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10TH DISTRICT, VIRGINIA



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CHAIRMAN—COMMERCE-JUSTICE-SCIENCE

TRANSPORTATION-HUD

STATE AND FOREIGN OPERATIONS

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION

Congress of the United States
House of Representatives

May 14, 2013

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The Honorable Bob McDonnell
Governor of Virginia
1111 E Broad St, Floor 3
Patrick Henry Building
Richmond VA 23219

Dear Governor McDonnell:

I understand the "Northern Virginia North-South Corridor Master Plan" will be discussed at the Commonwealth Transportation Board's (CTB) meeting on Wednesday. As you might expect, I am hearing from all sides on this issue, including Prince William and Loudoun county residents, the business community, developers, conservationist groups and local and state elected officials.

I am fully aware of the unique transportation challenges facing northern Virginia and have worked hard to make improvements to the region's transportation network. That said, I am concerned that this project now seems to be on a "fast track" and many of my constituents are frustrated that they are not getting a fair hearing, particularly those residents who live near Routes 234 and 29 and on nearby side roads. These people have invested their lives here and are deeply disappointed with the way the project is being advanced. I share their concerns.

The North-South Corridor project has morphed into something much larger than the language that was included in my 1988 legislation to help protect and preserve Manassas National Battlefield Park. As part of an effort to preserve 600 acres near the park threatened by development, the bill proposed building a bypass around the park, which would allow for the closing of Route 234 and Route 29 in order to protect the park. Nowhere in my legislation was there talk of building a road to connect Loudoun, Prince William and, initially, Fairfax counties.

I have serious reservations about the North-South Corridor project and I want to take this opportunity to share my concerns with you. Among them:

- **A lack of transparency.** While I realize the North-South Corridor project – sometimes also referred to as the Tri-County Parkway – has been discussed on and off for a number of years, thousands of people have moved to Prince William and Loudoun counties since the project's master plan was approved in 2005. More public hearings must be held and more citizen input must be received before any final decision is made about the North-South Corridor. I have seen the reaction of Prince William residents. What will Loudoun's residents say as planning continues? Few, if any, residents and landowners in the impacted area have been given notice of the proposed project. The Commonwealth owes it to the people who have moved to the region since 2005 to have more hearings and gather more citizen input.

- **The opening of the "Rural Crescent" to development.** The North-South Corridor project would most likely lead to more development and increased infrastructure costs in the western parts of Prince William County designated as rural under the county's 1998 comprehensive plan. The area has taken on the name the "Rural Crescent" because of its shape and many people moved there because of the protections put in place in 1998. The North-South Corridor project is being widely described as a "developer's road."
- **Plans to potentially close Routes 234 and 29 before the bypass around the park is completed.** If the North-South Corridor project advances, NO roads should be closed until the bypass around the park is completed, as stated in my 1988 legislation and echoed in a CTB resolution approved on June 15, 2006. I understand the CTB on February 20, 2013, approved a resolution that undermines both the 1988 legislation and the 2006 resolution. Again, the purpose of my bill was to protect the battlefield's historic properties and close Routes 234 and 29 to thru-traffic only upon completion of the bypass around the park, NOT lead to a connector road between counties. Enclosed please find my statement in the *Congressional Record* on the introduction of my bill in May 1988, which I hope clarifies my point. Copies of the 2006 and 2013 CTB resolutions are also enclosed.
- **The closing off of Pageland Lane.** Under no circumstances should any plan include closing off access to Pageland Lane. I understand that as many as 100 properties could be affected if access on Pageland Lane is closed or limited. It is noteworthy that many of the people who live on Pageland Lane have been some of the strongest advocates of protecting the park through the years. I also understand no plan has been developed to deal with other roads within the boundaries of the park that would be affected by the closure of Route 234 and 29. That issue, too, must be resolved and debated publicly before any project advances.
- **Discussion of the North-South Corridor being a toll road.** Northern Virginia already has too many toll roads. Should a North-South Corridor ever be built and have tolled express lanes, it would mean four toll roads in northern Virginia – more than any other region in the state. Residents traveling in Loudoun, Fairfax and Prince William counties already have to choose between the Dulles Toll Road, the Dulles Greenway and the Beltway Express Lanes or sitting in traffic. Driving the Greenway during peak hours now costs as much as \$4.90 for a one-way trip. When combined with the tolls on the Dulles Toll Road and the new Beltway Express Lanes, 10th District residents are facing dramatically higher transportation costs than most other residents in the Commonwealth. In fact, over the course of a month, a daily commuter traveling in this region could spend more than the equivalent of a car payment. Under no circumstances, should this region face more tolls.
- **Claims that the North-South Corridor project will help increase cargo at Dulles airport.** I have spoken to officials at the Metropolitan Washington Airports Authority and have been told proponents of the North-South Corridor should not claim the project will lead to an increase in cargo being handled at the airport. I am told proponents of the North-Corridor have been told this, too.

It is worth noting that the National Park Service (NPS) opposed my 1988 legislation that added approximately 600 acres to the park and prevented the construction of a shopping mall near the site of General Lee's headquarters. A House committee report from August 1988 shows that the

The Honorable Bob McDonnell

May 14, 2013

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NPS proposed a compromise that would have allowed for the construction of the mall if it was "relocated to a lower elevation, so that it cannot be seen from the main battlefield" to allow the NPS to "manage Routes 234 and 29 inside the battlefield." Enclosed is the committee report for your review.

I also led the effort in securing funds to relocate the Virginia Power transmission corridor power lines, which ran through some of the park's most historical tracts, including the Brawner Farm and Stuart's Hill. These power lines were moved to just inside the western edge of the park, near Pageland Lane, in order to protect and preserve the tracts where the Second Battle of Manassas erupted in August 1862.

I was disappointed that the NPS opposed my efforts when I was trying to protect and preserve the park's land, and would like to point out that those who have been concerned about the impact of the proposed North-South Corridor, like the late Annie Snyder and her daughter, Page, have, at times, done more over years to protect the Manassas Battlefield Park than the NPS itself. A photograph of the battlefield given to me by Annie Snyder still hangs in my office with her note: "When lightning struck Manassas, you were there."

Given my reservations about the proposed North-South Corridor, and the concerns of many of the state delegates and senators who represent the impacted area, I request that you ask the CTB to develop a cost-benefit analysis of the proposed project to examine the cost versus any expected congestion relief. The results should then be compared to other proposed congestion relief projects in the region, particularly any projects planned on I-66.

I also request that you ask the CTB to delay any decision on the North-South Corridor project until all alternate routes are examined and all area residents potentially impacted – in both Prince William and Loudoun counties – are able to voice their concerns.

While the traffic challenges facing this region call for more transportation and infrastructure improvements, these residents have invested their lives and their family's lives, sacrificed their time and money to live in or around the "Rural Crescent" and they deserve to be protected, considered and to have an important role in the planning process. At this time, I do not think the case has been made for the North-South Corridor project.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

THIS IS IMPORTANT.

I thank you

INTRODUCTION OF THE MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1988

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1988

Mr. WOLF. Mr. Speaker, I am introducing legislation today which is designed to preserve and protect the Manassas National Battlefield Park which is located near my congressional district in Virginia and to ensure that future generations can enjoy what is truly one of America's finest and most historical parks.

The legislation I am introducing presents, for the first time, a comprehensive approach that addresses threats to the park which have attracted national attention and which have been the focus of several other legislative initiatives by other Members of this body.

As a former employee of the Department of the Interior under Secretary Rogers C.B. Morton during a time when the National Park System expanded as much as any other time in our Nation's history, I am sensitive to protecting the heritage embodied in our National Park System and preserving our great Nation's history.

I have spent a great deal of time and effort in developing this legislation. I believe it addresses the questions raised by preservationists, citizens groups, and the National Park Service. Most importantly, Mr. Speaker, it does so in a way that protects the interests of all of the parties involved.

My legislation has three major provisions, each of which is critical to the protection and preservation of the battlefield.

Section 1 of the bill provides for a legislative taking of approximately 600 acres of land adjacent to the existing park boundaries. This land has been the subject of considerable controversy because a local developer who owns the tract plans to use it to construct a shopping mall, office park, and town houses.

Preservationists and others have argued that this land is historically significant and

should not be the site of commercial development.

Under a legislative taking, upon enactment of the legislation, title to the property is immediately transferred from the private owner to the Federal Government which will in turn negotiate with the owner for a fair price as compensation.

This approach was used successfully by the Federal Government to acquire the Fort Washington Marina as part of Piscataway Park in Maryland in 1975.

In that case, an amusement park, visible from George Washington's home, Mount Vernon, was in operation along the shores of the Potomac. The Federal Government felt it was critical that the scenic view from George Washington's home be preserved so a legislative taking was enacted.

A legislative taking was also used in California to obtain lands for the Redwoods National Forest.

If the Congress and others believe this land is historically significant and should be a part of our National Park System, then the fair and honest approach is to use a legislative taking.

The second section of this legislation provides for visual protection of the views from within the park. The battlefield is surrounded by privately owned land and steps must be taken to ensure that these parcels are not used in such a way as to destroy the views and scenery from within the park.

Under my legislation, the Secretary of the Interior is directed to work with the Commonwealth of Virginia and Prince William County and others to develop a plan that protects scenic views from within the park.

The third section of the bill calls for closing U.S. Route 29 and State Route 234 which run through the battlefield park and for the construction of a Route 234 bypass. The bypass is necessary to accommodate traffic that would have used Routes 29 and 234 through the park.

Currently, Routes 29 and 234, which bisect the park, are heavily traveled by rush hour commuters, dump trucks loaded with sand and stones headed for construction sites, other commercial truck traffic, tourists, and others.

Simply put, if the Manassas Battlefield Park is to be preserved and protected, these two roads must be closed and the bypass must be built. The National Park Service agrees. Preservationist groups agree. Just about anyone who has recently visited the park can see that the heavy volume of traffic that uses these two roads each day threatens to destroy the battlefield.

Closing these two roads and constructing the bypass will provide needed protection for the park that will ensure future generations can understand and appreciate the circumstances surrounding the battles of Manassas during the Civil War.

In recent weeks the Manassas Battlefield Park has attracted attention from groups around the Nation. There are many different view points and agendas involved.

My legislation is an honest and fair solution which respects the rights of all of the parties involved.

It is an attempt to force everyone involved to deal with the issues in an intellectually honest way.

If my colleagues in Congress and preservation and citizens groups truly believe the 600 acres involved are historically significant and should be added to the park, then they will support my legislation which takes the land in the quickest, most cost efficient manner and which diverts through traffic from the park ensuring that this precious legacy will be preserved.

This legislation is about choices. We must decide just how important Manassas Battlefield Park is to our Nation's heritage and just how much we are willing to pay to protect and preserve our Nation's history.

I encourage my colleagues to carefully weigh all of the issues that are involved and to consider giving their support to this legislation.

H.R. 4691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manassas National Battlefield Park Amendments of 1988".

SEC. 2. ADDITION TO MANASSAS NATIONAL BATTLEFIELD PARK.

The first section of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b), is amended—

- (1) by inserting "(a)" after "That"; and
- (2) by adding at the end thereof the following:

"(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the 'Addition'.

"(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

"(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be made by the Secretary in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

"(C) In the absence of a negotiated settlement, or an action by the owner, within one year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary may initiate a proceeding at any time seeking in a court of competent jurisdiction a determination of

just compensation with respect to the taking of such property.

"(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(c) In order to effectuate the purposes of subsection (b), the Secretary shall implement a development plan which shall assure public access to, and public use and enjoyment of, the Addition. The Secretary shall allow for the orderly termination of all operations on the Addition and for the removal of equipment, facilities, and personal property from the Addition. In no event shall the Secretary allow any unauthorized use of the Addition after the date of enactment of the Manassas National Battlefield Park Amendments of 1988."

SEC. 3. VISUAL PROTECTION.

Section 2 of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b-1), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(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."

SEC. 4. HIGHWAY SYSTEM.

Section 2 of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b-1) is amended by adding at the end thereof the following:

"(e)(1)(A) There is authorized to be appropriated \$30,000,000 for the construction of the highway approved by the Secretary of Transportation on April 17, 1980, running from I-66 north to the Catharpin Community in the vicinity of the Manassas National Battlefield Park. Such amounts are authorized to remain available until expended. Such highway shall be constructed in the manner approved by the Secretary of Transportation.

"(B) Not more than 50 percent of the cost of construction of such highway may be paid from Federal funds. The Secretary of Transportation may accept and use donations of funds, property, and services from nonFederal persons for constructing such highway. The amount of such funds, property, and services shall be credited toward the nonFederal share of such construction.

"(2) Notwithstanding subsection (d), upon the completion of construction of the highway referred to in paragraph (1), title to the rights-of-way of Route 234 from its intersection with Featherbed Lane in the north to its intersection with the entrance of the Northern Virginia Community College in the south and Route 29 from its crossing of Bull Run in the east and its intersection with Pageland Road in the west shall be transferred from the Commonwealth of Virginia to the National Park Service. Upon such transfer, the Secretary of the Interior shall close such routes to through traffic."



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 15, 2006

MOTION

Made By: Mr. Koelemay Seconded By: Mr. Sevila Action: Motion Carried

Title: Location Approval for the Manassas National Battlefield Park Bypass

WHEREAS, the Manassas National Battlefield Bypass Study was initiated by Congress through the *Manassas National Battlefield Park Amendments of 1988* (P. L. 100-647); and,

WHEREAS, the purpose of the study was to develop alternatives that would allow for the closure of portions of Routes 29 and 234, which currently transect the Manassas National Battlefield Park; and,

WHEREAS, the Federal Highway Administration and National Park Service jointly prepared a Draft Environmental Impact Statement (DEIS), which identified No Build and Candidate Build Alternatives; and,

WHEREAS, a Location Public Hearing was held in the Battlefield High School, in Prince William on May 5, 2005 for the purpose of considering the proposed location of the Manassas National Battlefield Park Bypass, located within Prince William and Fairfax Counties; and,

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and,

WHEREAS, the National Park Service and Federal Highway Administration, working in collaboration with the Virginia Department of Transportation, Prince William County, and Fairfax County have recommended Candidate Build Alternative D as the Preferred Location in

the Draft Environmental Impact Statement and at the Location Public Hearing as required by National Park Service regulation; and,

WHEREAS, the Prince William County Board of Supervisors passed a resolution on November 1, 2005 supporting the selection of Candidate Build Alternative D as the Preferred Alternative; and,

WHEREAS, the Prince William County resolution was adopted prior to the Commonwealth Transportation Board's action approving the location of the Tri-County Parkway; and,

WHEREAS, the National Park Service and Federal Highway Administration have been working collaborative with Fairfax County and the Fairfax County Park Authority to minimize environmental impacts of the recommended Preferred Alternative Candidate Build Alternative D through design modifications supported by Park Authority staff that have been presented publicly as potential mitigation measures; and,

WHEREAS, in a letter dated December 5, 2005, Fairfax County indicated its support of a refined Alternative D as the preferred location with an understanding that certain outstanding issues, including additional traffic studies, would be completed and fully coordinated and reviewed with Fairfax County; and,

WHEREAS, Candidate Build Alternative D would provide regional mobility benefits by providing additional lanes of capacity on relocated Routes 29 and Route 234, since existing Routes 29 and 234 cannot be widened or improved within the Manassas National Battlefield Park without significant cultural resource and Section 4(f) effects; and,

WHEREAS, while closing Routes 29 and 234 through Manassas National Battlefield Park is a laudable purpose, such closure could result in major traffic impacts in Prince William and Fairfax Counties; and,

WHEREAS, because of these potential traffic impacts and the need for these impacts to be further reviewed by VDOT, Fairfax County and Prince William County, it is a condition of the Board's approval of a location that the traffic impacts and mitigation of such impacts be further studied; that any closure of routes 29 or 234 be dependent on the mitigation of such impacts; and, that any closure be conditioned upon an agreement which would provide for reopening of Routes 29 and 234 to thru traffic under certain conditions; and,

WHEREAS, since this project is an initiative of the Congress and the National Park Service, it is also a condition of the Board's location approval that the cost to construct the Manassas Battlefield Park Bypass and any necessary mitigating transportation system

improvements be an obligation of the federal government which does not effect or diminish the apportionment of federal highway trust fund dollars to the Commonwealth; and,

WHEREAS, the Board will not agree to the abandonment and closure of Routes 29 or 234 which currently transect Manassas National Battlefield Park unless and until the Bypass and all other necessary regional transportation system improvements, mitigation, and other conditions are complete.

NOW, THEREFORE, SUBJECT TO THE CONDITIONS RECITED AND CONTAINED HEREIN, BE IT RESOLVED, that the location of this project be approved on the Candidate Build Alternative D location, including design mitigation measures in Fairfax County as presented to the public.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean Connaughton
Chairman

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Agenda item #14

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 20, 2013

MOTION

Made By: Mr. Garczynski Seconded By: Ms. Fisher
Action: Motion Carried, Unanimously

Title: Modification of the June 15, 2006, Location Approval
for the Manassas National Battlefield Park Bypass
Prince William County

WHEREAS, the Manassas National Battlefield Bypass Study was documented in a Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA) and jointly approved by the Federal Highway Administration (FHWA) and National Park Service (NPS) on January 28, 2005; and

WHEREAS, on June 15, 2006, the Commonwealth Transportation Board (Board), gave approval for location of the Manassas National Battlefield Park Bypass (Bypass), designating Candidate Build Alternative D as the preferred location for the facility; and

WHEREAS, the Board stipulated as part of their location approval for the Bypass (see attached 2006 Board Resolution) that it would not agree to the abandonment and closure of Routes 29 or 234 currently transecting Manassas National Battlefield Park (MNBP) unless and until the Bypass and all other necessary regional transportation system improvements, mitigation, and other conditions are complete; and

WHEREAS, the TCP corridor overlaps with the Bypass corridor in the vicinity of MNBP and Manassas Battlefield Historic District (MBHD), from I-66 at US 29 and Pageland Lane to the intersection with Route 234 at Catharpin; and

WHEREAS, since this overlap section serves the same purpose as that of Route 234 currently transecting through the MNBP and the TCP project will be constructed prior to the construction of the Bypass project, the contemplated abandonment and closure of portions of Route 234 should no longer be conditioned upon the completion of the Bypass or other regional transportation system improvements, mitigation and other conditions on the Bypass project.

Resolution of the Board
February 20, 2013
Manassas Battlefield Park Bypass
Page two

NOW, THEREFORE BE IT RESOLVED, that the Board shall allow for the abandonment of portions of Route 234 transecting the MNBP as part of the TCP project and shall not require the completion of the Bypass or any other necessary regional transportation system improvements, mitigation, and other conditions prior to such abandonment and that the abandonment action may commence upon the completion and opening to traffic that portion of the TCP between Route 66 and the proposed intersection with existing Route 234 near Catharpin.

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PROVIDING FOR THE ADDITION OF APPROXIMATELY 600
ACRES TO THE MANASSAS NATIONAL BATTLEFIELD
PARK

AUGUST 1, 1988.—Ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

together with

DISSENTING AND ADDITIONAL VIEWS

[To accompany H.R. 4526]

[Including cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4526) to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following in lieu thereof:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manassas National Battlefield Park Amendments of 1988"

SEC. 2. ADDITION TO MANASSAS NATIONAL BATTLEFIELD PARK.

The first section of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b), is amended—

(1) by inserting "(a)" after "That"; and

(2) by adding at the end thereof the following:

"(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the 'Addition'.

"(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

"(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be made by the Secretary in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

"(C) In the absence of a negotiated settlement, or an action by the owner, within one year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary may initiate a proceeding at any time seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

"(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(c) The Secretary shall not allow any unauthorized use of the Addition after the enactment of the Manassas National Battlefield Park Amendments of 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition."

SEC. 3. VISUAL PROTECTION.

Section 2(a) of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b-1), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(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."

SEC. 4. HIGHWAY RELOCATION.

(a) **STUDY.**—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary"), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the "park"). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The 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, 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 in 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).

PURPOSE

The purpose of H.R. 4526¹ is to protect significant historical resources of the Second Battle of Manassas by authorizing the addition of approximately 600 acres to Manassas National Battlefield Park.

BACKGROUND

Manassas National Battlefield Park, designated in 1940, preserves and interprets the battlefield where two major Civil War battles—both Confederate victories—were fought, First Manassas (July 1861) and Second Manassas (August 28–30, 1862). The Battle of Second Manassas (or, Second Bull Run) brought the Confederacy to the height of its power. Lee's bold and brilliant Second Manassas campaign opened the way for the South's first invasion of the North, and a bid for foreign intervention. In nine weeks, Lee as commander of the Army of Northern Virginia managed to drive the vastly stronger Union army from threatening Richmond, the Confederacy's capital, to defending Washington, D.C. the Union's capital. Determined to defeat Union General John Pope and his Army of Virginia before it could unite with General George McClellan, Lee and his out-numbered army used daring strategy, hard marches, bold tactics and inspired leadership to defeat Pope and force his retreat to Washington.

Lee's headquarters, from which he directed the battle, were located on Stuart's Hill, now part of the 600 acre William Center Tract immediately adjacent to Manassas National Battlefield Park. The Tract was also the staging area for Longstreet's decisive attack on the Union. On the evening of the 29th, Longstreet's forces returned to the now-William Center tract. The configuration of the William Center tract's terrain hid Longstreet's forces from Union officers, fooling General Pope into thinking the Confederates had retreated. When Pope ordered his troops forward in "pursuit" of the Confederates the next morning he was defeated and forced into retreat himself as Longstreet's forces stormed eastward from staging areas on the William Center Tract and attacked him.

In 1986, the Prince William County Board of Supervisors considered a proposal to construct a mixed residential/nonresidential development on the William Center tract. The Superintendent of Manassas National Battlefield Park worked with the county and the developer to mitigate effects on the park and on the resources. In January 1988, the developer announced a different plan which entailed the construction of a 1.2 million square foot shopping mall, major office space and residential development. The National Park

¹ H.R. 4526 was introduced on May 4, 1988 by Mr. Andrews (for himself, Mr. Mrazek, Mr. Lewis of Georgia, Mr. Clarke, Mr. Montgomery, Mr. Bustamante, Mr. Richardson, Mr. Kastemeier, Mr. Skeen, Mr. Beilenson, Mr. Dornan of California, Mr. Stark, Mr. Frost, Mr. Fields, Mrs. Kennelly, Mr. de Lugo, Mr. Lipinski, Mr. Chapman, Mr. Stenholm, and Mr. Slattery). A similar bill, H.R. 4691, was introduced on May 25, by Mr. Wolf.

Service and historic preservationists objected that the proposed mall would be located over Lee's headquarters.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that this Act may be cited as the Manassas National Battlefield Park Amendments of 1988.

Section 2 amends the Act of April 17, 1954 by adding a new section to the original act. The section specifies the boundaries of the approximately 600 acre addition (hereafter referred to as the "Addition"), authorizes the acquisition of the Addition by legislative taking, directs the United States to pay just compensation to the owners of the Addition and directs the Secretary to pay the amount of the agreed negotiated value of the Addition or its value as awarded by judgement. The new section also allows the Secretary to initiate a court proceeding to determine just compensation for the taking of the Addition, directs the Secretary to publish a detailed description and map depicting the boundaries within 6 months after enactment and forbids the Secretary from allowing any unauthorized use of the Addition after enactment except for the orderly termination of all operations on the Addition and removal of equipment, facilities and personal property.

Section 3 amends Section 2(a) of the Act of April 17, 1954 by adding a new section directing the Secretary to work with the state and local governments to encourage preservation of the scenic viewshed of the battlefield through zoning and such other means as the parties determine feasible. The Committee expects that the Secretary will coordinate with the Advisory Council on Historic Preservation to ensure full use of their expertise in consideration of such protection alternatives.

Section 4 (a) directs the Secretary to conduct a study in consultation and consensus with the Federal Highway Administration, the state and Prince William County regarding Highways 29 and 234 in, and in the vicinity of, the battlefield. The study shall assess available alternatives and specifically consider and develop plans for the closure of those roads through the battlefield and the determination of alternative routes. The Committee specifies that the term "consensus" is used in its broadest sense of "general agreement." The Secretary is not required to gain agreement from all parties but shall work toward general accord. None of these cooperating agencies shall have any implied veto capability. The Committee expects that the Secretary and the other parties will coordinate preparation of the study with the Advisory Council on Historic Preservation, and will include the Section 106 review in the study.

Section 4(b) specifies that the study shall be completed within one year after the date of enactment and shall determine when and how highways 29 and 234 should be closed.

Section 4(c) authorizes the Secretary to provide funds for the construction and improvement of those highways to be used for the re-routing of traffic now utilizing highways 29 and 234 if such construction and improvement were determined by the Secretary to protect the integrity of the park. *Section 4(c)* specifies that not more than 75 percent of the costs of road relocations shall be provided by the Secretary and that at least 25 percent shall be provided

ed by State or local governments. Such construction and improvement shall be approved by the Secretary of Transportation. The Committee expects the Commonwealth of Virginia to donate the road right-of-ways for highways 29 and 234 within the boundaries of the battlefield to the National Park Service. The Committee expects that the roads would eventually be closed to all but park traffic.

Section 4(d) authorizes appropriations not to exceed \$30 million (less the expense of the study).

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATIONS

A hearing on H.R. 4526 and H.R. 4691 was held by the Subcommittee on National Parks and Public Lands on June 21, 1988. The Subcommittees on National Parks and Public Lands favorably recommended by H.R. 4526 to the Committee on Interior and Insular Affairs with an amendment in the nature of a substitute on June 30, 1988. The Committee on Interior and Insular Affairs favorably reported H.R. 4526, as amended, to the House on July 13, 1988, by a vote of 27 yeas, 11 nays.

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to ensure compliance with the intent of the Act, but no specific oversight hearings have been conducted on this matter. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b)(2).

INFLATIONARY IMPACT STATEMENT

The Committee finds that enactment of this measure should have no significant inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

The Committee has determined that only a minimal increase in the Federal expenditure will result from enactment of this bill. The report of the Congressional Budget Office which the Committee adopts as its own, follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 1988.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4526, the Manassas National Battlefield Park Amendments of 1988, as ordered reported by the House Committee on Interior and Insular Affairs, July 13, 1988. Enactment of this bill would result in significant federal costs, but the timing and amount of such expenditures cannot be determined with any precision at this time.

H.R. 4526 would expand the boundaries of the Manassas National Battlefield Park in Virginia to incorporate an additional 500-600

acres and would transfer ownership of the additional acreage to the United States. Under the provisions of Section 2 of the bill, the Secretary of the Interior would be directed to compensate the current owners of this land for this "Legislative taking". The amount of such compensation, including interest, would be determined by negotiation or by the courts, and thus cannot be estimated at this time. The current assessed value of the property is \$13 million, but the negotiated or awarded payment may be significantly greater.

Section 4 of the bill would direct the Secretary of the Interior to conduct a study on the possible relocation of two highways in the vicinity of the park. If, upon the completion of the one-year study, the Secretary deems such relocation to be desirable, he would be authorized to provide up to 75 percent of the necessary construction costs to Virginia. The bill would authorize the appropriation of up to \$30 million for the study and any payment made to the state under this section. Relocation of the highways is expected to cost at least \$30 million to \$40 million and could cost significantly more depending on the bypass route that is chosen. Therefore, if the Secretary decides on relocation and if the necessary sums are appropriated, it is likely that the full \$30 million would be spent. If a lump-sum payment is made by the Secretary, this amount could be expended as early as fiscal year 1990.

If the two roads are relocated, the Commonwealth of Virginia would be responsible for 25 percent of the construction costs, or any amount over the \$30 million authorized federal share. State authorities estimate the cost of the road construction work at about \$100 million because they believe that it will be necessary to widen I-66 as a result of the additional traffic routed to it. If the state decides that this is necessary, it would spend a total of about \$70 million. It is possible that Virginia may choose to use some of the funds apportioned to it under the federal-aid highways program for this purpose.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM,
Acting Director.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF APRIL 17, 1954, AS AMENDED

(68 Stat. 56, as amended, 16 U.S.C. 429b)

That (a) there is established as a unit of the national park system in the Commonwealth of Virginia the Manassas National Battlefield Park, which shall contain within its boundaries the important historical lands relating to the two battles of Manassas.

The total area of the park shall not be greater than four thousand five hundred and twenty-five acres. The boundaries of the park shall be the boundaries depicted on the map entitled 'Boundary Map, Manassas National Battlefield Park', dated October 1980, and numbered 379/80,009, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall publish in the Federal Register, as soon as practicable after the date of the enactment of this Act, but no later than one year from the effective date of this section, a detailed description and map of the boundaries. Notwithstanding section 7(c) of the Land and Water Conservation Fund Act of 1965 (91 Stat. 211), as amended (16 U.S.C. 4601), the Secretary may not make any changes in the boundaries of the park. The Secretary shall administer the park in accordance with laws, rules, and regulations applicable to the national park system.

(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the "Addition".

(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be made by the Secretary in the amount of the agreed negotiated value of such property or the evaluation of such property awarded by judgment. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

(C) In the absence of a negotiated settlement, or an action by the owner, within one year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary may initiate a proceeding at any time seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) The Secretary shall not allow any unauthorized use of the Addition after the enactment of the Manassas National Battlefield

Park Amendments of 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.

SEC. 2. (a)(1) In order to effectuate the purposes of this Act, 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 designed 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) With respect to areas within the 1954 boundaries of the park, as identified on the map referred to in the first section of this Act, 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 of the United States Code.

(c) 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) 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.

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DISSENTING VIEWS

Protecting the nationally significant resource values of our National Park System is an extremely important task. When this Subcommittee is confronted with issues which threaten the integrity of the park system units, we will respond to protect those park areas. Unfortunately, because this issue has been characterized as the opportunity to "save" Manassas Battlefield, for us to vote against this bill may lead others to believe that we do not favor protection of basic park values. The truth is that regardless of the outcome of the vote on this bill, there currently exists, and will continue to exist, a 4525-acre Manassas National Battlefield Park, which includes almost all of the important lands on which the first and second battles of Manassas were fought. The real issue before this Congress is what price are we willing to pay in terms of dollars and interjection of Congressional will into local zoning issues in order to make a relatively minor (10 percent), addition to the Existing Manassas National Battlefield Park?

The boundary of Manassas National Battlefield Park has been expanded twice by Congress since establishment of the park in 1940. The Williams Center Track lands under consideration for addition to the park in this bill were studied for addition to the park the last time it was expanded in 1980. However, not one of the five House-passed versions of the expansion bill in the late 1970's proposed addition of this tract. In the early 1980's, when Prince William County completed its zoning plan for this tract calling for low density residential use, there was no major public opposition. In 1986, when the county rezoned the tract to a planning mixed district (retail space, office buildings and residential use), agreement was reached between the county and the various interest groups following an extensive public involvement program on how the development would proceed. Only in 1988, when the developer elected, within the terms of the original proffers, to allocate a portion of the non-residential space to the construction of a mall (on the same ground proposed previously for disturbance by other types of developments) was the major opposition to this development formulated. Thus, it would appear that much of the local opposition which is generating the national interest in this issue originates from an anti-development sentiment, not a battlefield preservation sentiment.

Further evidence for this conclusion was provided during testimony in front of this Subcommittee by key "preservation interests" who advocated retention of Routes 234 and 29 within the park. Such a position is in direct contradiction to that of the National Park Service which for many years has identified these roads as the single most important threat to the integrity of the battlefield.

This situation of land development adjacent to Manassas has been used by some in an attempt to rekindle support for the con-

cept of a park protection bill. Indeed, it was not without coincidence that hearings were held jointly on park protection and the Manassas legislation on the same day. However, the facts of this situation actually argue against such a law. In the first place, the park protection law as presently conceived would have had little effect at Manassas since we are dealing with developments on adjacent private, not public lands. Indeed, a 1988 survey conducted by the National Park Service found that 75 percent of the threats to natural resources originating from outside the park boundaries were on non-federal lands. However, the park protection legislation previously passed by the House has been limited in application to federal lands. In the second place, by working with the various interest groups, the National Park Service has been able to resolve the issue of the visual impacts of the mall development on the park in the absence of any park protection legislation; as the developer has agreed to relocate the mall from Stuart's Hill (the general location of Lee's headquarters) to a site on the tract 60 feet lower in elevation.

What has been called a "park protection" issue, then is really a local zoning issue. It would be unwise for the Federal government to allow itself to be used to buy out legitimate development interests on the perimeter of National Park Service areas, just because there is some vocal, local opposition. The development as proposed is fully consistent with county plans for the area and approved by a majority of the duly elected county board of supervisors which has jurisdiction in this zoning issue. Such a Federal buy out program under the guise of park protection is simply too costly to justify, especially when considered in light of the 342 units of the National Park System, all of whom might have one or more local groups opposed to a certain development in the park vicinity.

The first question which must be addressed in any boundary adjustment or addition the National Park System is the significance of lands considered for addition. In the present case, the site of General Lee's headquarters on Stuart's Hill and the relatively small portion of General Longstreet's forces involved in the counter attack parallel to the existing Route 29 are generally regarded as the most significant historic activities which took place on the tract. Additionally, it is known that there was a Union hospital, staging areas for Confederate and Union troops and probably limited skirmishing between the two armies which took place on the tract. The fundamental and unanswered question is which, if any of these activities are essential for addition to the park? Even if the entire Williams Center Tract were to be acquired, the battlefield would still not include areas such as Jackson's Headquarters on Stony Ridge, the right portion of the Union line protected by General Kearney, Hatch's assault on Jackson's right, etc. Are we to go back and acquire these additional tracts when they are threatened by development? It is important to note that there is probably no Civil War battlefield site within the National Park System which includes all the headquarters areas of both armies, staging areas, skirmishing areas, etc. Are we now to establish the precedent that all such units of the Park System are to be similarly expanded? Or, at some point are we to make the decision that enough land is con-

tained within the park in order to adequately interpret the battle. (We think the latter.)

We are also concerned about the method and cost of land acquisition proposed in this bill. The legislation would establish Federal ownership through a legislative taking. The proponents of this bill argue that this method is the fairest and quickest resolution to the issue. The argument is also raised that such a taking would be off budget. Recent experience at Redwood National Park indicates that such a provision is neither timely or inexpensive. At Redwood National Park, private landowners have yet to be fully compensated 10 years after the taking and the final cost is now estimated to be in excess of 1300 percent of the original estimate (\$1.3 billion). Thus, we must urge caution in the use of this most extreme of land acquisition measures. The cost of land acquisition under the bill is no less of an issue. It has been estimated at \$50 to \$150 million, or 100 to 300 percent of the total National Park Service land acquisition budget over the last several years. While it may be true that funds for such a taking are not included in the National Park Service budget, they clearly reflect a cost to the taxpayer and are a matter of serious concern in light of the Federal deficit.

Finally, we point out that the bill interjects the National Park Service into planning for and funding of regional transportation projects outside the park boundary in areas of state/local jurisdiction. Such action could establish a dangerous precedent for similar situations. The bill would ignore existing procedures and priorities of the State for allocation of Federal highway funds and establish the Secretary of the Interior as a second Federal Highway Administrator. Further, we point out that the bill fails to fully deal with what the National Park Service has identified as the most urgent park protection need by only calling for a study of roads in the park vicinity and by only providing for partial funding for the needed bypass. The bill would allocate a major portion of the National Park Service construction funds (30 percent based on the 1988 year appropriation) for road building outside the park area.

In conclusion, we reiterate our commitment to the protection of significant park resources where they are truly threatened. We also reiterate our opposition to the exploitation of parks to effect control in local zoning matters. We further find that in light of the high costs, failure of this legislation to fully resolve the most important park protection issue (i.e. road closure), requirement for the Secretary of the Interior to partially construct a major highway outside of the park and the availability of better alternatives for resolving all parties' concerns we cannot support H.R. 4526.

RON MARLENEE.
MANUEL JULAN, Jr.
BARBARA VUCANOVICH.
DICK CHENEY.
LARRY E. CRAIG.
JAMES V. HANSEN.
DON YOUNG.

ADDITIONAL VIEWS

I concur with my colleagues of the minority and joined them in signing dissenting views. I believe that Manassas National Battlefield Park is one of America's most historically significant park units, and I support proposals to protect its integrity. The real threat to the park, however, is the traffic that roars through the battlefield, and the legislation would do nothing to protect Manassas from traffic.

The National Park Service has proposed a compromise for the battlefield which would protect its historic aspects and address the growing traffic problems. The compromise calls for relocating the proposed mall to a lower elevation, so that it cannot be seen from the main battlefield; protecting Stuart's Hill, the site of Lee's headquarters; allowing the Park Service to manage Routes 234 and 29 inside the battlefield, so that the roads can be returned to their original Civil War condition; continuing to support the Route 234 bypass and interchange; reducing truck traffic through the park; and working with the county to discuss land use adjacent to the Park.

If the United States government reaches into Prince William County with the heavy hand of a legislative taking, two problems will arise. First, as the minority views point out, the cost may be well over \$100 million, an extremely expensive undertaking, considering that the Park Service has many other more urgent land acquisition priorities. Second, a legislative taking would so poison the relationship with the county and the Commonwealth of Virginia that we could face dozens of land use problems on the perimeter of Manassas.

I encourage my colleagues to allow the Park Service to pursue its compromise. Congressional action of this magnitude can only harm the working relationship with the state and county and cause many more problems for the battlefield in future years.

DICK CHENEY.

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