

Calendar No. 655

115TH CONGRESS
2D SESSION**S. 2831****[Report No. 115–368]**

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

IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

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

NOVEMBER 15, 2018

Reported by Ms. MURKOWSKI, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (2) **HISTORICAL CROSSING.**—The term “histor-
7 ical crossing” means a corridor across historical rail-
8 road rights-of-way within the Park—

9 (A) that have been used by adjacent land-
10 owners in an open manner in the past 10 years
11 for vehicle, farm machinery or livestock travel;
12 or

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

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

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

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

24 (6) **SUPERINTENDENT.**—The term “Super-
25 intendent” means the Superintendent of the Park.

1 (7) ~~TRANSCONTINENTAL RAILROAD.~~—The term
 2 “Transcontinental Railroad” means the approxi-
 3 mately 1,912-mile continuous railroad constructed
 4 between 1863 and 1869 from Council Bluffs, Iowa,
 5 to San Francisco, California.

6 **SEC. 3. REDESIGNATION.**

7 (a) ~~REDESIGNATION.~~—The Golden Spike National
 8 Historic Site established under the Act of July 10, 1965
 9 (79 Stat. 426), shall be known and designated as the
 10 “Golden Spike National Historical Park”.

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

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

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

19 (a) ~~IN GENERAL.~~—The Secretary shall establish,
 20 within the National Park Service, a program to be known
 21 as the Transcontinental Railroad Network. The Network
 22 shall not include properties used in active freight railroad
 23 operations (or other ancillary purposes) or reasonably an-
 24 ticipated to be used for freight railroad operations in the
 25 future.

1 (b) DUTIES OF THE SECRETARY.—In carrying out
2 the Network, the Secretary shall—

3 (1) produce and disseminate appropriate edu-
4 cation materials relating to the history, construction,
5 and legacy of the Transcontinental Railroad, such as
6 handbooks, maps, interpretive guides, or electronic
7 information;

8 (2) enter into appropriate cooperative agree-
9 ments and memoranda of understanding to provide
10 technical assistance under subsection (d); and

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

14 (c) ELEMENTS.—The Network shall encompass the
15 following elements:

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

20 (2) With the consent of each person owning any
21 legal interest in the property, other Federal, State,
22 local, and privately owned properties that—

23 (A) have a verifiable connection to the his-
24 tory, construction, and legacy of the Trans-
25 continental Railroad and are included in, or de-

1 terminated by the Secretary to be eligible for in-
 2 clusion in, the National Register of Historic
 3 Places; or

4 (B) are otherwise determined by the Sec-
 5 retary to be connected to the history, construc-
 6 tion, and legacy of the Transcontinental Rail-
 7 road.

8 (3) Other governmental and nongovernmental
 9 programs of an educational, research, or interpretive
 10 nature that are directly related to the history, con-
 11 struction, and legacy of the Transcontinental Rail-
 12 road.

13 (d) COOPERATIVE AGREEMENTS AND MEMORANDA
 14 OF UNDERSTANDING.—To achieve the purposes of this
 15 section and to ensure effective coordination of the Federal
 16 and non-Federal elements of the Network described in
 17 subsection (c) with National Park System units and pro-
 18 grams of the National Park Service, the Secretary may
 19 enter into cooperative agreements and memoranda of un-
 20 derstanding with, and provide technical assistance to, the
 21 heads of other Federal agencies, States, units of local gov-
 22 ernment, regional governmental bodies, and private enti-
 23 ties.

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

3 (a) **AGREEMENTS.**—At the request of an adjacent
4 landowner, the Superintendent shall enter into an agree-
5 ment with the adjacent landowner regarding an existing
6 historical crossing within the Park.

7 (b) **TERMS OF AGREEMENT.**—The agreement shall
8 provide that—

9 (1) the adjacent landowner shall give notice to
10 the Superintendent of a proposed activity that will
11 affect the surface or subsurface of the historical
12 crossing;

13 (2) the Superintendent shall review and approve
14 or disapprove the proposed activity within 30 days
15 of the date that the adjacent landowner gives notice
16 of a proposed activity under paragraph (1);

17 (3) the Superintendent shall approve a pro-
18 posed activity if—

19 (A) the adjacent landowner will restore the
20 surface of the historical crossing within a rea-
21 sonable time following the completion of the
22 proposed activity;

23 (B) the proposed activity will last less than
24 one month and will have limited physical impact
25 on the surface of the historical crossing;

1 (C) the proposed activity has been imple-
 2 mented by the adjacent landowner or other ad-
 3 jacent landowners in the past; or

4 (D) the proposed activity is the subject of
 5 a categorical exclusion under the National Envi-
 6 ronmental Policy Act of 1969 (42 U.S.C. 4321
 7 et seq.); and

8 (4) if the Superintendent disapproves the activ-
 9 ity, the adjacent landowner may modify the proposed
 10 activity and resubmit it for review under paragraph
 11 (1).

12 **SEC. 6. EXOTIC OR INVASIVE SPECIES CONTROL.**

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

19 (1) that the exotic or invasive species proposed
 20 for eradication is identified as such by the National
 21 Park Service;

22 (2) that the method, timing and location of the
 23 eradication must be approved by the Superintendent;
 24 and

1 ~~(3) appropriate indemnification of the adjacent~~
 2 ~~landowner.~~

3 **SEC. 7. FUNDING CLARIFICATION.**

4 ~~No additional funds are authorized to carry out the~~
 5 ~~requirements of this Act. Such requirements shall be ear-~~
 6 ~~ried out using amounts otherwise authorized.~~

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Golden Spike 150th An-*
 9 *niversary Act”.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

12 (1) *PARK.*—*The term “Park” means the Golden*
 13 *Spike National Historical Park designated by section*
 14 *3(a).*

15 (2) *PROGRAM.*—*The term “Program” means the*
 16 *program to commemorate and interpret the Trans-*
 17 *continental Railroad authorized under section 4.*

18 (3) *SECRETARY.*—*The term “Secretary” means*
 19 *the Secretary of the Interior, acting through the Di-*
 20 *rector of the National Park Service.*

21 (4) *TRANSCONTINENTAL RAILROAD.*—*The term*
 22 *“Transcontinental Railroad” means the approxi-*
 23 *mately 1,912-mile continuous railroad constructed be-*
 24 *tween 1863 and 1869 extending from Council Bluffs,*
 25 *Iowa, to San Francisco, California.*

1 **SEC. 3. REDESIGNATION.**

2 (a) *REDESIGNATION.*—*The Golden Spike National*
 3 *Historic Site designated April 2, 1957, and placed under*
 4 *the administration of the National Park Service under Pub-*
 5 *lic Law 89–102 (54 U.S.C. 320101 note; 79 Stat. 426), shall*
 6 *be known and designated as the “Golden Spike National*
 7 *Historical Park”.*

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

13 **SEC. 4. TRANSCONTINENTAL RAILROAD COMMEMORATION**
 14 **AND PROGRAM.**

15 (a) *IN GENERAL.*—*Subject to subsection (b), the Sec-*
 16 *retary shall establish within the National Park Service a*
 17 *program to commemorate and interpret the Trans-*
 18 *continental Railroad.*

19 (b) *STUDY.*—*Before establishing the Program, the Sec-*
 20 *retary shall conduct a study of alternatives for commemo-*
 21 *rating and interpreting the Transcontinental Railroad that*
 22 *includes—*

23 (1) *a historical assessment of the Trans-*
 24 *continental Railroad;*

25 (2) *the identification of—*

1 (A) existing National Park System land
 2 and affiliated areas, land managed by other Fed-
 3 eral agencies, and Federal programs that may be
 4 related to preserving, commemorating, and inter-
 5 preting the Transcontinental Railroad;

6 (B) any properties relating to the Trans-
 7 continental Railroad—

8 (i) that are designated as, or could
 9 meet the criteria for designation as, Na-
 10 tional Historic Landmarks; or

11 (ii) that are included, or eligible for
 12 inclusion, on the National Register of His-
 13 toric Places;

14 (C) any objects relating to the Trans-
 15 continental Railroad that have educational, re-
 16 search, or interpretative value; and

17 (D) any governmental programs and non-
 18 governmental programs of an educational, re-
 19 search, or interpretive nature relating to the
 20 Transcontinental Railroad; and

21 (3) recommendations for—

22 (A) incorporating the resources identified
 23 under paragraph (2) into the Program; and

24 (B) other appropriate ways to enhance his-
 25 torical research, education, interpretation, and

1 *public awareness of the Transcontinental Rail-*
2 *road.*

3 (c) *REPORT.*—*Not later than 3 years after the date on*
4 *which funds are made available to carry out the study*
5 *under subsection (b), the Secretary shall submit to the Com-*
6 *mittee on Natural Resources of the House of Representatives*
7 *and the Committee on Energy and Natural Resources of*
8 *the Senate a report containing the findings and rec-*
9 *ommendations of the study.*

10 (d) *FREIGHT RAILROAD OPERATIONS.*—*The Program*
11 *shall not include any properties that are—*

12 (1) *used in active freight railroad operations (or*
13 *other ancillary purposes); or*

14 (2) *reasonably anticipated to be used for freight*
15 *railroad operations in the future.*

16 (e) *ELEMENTS OF THE PROGRAM.*—*In carrying out*
17 *the Program under this section, the Secretary—*

18 (1) *shall produce and disseminate appropriate*
19 *education materials relating to the history, construc-*
20 *tion, and legacy of the Transcontinental Railroad,*
21 *such as handbooks, maps, interpretive guides, or elec-*
22 *tronic information;*

23 (2) *may enter into appropriate cooperative*
24 *agreements and memoranda of understanding and*
25 *provide technical assistance to the heads of other Fed-*

- 1 *eral agencies, States, units of local government, re-*
2 *gional governmental bodies, and private entities to*
3 *further the purposes of the Program and this Act; and*
4 *(3) may—*
5 *(A) create and adopt an official, uniform*
6 *symbol or device to identify the Program; and*
7 *(B) issue guidance for the use of the symbol*
8 *or device created and adopted under subpara-*
9 *graph (A).*

Amend the title so as to read: “A bill to redesignate the Golden Spike National Historic Site and to establish a program to commemorate and interpret the Transcontinental Railroad.”.

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