

AUTHORIZING THE SECRETARY OF AGRICULTURE TO ACCEPT THE QUITCLAIM, DISCLAIMER, AND RELINQUISHMENT OF A RAILROAD RIGHT OF WAY WITHIN AND ADJACENT TO PIKE NATIONAL FOREST IN EL PASO COUNTY, COLORADO, ORIGINALLY GRANTED TO THE MT. MANITOU PARK AND INCLINE RAILWAY COMPANY PURSUANT TO THE ACT OF MARCH 3, 1875

JULY 17, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 4073]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY BY MANITOU AND PIKES PEAK RAILWAY COMPANY, COLORADO, OVER NATIONAL FOREST SYSTEM LAND.

(a) **AUTHORITY TO ACCEPT.**—Notwithstanding the Act of March 8, 1922 (43 U.S.C. 912), the Secretary of Agriculture may accept the quitclaim, disclaimer, and relinquishment by the Manitou and Pikes Peak Railway Company, successor in interest to the Mt. Manitou Park and Incline Railway Company, of a right of way, more fully described in subsection (b), within and adjacent to Pike National Forest that was originally granted by the Secretary to the Mt. Manitou Park and Incline Railway Company pursuant to the authority provided by the Act of March 3, 1875 (Chapter 152; 18 Stat. 482) for the construction of a railroad and station in El Paso County, Colorado.

(b) **RIGHT OF WAY DESCRIBED.**—The railroad right of way referred to in subsection (a) is located in the S½ of section 6, Township 14 South, Range 67 West, and N½SE¼ of section 1, Township 14 South, Range 68 West, Sixth Principal Meridian, Colorado, and is depicted in a tracing filed in the United States Land Office at Pueblo, Colorado, file 019416, on December 24, 1914.

(c) LIMITED APPLICABILITY.—Nothing in this section shall be construed to affect the right, title, and interest of the Manitou and Pikes Peak Railway Company in land held in fee title by the Manitou and Pikes Peak Railway Company.

PURPOSE OF THE BILL

The purpose of H.R. 4073, as ordered reported, is to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4073 would authorize the Secretary of Agriculture to accept the relinquishment of an abandoned right of way, known as the “Manitou Incline,” to manage as part of the Pike National Forest. The Manitou Incline was granted as a railroad right of way to the Mt. Manitou Park and Incline Railway Company (now the Manitou and Pikes Peak Railway Company) for a one mile cable tram to support the construction of a hydroelectric plant and water line. After completion of the hydroelectric facility, the tram was turned into a tourist attraction that operated until damaged by a landslide in 1990.

Since that time, the abandoned cable track has become a popular hiking route and training area for athletes. However, all users of the area are technically unauthorized to do so since the Manitou and Pikes Peak Railway Company has never opened the Manitou Incline for public use. This legislation would allow the Secretary to accept ownership of the right of way to properly manage the Manitou Incline as a recreational site.

During Full Committee consideration of the bill, the Committee adopted an amendment offered by Congressman Rob Bishop (R-UT) to correct the legal description for the right of way.

COMMITTEE ACTION

H.R. 4073 was introduced on February 17, 2012, by Congressman Doug Lamborn (R-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 17, 2012, the Subcommittee held a hearing on the bill. On June 7, 2012, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated #1 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4073—A bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right-of-way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875

H.R. 4073 would authorize the Secretary of Agriculture to accept the relinquishment of certain lands located in El Paso County, Colorado, from the Manitou and Pikes Peak Railway Company. Those lands consist of less than 1 mile of abandoned railroad bed currently used as a hiking trail. Based on information provided by the Forest Service, CBO estimates that any additional costs to administer the affected lands would be minimal. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4073 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service, CBO estimates that any additional costs to administer the affected lands would be minimal. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

