

106TH CONGRESS
2D SESSION

H. R. 4521

To direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2000

Mr. HILL of Montana (for himself, Mr. KASICH, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. SOUDER, Mr. CANNON, Mrs. CUBIN, Mr. TAUZIN, Mr. GILCHREST, Mr. COOKSEY, Ms. DUNN, Mr. PITTS, Mr. THUNE, Mr. WATKINS, Mr. COOK, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. DOOLITTLE, Mr. NETHERCUTT, Mr. RILEY, Mr. PORTMAN, Mr. POMEROY, Mr. HUTCHINSON, Mr. LUCAS of Kentucky, Mr. BLUNT, Mr. GIBBONS, Ms. GRANGER, Mr. SESSIONS, Mr. ABERCROMBIE, Mr. POMBO, Mr. SUNUNU, Mr. HASTINGS of Washington, Mr. SHIMKUS, and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes.

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. FINDINGS.**

2 Congress makes the following findings:

3 (1) The historic significance of the 52-mile
4 Going-to-the-Sun Road is recognized by its listing on
5 the National Register of Historic Places in 1983,
6 designation as a National Historic Engineering
7 Landmark by the American Society of Civil Engi-
8 neers in 1985, and designation as a National His-
9 toric Landmark in 1997.

10 (2) A contracted engineering study and Federal
11 Highway Administration recommendations in 1997
12 of the Going-to-the-Sun Road verified significant
13 structural damage to the road that has occurred
14 since it opened in 1932.

15 (3) Infrastructure at most of the developed
16 areas is inadequate for cold-season (fall, winter, and
17 spring) operation, and maintenance backlog needs
18 exist for normal summer operation.

19 (4) The Many Glacier Hotel and Lake McDon-
20 ald Lodge are on the National Register of Historic
21 Places and are National Historic Landmarks. Other
22 accommodations operated by the concessioner with
23 possessory interest and listed on the National Reg-
24 ister of Historic Places are the Rising Sun Motor
25 Inn and Swiftcurrent Motel.

1 (5) The historic hotels in Glacier National
2 Park, operated under concession agreements with
3 the National Park Service, are essential for public
4 use and enjoyment of the Park.

5 (6) Public consumers deserve safe hotels in Gla-
6 cier National Park that can meet their basic needs
7 and expectations.

8 (7) The historic hotels in Glacier National Park
9 are significantly deteriorated and need substantial
10 repair.

11 (8) Repairs of the hotels in Glacier National
12 Park have been deferred for so long that, absent any
13 changes to the Federal law governing conces-
14 sionaires and the availability of historic tax credits
15 up to 39.5 years, the remodeling costs for the hotels
16 exceed the capacity of the hotel concessionaire to fi-
17 nance them out of hotel revenues.

18 (9) The remodeling costs are so high that the
19 concessionaire will need to finance the cost of those
20 repairs by borrowing the remodeling expenses and
21 repaying them over time out of net hotel income,
22 which by current law is limited to 20 year concession
23 agreements.

24 (10) The current season of operation for hotels
25 is about 4 months because the developed areas lack

1 water, sewer, and fire protection systems that can
2 operate in freezing conditions, lack building insula-
3 tion, and lack heating systems.

4 (11) Because of many factors, including the
5 high projected costs of remodeling, the relatively
6 short tourist season in Glacier National Park, and
7 the requirement that concession agreements may not
8 exceed 20 years, concessionaires are unable to un-
9 dertake the scope of remodeling that is needed for
10 the hotels in Glacier National Park.

11 (12) The National Park Service Concessions
12 Management Improvement Act of 1998 is based
13 upon sound principles and is achieving its basic pur-
14 poses, but there appear to be selected instances
15 where the National Park Service needs additional
16 authority to conduct demonstration projects.

17 (13) A demonstration project is needed for the
18 repair of the historic hotels in Glacier National
19 Park.

20 **SEC. 2. GOING-TO-THE-SUN ROAD STUDY.**

21 (a) IN GENERAL.—Not later than June 30, 2001, the
22 Secretary of the Interior (hereinafter referred to as the
23 “Secretary”), in consultation with the Going-to-the-Sun
24 Road Citizens Advisory Committee, shall complete a feasi-

1 bility study for rehabilitation of Going-to-the-Sun Road lo-
2 cated in Glacier National Park. The study shall include—

3 (1) alternative plans for rehabilitation of Going-
4 to-the-Sun Road and a ranking of the feasibility of
5 each plan;

6 (2) an estimate of the length of time necessary
7 to complete each plan;

8 (3) a description of what mitigation efforts
9 would be used to preserve resources and minimize
10 adverse economic effects of each plan;

11 (4) an analysis of the costs and benefits of each
12 plan;

13 (5) an estimate of the cost of each plan;

14 (6) an analysis of long-term maintenance needs,
15 standards, and schedules for the road, alternatives
16 to accomplish the work, maintenance staff needs,
17 and associated cost estimates; and

18 (7) a complete environmental analysis that ful-
19 fills the requirements of the National Environmental
20 Policy Act of 1969, the National Historic Preserva-
21 tion Act, and other laws.

22 (b) CONTINUATION MAINTENANCE.—Nothing in this
23 section shall affect the duty of the Secretary to continue
24 the program in effect on the day before the date of the

1 enactment of this Act to preserve, maintain, and address
2 safety concerns related to Going-to-the-Sun Road.

3 (c) IMPLEMENTATION OF PLAN.—As soon as prac-
4 ticable after completing the study and environmental anal-
5 ysis required by subsection (a), the Secretary shall con-
6 sider the recommendations of the Advisory Committee,
7 make a decision documented in the environmental analysis
8 process, and begin implementation of the plan. Implemen-
9 tation actions that are authorized include rehabilitation of
10 Going-to-the-Sun Road and expenditure of funds outside
11 the Park for transportation system improvements or im-
12 pact mitigation if recommended by the study and the Ad-
13 visory Committee. The Secretary shall also seek funding
14 for the long-term maintenance needs that the study identi-
15 fies.

16 (d) REPORT.—Not later than 30 days after comple-
17 tion of the study required by subsection (a), the Secretary
18 shall transmit to the Committee on Resources in the
19 House of Representatives and the Committee on Energy
20 and Natural Resources in the Senate a copy of the study.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Secretary to carry
23 out this section \$200,000,000 for implementation of the
24 plan under subsection (c), including the cost of any nec-

1 essary environmental or cultural documentation and moni-
2 toring.

3 **SEC. 3. MAINTENANCE AND UPGRADE OF UTILITY SYS-**
4 **TEMS.**

5 (a) IN GENERAL.—As soon as practicable after funds
6 are made available under this section, the Secretary shall
7 begin the upgrade and continue the maintenance of utility
8 systems which service Glacier National Park and facilities
9 related to the Park.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary to carry
12 out this section, \$20,000,000.

13 **SEC. 4. HOTEL REHABILITATION.**

14 (a) COMPETITIVE LEASES OF PROPERTY AUTHOR-
15 IZED.—Notwithstanding any other provision, (including
16 section 3(k) of Public Law 91–383 (commonly known as
17 the National Park System General Authorities Act; 16
18 U.S.C. 1a–2)), the Secretary is authorized to enter into
19 competitive leases of property in Glacier National Park
20 owned by the United States under the authority of section
21 3(k) of Public Law 91–383 (commonly known as the Na-
22 tional Park System General Authorities Act; 16 U.S.C.
23 1a–2) under which the lessee will be authorized to provide
24 visitor services to visitors to the area.

1 (b) MANDATORY CONDITIONS OF LEASES.—The Sec-
2 retary shall only enter into leases under subsection (a)
3 after determining that the provision of visitor services is
4 necessary and appropriate for the accommodation of visi-
5 tors to Glacier National Park and is otherwise consistent
6 with the policies expressed in section 402 of the National
7 Park Service Concessions Management Improvement Act
8 of 1998 (Public Law 105–391). In determining whether
9 visitor services are necessary and appropriate, the Sec-
10 retary may consider the value of providing additional vis-
11 itor services, including conference facilities, for groups of
12 visitors in the early spring and late fall months, especially
13 as these additional services may provide extra revenue
14 needed to finance improvements for the historic hotels in
15 Glacier National Park. The Secretary shall include in such
16 leases appropriate terms and conditions to assure the fol-
17 lowing:

18 (1) The visitor services to be provided are ade-
19 quate and available at reasonable rates approved by
20 the Secretary in accordance with the policies ex-
21 pressed in section 406 of the National Park Service
22 Concessions Management Improvement Act of 1998.
23 In determining whether rates are reasonable, the
24 Secretary may allow the rates to be set high enough
25 to allow investment in capital improvements for vis-

1 itor services to be reasonably recovered by the con-
2 cessionaire that financed the improvements.

3 (2) The leased property will be properly main-
4 tained by the lessee, and, with respect to historic
5 property that may be leased, preserved, and main-
6 tained in a manner consistent with its historic char-
7 acter as determined by the Secretary.

8 (c) DISCRETIONARY CONDITIONS OF LEASES.—The
9 Secretary shall include in leases entered into under sub-
10 section (a) appropriate terms and conditions necessary to
11 assure the lessee of adequate protection against loss of in-
12 vestment in real property improvement that the lessee may
13 make to the leased property. Such terms and conditions
14 shall include an obligation of the United States to com-
15 pensate the lessee for loss of investment in real property
16 improvements in circumstances that the Secretary deems
17 prudent.

18 (d) LEASEHOLD SURRENDER VALUE.—In any con-
19 tracts for improvements, the Secretary shall recognize the
20 leasehold surrender value of existing leases that the Sec-
21 retary may require to be surrendered in actions associated
22 with approving improvements to visitor services to be
23 made under this section.

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