

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

June 4, 2018

To: All Subcommittee on Federal Lands Members

From: Majority Committee Staff— Terry Camp and Holly Baker  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: Legislative hearing on **H.R. 5751 (Rep. Rob Bishop)**, To redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network.  
**June 6, 2018, 10:15 AM; 1324 Longworth House Office Building**

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## **H.R. 5751, “Golden Spike 150th Anniversary Act”**

### **Summary of the Bill**

H.R. 5751, introduced by Representative Rob Bishop (R-UT-01), redesignates Golden Spike National Historic Site as Golden Spike National Historical Park. The bill establishes a network of sites related to the history, construction, and legacy of the Transcontinental Railroad as a program of the National Park Service. H.R. 5751 also authorizes the superintendent of Golden Spike National Historical Park to enter into agreements with adjacent landowners to complete minor projects and remove invasive species.

### **Cosponsors**

Rep. John Curtis [R-UT-03], Rep Mia Love [R-UT-04], Rep. Chris Stewart [R-UT-02]

### **Background**

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-19<sup>th</sup> 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 from the Missouri River near Omaha, Nebraska westward. Likewise, the Central

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<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>

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 conquered waterless deserts and the rugged Sierra Mountain range, 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 (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.

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<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." 37<sup>th</sup> United States Congress, 2<sup>nd</sup> Session, July 1. 1862. <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.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)

<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://npshistory.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.

The Golden Spike 150th Anniversary Act will redesignate the Golden Spike National Historic Site as the Golden Spike National Historical Park. Additionally, the bill ensures that other 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. Finally, the bill establishes a process by which longstanding challenges between landowners adjacent to the site and the National Park Service can be resolved.

A companion bill has been introduced in the Senate as S. 2831 (115<sup>th</sup>) by Senator Orrin G. Hatch (R-UT).

The Subcommittee on Federal Lands held a legislative hearing on H.R. 5751 on May 22, 2018.

## **Major Provisions/Analysis of H.R. 5751**

### **Section 3. Redesignation**

Redesignates Golden Spike National Historic Site as Golden Spike National Historical Park. Redesignation as a National Historical Park will not affect management of the site in any way.

### **Section 4. Transcontinental Railroad Network**

- Establishes a network of sites related to the history, construction, and legacy of the Transcontinental Railroad. The Secretary is required to develop a logo for the Network to unify the sites, and to develop and disseminate educational materials.
- The Network will encompass:
  - 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.
  - With the property owner's consent, 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.
  - 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.

### **Section 5. Agreements Affecting Certain Historical Crossings**

- Authorizes the superintendent of Golden Spike National Historical Park to enter into agreements with adjacent landowners to complete minor projects important to their

current ranching or agricultural operations. The superintendent will approve or disapprove requests for projects that will affect the surface or subsurface of a historical crossing within 30 days. The superintendent must approve the project if:

- (1) the adjacent landowner will restore the surface of the historical crossing within a reasonable time following the completion of the proposed activity;
- (2) the proposed activity will last less than one month and will have limited physical impact on the surface of the historical crossing;
- (3) the proposed activity has been implemented by the adjacent landowner or other adjacent landowners in the past; or
- (4) the proposed activity is the subject of a categorical exclusion under the National Environmental Policy Act of 1969.

#### **Section 6. Exotic or Invasive Species Control**

- Authorizes the superintendent of Golden Spike National Historical Park to enter into agreements with adjacent land owners to provide for their participation in the removal of invasive species.

#### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

#### **Administration Position**

The Deputy Director of the National Park System testified in support of H.R. 5751 at the Subcommittee on Federal Lands legislative hearing saying the department's support of the legislation is consistent with Secretary Zinke's commitment to highlight less-visited units of the National Park System. The department expressed a desire to work with the Committee to modify the adjacent land owner provisions of the bill.

#### **Anticipated Amendments**

Chairman Bishop will offer an amendment to require an inventory of the National Park Service sites and programs that may be included in the Transcontinental Railroad Network. The amendment also establishes a Programmatic Agreement as the mechanism for adjacent landowners to complete proposed minor projects within historical crossings, while ensuring compliance with the National Historic Preservation Act. Additionally, the amendment removes references to "exotic" species and makes other clarifying changes.

#### **Effect on Current Law (Ramseyer)**

None.