

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-6 substituted “National Park” for “National Lakeshore” and “Park” for “lakeshore”.

Subsecs. (b), (c). Pub. L. 116-6, §115(a)(1)(B), substituted “Park” for “lakeshore” wherever appearing.

§ 460u-21. Public access study**(a) Preservation of Park and conservation of energy**

The Secretary in consultation with the Secretary of Transportation, shall conduct a study of various modes of public access into and within the lakeshore which are consistent with the preservation of the Park and conservation of energy by encouraging the use of transportation modes other than personal motor vehicles.

(b) Utilization of clearinghouse resources and facilities

In carrying out the study, the Secretary shall utilize to the greatest extent practicable the resources and facilities of the organizations designated as clearinghouses under section 6506 of title 31 as implemented by Office of Management and Budget Circular A-95, and which have comprehensive planning responsibilities in the regions where the Park is located, as well as any other agencies or organizations which the Secretary may designate. The Secretary shall make provision for timely and substantive consultations with the appropriate agencies of the States of Indiana and Illinois, local elected officials, and the general public in the formulation and implementation of the study.

(c) Adequacy of access facilities

The study shall address the adequacy of access facilities for members of the public who desire to visit and enjoy the Park. Consideration shall be given to alternatives for alleviating the dependence on automobile transportation. The study of public transportation facilities shall cover the distance from cities of thirty-five thousand population or more within fifty miles of the Park.

(d) Access proposals; retention of Park values

The study shall include proposals deemed necessary to assure equitable visitor access and public enjoyment by all segments of the population, including those who are physically or economically disadvantaged. It shall provide for retention of the natural, scenic, and historic values for which the Park was established, and shall propose plans and alternatives for the protection and maintenance of these values as they relate to transportation improvements.

(e) Renovation and preservation of South Shore Railroad

The study shall examine proposals for the renovation and preservation of a portion of the existing South Shore Railroad passenger car fleet. The study shall consider the historic value of the existing rolling stock and its role in transporting visitors into and within the Park.

(f) Alternative improvement plans; cost estimates; sources of funding

The study shall present alternative plans to improve, construct, and extend access roads,

public transportation, and bicycle and pedestrian trails. It shall include cost estimates of all plans considered in this study, and shall discuss existing and proposed sources of funding for the implementation of the recommended plan alternatives.

(g) Submittal to Congress

The study shall be completed and presented to the Congress within two complete fiscal years from the effective date of this provision.

(h) Authorization of appropriations

Effective October 1, 1981, there is hereby authorized to be appropriated not to exceed \$200,000 for this study.

(Pub. L. 89-761, §21, as added Pub. L. 96-612, §1(11), Dec. 28, 1980, 94 Stat. 3576; amended Pub. L. 116-6, div. E, title I, §115(a)(1)(B), Feb. 15, 2019, 133 Stat. 232.)

REFERENCES IN TEXT

The effective date of this provision, referred to in subsec. (g), probably means the date of enactment of Pub. L. 96-612, which was approved Dec. 28, 1980.

CODIFICATION

In subsec. (b), “section 6506 of title 31” substituted for “title IV of the Intergovernmental Cooperation Act of 1968 [42 U.S.C. 4231 et seq.]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

2019—Subsecs. (a) to (e). Pub. L. 116-6 substituted “Park” for “lakeshore” wherever appearing.

§ 460u-22. Consideration of property owner's hardship in property acquisition

In exercising his authority to acquire property under this subchapter, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the Park to sell such property, if such individual notifies the Secretary in writing that the continued ownership of such property is causing, or would result in, undue hardship.

(Pub. L. 89-761, §22, as added Pub. L. 96-612, §1(12), Dec. 28, 1980, 94 Stat. 3577; amended Pub. L. 116-6, div. E, title I, §115(a)(1)(B), Feb. 15, 2019, 133 Stat. 232.)

AMENDMENTS

2019—Pub. L. 116-6 substituted “Park” for “lakeshore”.

§ 460u-23. Acquisition of interest in area VII-A**(a) Public access requirements**

The Secretary may acquire only such interest in that portion of area VII-A which is described in subsection (b) as the Secretary determines is necessary to assure public access over said portion of area VII-A.

(b) Portion of area VII-A subject to acquisition

The portion of area VII-A, as designated on the map referred to in section 460u of this title, to which subsection (a) applies is a parcel of land bounded—

(1) on the east by a line three hundred feet east of the electrical transmission line crossing area VII-A on January 1, 1979;

(2) on the west by a line fifty feet west of such electrical transmission line; and

(3) on the north and south by the northern and southern boundaries, respectively, of area VII-A.

(c) Boundaries of area VII-A

Area VII-A includes the bed of the railroad tracks forming the northern and northwestern boundaries of this area and extends to the northern edge of the bed of the railroad tracks forming the southern boundaries of this area.

(d) Inclusion in area I-D

Area I-D includes the bed of the railroad tracks along the northern boundary of this area.

(e) Exclusions from area VII-C

The area designated as area VII-C on the map referred to in section 460u of this title does not include approximately 1.3 acres of land on which the Linde Air Products plant is situated, nor does it include approximately 1 acre of land on which the Old Union Station building and the adjacent REA building are situated. Except as provided in the foregoing sentence, area VII-C extends to, but does not include, the beds of the railroad tracks forming the northern and southern boundaries of such area.

(Pub. L. 89-761, §23, as added Pub. L. 96-612, §1(13), Dec. 28, 1980, 94 Stat. 3577.)

§ 460u-24. Little Calumet River and Burns/Portage Waterway

(a) Cooperative agreement

The Secretary may enter into a cooperative agreement with the Little Calumet River Basin Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes National Park identified as tract numbered 09-177¹ or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provision for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this subchapter, including section 460u-6(b) of this title.

(b) Study

The Secretary shall conduct a study regarding the options available for linking the portions of the Park which are divided by the Little Calumet River and Burns/Portage Waterway so as to coordinate the management and recreational use of the Park. The Secretary shall submit the results of the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after October 29, 1986. Effective October 1, 1986, there is author-

ized to be appropriated such sums as may be necessary for the purposes of conducting the study.

(Pub. L. 89-761, §24, as added Pub. L. 99-583, §1(i), Oct. 29, 1986, 100 Stat. 3320; amended Pub. L. 116-6, div. E, title I, §115(a)(1), Feb. 15, 2019, 133 Stat. 232.)

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-6, §115(a)(1)(A), substituted “National Park” for “National Lakeshore”.

Subsec. (b). Pub. L. 116-6, §115(a)(1)(B), substituted “Park” for “lakeshore” in two places.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460u-25. Cooperative agreement with Gary, Indiana

In furtherance of the purposes of this subchapter, the Secretary may enter into a cooperative agreement with the city of Gary, Indiana, pursuant to which the Secretary may provide technical assistance in interpretation, planning, and resource management for programs and developments in the city of Gary’s Marquette Park and Lake Street Beach.

(Pub. L. 89-761, §25, as added Pub. L. 102-430, §6, Oct. 23, 1992, 106 Stat. 2209.)

§ 460u-26. Units VII-D and I-M

(a) Before acquiring lands or interests in lands in Unit VII-D (as designated on the map described in section 460u of this title) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to 15th Avenue (including the extension known as Old Hobart Road) and reconstruction and relocation of the intersection of 15th Avenue and State Road 51 so that the acquisition by the Secretary of lands or interests in lands in Unit VII-D will not interfere with planned improvements to the interchange and 15th Avenue in the area.

(b) Before acquiring lands or interests in lands in Unit I-M (as designated on the map referred to in section 460u of this title) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in lands in Unit I-M will not interfere with planned improvements to such interchange and State Road 49 in the area.

(Pub. L. 89-761, §26, as added Pub. L. 102-430, §7, Oct. 23, 1992, 106 Stat. 2209.)

SUBCHAPTER LXXX—FLAMING GORGE
NATIONAL RECREATION AREA

§ 460v. Establishment

In order to provide, in furtherance of the purposes of the Colorado River storage project, for

¹ So in original. Probably should be “09-117”.