

115TH CONGRESS  
2D SESSION

# H. R. 5751

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2018

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

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

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

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

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

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

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

9   **SEC. 3. REDESIGNATION.**

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

16          (b) REFERENCES.—Any reference in a law, map, reg-  
17          ulation, document, paper, or other record of the United  
18          States to the Golden Spike National Historic Site shall  
19          be considered a reference to the “Golden Spike National  
20          Historical Park”.

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

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

24          (a) IN GENERAL.—The Secretary shall establish,  
25          within the National Park Service, the Transcontinental

1 Railroad Network. The Network shall not include prop-  
2 erties used in active freight railroad operations (or other  
3 ancillary purposes) or reasonably anticipated to be used  
4 for freight railroad operations in the future.

5 (b) STUDY.—The Secretary shall—

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

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

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

13 (1) produce and disseminate appropriate edu-  
14 cation materials relating to the history, construction,  
15 and legacy of the Transcontinental Railroad, such as  
16 handbooks, maps, interpretive guides, or electronic  
17 information;

18 (2) identify opportunities to enhance the rec-  
19 ognition of immigrant laborers' contributions to the  
20 history, construction, and legacy of the Trans-  
21 continental Railroad;

22 (3) enter into appropriate cooperative agree-  
23 ments and memoranda of understanding to provide  
24 technical assistance under subsection (d); and

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

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

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

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

18          (3) Other governmental and nongovernmental  
19          programs of an educational, research, or interpretive  
20          nature that are directly related to the history, con-  
21          struction, and legacy of the Transcontinental Rail-  
22          road.

23          (e) COOPERATIVE AGREEMENTS AND MEMORANDA  
24 OF UNDERSTANDING.—To achieve the purposes of this  
25 section and to ensure effective coordination of the Federal

1 and non-Federal elements of the Network described in  
2 subsection (d) with National Park System units and pro-  
3 grams of the National Park Service, the Secretary may  
4 enter into cooperative agreements and memoranda of un-  
5 derstanding with, and provide technical assistance to, the  
6 heads of other Federal agencies, States, units of local gov-  
7 ernment, regional governmental bodies, and private enti-  
8 ties.

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

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

21 (b) PROCESS FOR APPROVAL.—After the completion  
22 of the Programmatic Agreement under subsection (a), an  
23 adjacent landowner shall give the Secretary notice of pro-  
24 posed certain undertakings. Within 30 days of the receipt  
25 of the notice, the Secretary shall review and approve the

1 proposed certain undertakings if consistent with the Pro-  
2 grammatic Agreement.

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

7 (1) will last less than 1 month and will have  
8 limited physical impact on the surface of the histor-  
9 ical crossing;

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

12 (3) is the subject of a categorical exclusion  
13 under the National Environmental Policy Act of  
14 1969 (42 U.S.C. 4321 et seq.).

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

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

21 (1) that the invasive species proposed for eradi-  
22 cation is identified as such by the National Park  
23 Service;

24 (2) that the method, timing, and location of the  
25 eradication must be approved by the Secretary; 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 car-  
6 ried out using amounts otherwise authorized.

      Passed the House of Representatives June 25, 2018.

Attest:

KAREN L. HAAS,

*Clerk.*