

106TH CONGRESS  
2D SESSION

# S. 2627

To direct the Secretary of the Interior to 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.

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## IN THE SENATE OF THE UNITED STATES

MAY 24, 2000

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

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## A BILL

To direct the Secretary of the Interior to 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,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) the historical significance of the 52-mile  
6 Going-to-the-Sun Road in Glacier National Park,  
7 Montana, is recognized by its—

1 (A) listing on the National Register of His-  
2 toric Places in 1983;

3 (B) designation as a National Historic En-  
4 gineering Landmark by the American Society of  
5 Civil Engineers in 1985; and

6 (C) designation as a National Historic  
7 Landmark in 1997;

8 (2) in 1997, recommendations of the Federal  
9 Highway Administration concerning, and an engi-  
10 neering study of, the Road verified significant struc-  
11 tural damage to the Road has occurred since the  
12 Road opened in 1932;

13 (3) infrastructure at most of the developed  
14 areas in the Park is inadequate for cold-season (fall,  
15 winter, and spring) operation, and maintenance  
16 backlog needs exist for normal summer operation;

17 (4) the Many Glacier Hotel and Lake McDon-  
18 ald Lodge are on the National Register of Historic  
19 Places and are National Historic Landmarks;

20 (5) other accommodations operated by the con-  
21 cessionaire that have possessory interest and are  
22 listed on the National Register of Historic Places  
23 are the Rising Sun Motor Inn and Swiftcurrent  
24 Motel;

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

5           (7) visitors to the Park deserve safe hotels in  
6 the Park that meet basic needs and expectations;

7           (8) the historic hotels in the Park have deterio-  
8 rated significantly and need substantial repair;

9           (9) repairs of the hotels in the Park have been  
10 deferred for so long that, absent any changes to the  
11 Federal law governing concessionaires and the avail-  
12 ability of historic tax credits for up to 39.5 years,  
13 the remodeling costs for the hotels exceed the capaci-  
14 ty of the hotel concessionaire to finance the repairs  
15 with hotel revenues;

16           (10) the remodeling costs of Park hotels are so  
17 high that the concessionaire will need to finance the  
18 cost of those repairs by borrowing the remodeling  
19 expenses and repaying them over time out of net  
20 hotel income, which by current law is limited to 20-  
21 year concession agreements;

22           (11) the season of operation for hotels is about  
23 4 months because the developed areas of the Park  
24 lack—

1 (A) water, sewer, and fire protection sys-  
2 tems that can operate in freezing conditions;

3 (B) building insulation; and

4 (C) heating systems;

5 (12) because of many factors, including the  
6 high projected costs of remodeling, the relatively  
7 short tourist season in the Park, and the require-  
8 ment that concession agreements may not exceed 20  
9 years, concessionaires are unable to carry out the  
10 scope of remodeling that is needed for the hotels in  
11 the Park;

12 (13) the National Park Service Concessions  
13 Management Improvement Act of 1998 (16 U.S.C.  
14 5951 et seq.) is based on sound principles and is  
15 achieving its basic purposes, but there appear to be  
16 selected instances in which the National Park Serv-  
17 ice needs additional authority to conduct demonstra-  
18 tion projects; and

19 (14) a demonstration project is needed to carry  
20 out repairs of the historic hotels in the Park.

21 **SEC. 2. DEFINITIONS.**

22 In this Act:

23 (1) COMMITTEE.—The term “Committee”  
24 means the Going-to-the-Sun Road Citizens’ Advisory  
25 Committee.

1           (2) PARK.—The term “Park” means Glacier  
2 National Park, Montana.

3           (3) ROAD.—The term “Road” means Going-to-  
4 the-Sun Road, located in the Park.

5           (4) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior.

7 **SEC. 3. GOING-TO-THE-SUN ROAD FEASIBILITY STUDY AND**  
8 **REHABILITATION PLAN.**

9           (a) FEASIBILITY STUDY.—

10           (1) IN GENERAL.—Not later than June 30,  
11 2001, the Secretary, in consultation with the Com-  
12 mittee, shall complete a feasibility study for rehabili-  
13 tation of the Road.

14           (2) INCLUSIONS.—The feasibility study shall  
15 include—

16           (A) alternative plans for rehabilitation of  
17 the Road, including—

18           (i) a ranking of the feasibility of each  
19 plan;

20           (ii) an estimate of the length of time  
21 necessary to complete each plan;

22           (iii) a description of which mitigation  
23 efforts would be used to preserve resources  
24 and minimize adverse economic effects of  
25 each plan;

1 (iv) an analysis of the costs and bene-  
2 fits of each plan;

3 (v) an estimate of the cost of each  
4 plan;

5 (B) an analysis of long-term maintenance  
6 needs, standards, and schedules for the Road,  
7 alternatives to accomplish the work, mainte-  
8 nance staff needs, and associated cost esti-  
9 mates; and

10 (C) a complete environmental analysis that  
11 meets any applicable requirement of—

12 (i) the National Environmental Policy  
13 Act of 1969 (42 U.S.C. 4321 et seq.);

14 (ii) the National Historic Preservation  
15 Act (16 U.S.C. 470 et seq.); and

16 (iii) any other applicable law.

17 (3) SUBMISSION.—Not later than 30 days after  
18 completion of the feasibility study, the Secretary  
19 shall submit to the Committee on Resources in the  
20 House of Representatives and the Committee on En-  
21 ergy and Natural Resources in the Senate a copy of  
22 the study.

23 (b) REHABILITATION PLAN.—

1           (1) IN GENERAL.—As soon as practicable after  
2 completing the study and environmental analysis  
3 under subsection (a), the Secretary shall—

4           (A) consider the recommendations of the  
5 Committee;

6           (B) make any decision documented in the  
7 environmental analysis process; and

8           (C) select and implement a rehabilitation  
9 plan for the Road.

10          (2) AUTHORIZED ACTIONS.—In implementing a  
11 rehabilitation plan under this subsection, the Sec-  
12 retary may—

13           (A) use funds to—

14           (i) rehabilitate the Road; and

15           (ii) carry out transportation system  
16 improvements or impact mitigation activi-  
17 ties outside the Park, if recommended in  
18 the feasibility study and by the Committee;  
19 and

20           (B) seek funding for any long-term main-  
21 tenance needs identified in the feasibility study.

22          (3) AUTHORIZATION OF APPROPRIATIONS.—  
23 There is authorized to be appropriated to the Sec-  
24 retary to implement the rehabilitation plan (includ-



1 (b) MANDATORY CONDITIONS OF LEASES.—

2 (1) IN GENERAL.—The Secretary shall enter  
3 into a lease under subsection (a) only after deter-  
4 mining that the provision of visitor services—

5 (A) is necessary and appropriate for the  
6 accommodation of visitors to the Park, taking  
7 into consideration the value of providing addi-  
8 tional visitor services (including conference fa-  
9 cilities) for groups of visitors in the early spring  
10 and late fall months, especially as those addi-  
11 tional services may provide extra revenue need-  
12 ed to finance improvements for the historic ho-  
13 tels in Glacier National Park; and

14 (B) is consistent with section 402 of the  
15 National Park Service Concessions Management  
16 Improvement Act of 1998 (16 U.S.C. 5952).

17 (2) TERMS AND CONDITIONS.—The Secretary  
18 shall include in a lease under this subsection appro-  
19 priate terms and conditions to ensure, to the max-  
20 imum extent practicable, that—

21 (A) any visitor service provided is—

22 (i) adequate; and

23 (ii) available at a reasonable rate—

24 (I) to be approved by the Sec-  
25 retary in accordance with section 406

1 of the National Park Service Conces-  
2 sions Management Improvement Act  
3 of 1998 (16 U.S.C. 5951 et seq.); and

4 (II) that may be at such a level  
5 as to allow any investment in capital  
6 improvements for visitor services to be  
7 recovered within a reasonable amount  
8 of time by the concessionaire that fi-  
9 nanced the improvements;

10 (B) the leased property will be properly  
11 maintained by the lessee, and, with respect to  
12 historic property that may be leased, preserved,  
13 and maintained in a manner consistent with the  
14 historic character of the property, as deter-  
15 mined by the Secretary; and

16 (C) assure the lessee of adequate protec-  
17 tion against any loss of investment in an im-  
18 provement to real property that the lessee may  
19 make to the leased property (including an obli-  
20 gation of the United States to compensate the  
21 lessee for any loss of investment in an improve-  
22 ment to real property in any circumstances that  
23 the Secretary determines to be prudent).

24 (c) LEASEHOLD SURRENDER VALUE.—In any con-  
25 tract for improvements, the Secretary shall recognize the

1 leasehold surrender value of any existing lease that the  
2 Secretary may require to be surrendered in any action that  
3 is associated with approving an improvement to visitor  
4 services under this section.

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