

study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

“(b) DETERMINATION.—Within 1 year after the enactment of this Act [Nov. 10, 1988], the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

“(c) ASSISTANCE.—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest of protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

“(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary not to exceed \$30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).”

§ 429b-1. Acquisition and use of lands

(a) Acquisition of property or interests in property; scenic preservation of views

(1) In order to effectuate the purposes of sections 429b to 429b-5 of this title, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds or exchange, any property or interests therein which are located within the boundaries of the park, except that property owned by the Commonwealth of Virginia or by any political subdivision thereof may be acquired only by donation.

(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.

(b) Acquisition of fee simple title with the consent of owner; hearing and review

With respect to areas within the 1954 boundaries of the park, as identified on the map referred to in section 429b of this title, the Secretary may not acquire fee simple title to such areas without the consent of the owner so long as the lands continue to be devoted to a use which is the same as that in effect on September 1, 1980. Further, if the Secretary proposes to acquire fee simple title to such property because of a change in use, the owner of such property may seek a review of the proposed acquisition of his or her property and is entitled to a hearing on the record in accordance with section 554 of title 5.

(c) Secretary authorized to make land available for Route 234 bypass

If the Virginia Department of Highways and Transportation determines that the proposed

Route 234 bypass should be properly located between the Virginia Electric Power Company powerline easement and route 705, the Secretary shall make available the land necessary for such bypass, subject to such revisions, terms, and conditions as the Secretary deems are necessary and appropriate to assure that such bypass is located, constructed, operated, and maintained in a manner consistent with the administration of the park.

(d) Secretary not to close State roads

The Secretary may not close any State roads within the park unless action permitting the closing of such roads has been taken by appropriate officials of the Commonwealth of Virginia.

(Apr. 17, 1954, ch. 153, §2, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1885; amended Pub. L. 100-647, title X, §10003, Nov. 10, 1988, 102 Stat. 3811.)

AMENDMENTS

1988—Subsec. (a), Pub. L. 100-647 designated existing provisions as par. (1) and added par. (2).

§ 429b-2. Retention of right of use and occupation of improved property by owner

(a) Time limits; compensation

Subsequent to October 13, 1980, the owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or for a term ending at the death of the owner or the death of the spouse of the owner, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner an amount equal to the fair market value of the property on the date of its acquisition less the value on such date of the right retained by the owner. If such property is donated (in whole or in part) to the United States, the Secretary may pay to the owner such lesser amount as the owner may agree to. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 429b to 429b-5 of this title, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) Displaced person; waiver of benefits

No property owner who elects to retain a right of use and occupancy under this section shall be considered a displaced person as defined in section 4601(6) of title 42. Such owners shall be considered to have waived any benefits which would otherwise accrue to them under sections 4623 to 4626 of title 42.

(Apr. 17, 1954, ch. 153, §3, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1886.)