

COUNTY RIGHT-OF-WAY TO WEST BUTTE ROAD IN THE  
STATE OF OREGON

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SEPTEMBER 4, 2002.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 4953]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4953) to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road, 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. COUNTY RIGHT-OF-WAY TO WEST BUTTE ROAD IN THE STATE OF OREGON.

(a) DEFINITIONS.—In this Act:

(1) WEST BUTTE ROAD.—The term “West Butte Road” means the unpaved Bureau of Land Management road in the State of Oregon identified on the map as BLM Road 6520.

(2) COUNTY.—The term “County” means each of Crook County and Deschutes County in the State of Oregon.

(3) MAP.—The term “map” means the map entitled “West Butte Road Right of Way” dated July 17, 2002.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) GRANT TO COUNTIES.—Notwithstanding any other Act, and subject to subsection (d), the Secretary shall grant to each County a right-of-way to the West Butte Road.

(c) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the rights-of-way granted under subsection (b) shall—

(A) extend in length from Reservoir Road in Crook County to United States Route 20 in Deschutes County, Oregon; and

(B) shall extend in width 100 feet on each side of the centerline of West Butte Road.

(2) MODIFICATIONS.—

## (A) STATE ROADS.—

(i) IN GENERAL.—The Secretary shall amend the existing rights-of-way of each of the Counties as contained in their respective road case files to include the rights-of-way granted under subsection (b).

(ii) EFFECT.—The rights-of-way amended under clause (i) shall be subject to the common terms, conditions, and stipulations identified in the Counties' rights-of-way grants that apply on the date of enactment of this Act.

(iii) CONSIDERATION OF ENVIRONMENTAL CONCERNS.—Environmental concerns associated with any development of the West Butte Road shall be addressed by the County in meeting compliance requirements associated with State and Federal highway projects and the National Environmental Policy Act of 1969 as administered by the Federal Highway Administration.

(B) WEST BUTTE ROAD.—Notwithstanding any other Act, the Secretary shall provide for adjustment to the right-of-way width and alignment granted under subsection (b) in portions of the West Butte Road necessary for the road to meet applicable State and Federal highway standards.

(d) RELINQUISHMENT OF RIGHT-OF-WAY.—The right-of-way granted to each County under subsection (b) shall be contingent upon the Counties relinquishing any right, title, or interest in and to any RS 2477 right-of-way claim held by the Counties to the portion of the road known as George Millican Road that is located in the area described in subsection (c)(1).

## PURPOSE OF THE BILL

The purpose of H.R. 4953 is to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

## BACKGROUND AND NEED FOR LEGISLATION

Rapid population growth along the Bend-Redmond corridor in central Oregon has created a perpetual bottleneck on U.S. Highway 97, a major north-south highway. H.R. 4953 would authorize the exchange of rights-of-ways between Crook and Deschutes Counties and the Bureau of Land Management (BLM) to reduce the bottleneck by allowing the Counties to gain control of West Butte Road. The Counties would then relinquish control of George Millican Road (extending from Reservoir Road to U.S. Route 20) to the BLM. West Butte Road extends from Reservoir Road in Crook County to U.S. Route 20 in Deschutes County. The legislation would allow the Counties to make improvements to the West Butte Road, providing access to U.S. Highway 20, a major transportation route in central Oregon. Improvements to the road would provide an alternative route for trucks and other vehicles that now travel on a very busy and congested U.S. Highway 97. A recent survey conducted by the Oregon Department of Transportation estimated that 25 percent of the trucks that now pass through Bend from Highway 20 would use this alternative route.

In the meantime, Crook County has an unemployment rate of 10.6 percent due to the closure of several mills. The legislation would help to reduce the unemployment rate by allowing the County to provide a paved connection to Highway 20, which would induce companies to relocate to Crook County because of the long-term viability of its transportation infrastructure. It would also deter companies from leaving due to the high transportation costs of traveling U.S. Highway 97.

## COMMITTEE ACTION

H.R. 4953 was introduced on June 17, 2002, by Congressman Greg Walden (R-OR). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. The Subcommittee held a hearing on the bill on July 16, 2002. On July 24, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman Walden offered an amendment in the nature of a substitute that made the following changes to the original text: (1) changed the map title and date; (2) clarified the boundaries of the West Butte Road right-of-way, and (3) added environmental requirements for any adjustment to the West Butte Road right-of-way. The amendment was adopted by unanimous consent. The bill as amended was then 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 Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill and the power of Congress over territory and other national property, respectively.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

3. General Performance Goals and Objective. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 30, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4953, a bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the state of Oregon a right-of-way to West Butte Road.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 4953—A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the state of Oregon a right-of-way to West Butte Road*

CBO estimates that enacting H.R. 4953 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 4953 would direct the Secretary of the Interior to grant to Deschutes and Crook Counties, Oregon, rights-of-way to the West Butte Road, which was constructed in 1968 by the Bureau of Land Management (BLM) through lands owned by that agency. In exchange, those counties would relinquish right-of-way interests in the George Millican Road, which passes through the same segment of federal land as the West Butte Road. According to BLM, the agency currently collects no fees for the affected rights-of-way, and exchanging them would not affect the agency's costs to manage the surrounding lands.

H.R. 4953 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The right-of-way grant authorized by this bill would benefit the state of Oregon and the affected local governments in the state. Any costs that these governments would incur to meet the conditions of this grant would be voluntary.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs), and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### 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.

