Act modifies or otherwise
8 affects any authority of Federal, State, or local govern-
9 ments to regulate any use of land under any other law
10 (including a regulation).

11 (b) LACK OF ZONING OR LAND USE POWERS.—
12 Nothing in this Act grants powers of zoning or land use
13 control to the City.

14 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY
15 NOT AFFECTED.—Nothing in this Act affects or author-
16 izes the City to interfere with—

17 (1) the rights of any person with respect to pri-
18 vate property; or

19 (2) any local zoning ordinance or land use plan
20 of the State of Utah (including a political subdivi-
21 sion).

22 **SEC. 9. SUNSET.**

23 The Secretary shall not make a grant or provide any
24 assistance under this Act after September 30, 2016.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to carry out this Act \$1,000,000 for each fiscal
4 year, except that the total amount authorized to be appro-
5 priated to carry out this Act shall not exceed \$10,000,000.

6 (b) 50 PERCENT MATCH.—Federal funding provided
7 under this Act may not exceed 50 percent of the total cost
8 of any activity carried out with Federal funds.

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