

sources therein, are a fragile and important national asset;

(2) Puget Sound and the shore area immediately adjacent thereto is threatened by increased domestic and international traffic of tankers carrying crude oil in bulk which increases the possibility of vessel collisions and oil spills; and

(3) it is necessary to restrict such tanker traffic in Puget Sound in order to protect the navigable waters thereof, the natural resources therein, and the shore area immediately adjacent thereto, from environmental harm.

(b) Notwithstanding any other provision of law, on and after October 18, 1977, no officer, employee, or other official of the Federal Government shall, or shall have authority to, issue, renew, grant, or otherwise approve any permit, license, or other authority for constructing, renovating, modifying, or otherwise altering a terminal, dock, or other facility in, on, or immediately adjacent to, or affecting the navigable waters of Puget Sound, or any other navigable waters in the State of Washington east of Port Angeles, which will or may result in any increase in the volume of crude oil capable of being handled at any such facility (measured as of October 18, 1977), other than oil to be refined for consumption in the State of Washington.

(Pub. L. 95-136, § 5, Oct. 18, 1977, 91 Stat. 1168.)

## CHAPTER 11—BRIDGES OVER NAVIGABLE WATERS

### SUBCHAPTER I—GENERAL PROVISIONS

- |             |   |
|-------------|---|
| Sec.        |   |
| 491.        | Approval of and deviation from plans; exemptions.   |
| 492.        | Bridge as post route; limitation as to charges against Government; telegraph and telephone lines. |
| 493.        | Use of railroad bridges by other railroad companies.  |
| 494.        | Obstruction of navigation; alterations and removals; lights and signals; draws.                   |
| 495.        | Violations of orders respecting bridges and accessory works.                                      |
| 496.        | Time for commencement and completion of bridge.   |
| 497.        | "Persons" defined.  |
| 498.        | Reservation of right to alter or repeal.  |
| 498a, 498b. | Repealed.   |
| 499.        | Regulations for drawbridges.  |
| 500.        | Deflection of current; liability to riparian owners.  |
| 501.        | Omitted.  |
| 502.        | Alteration, removal, or repair of bridge or accessory obstructions to navigation.                 |
| 503 to 507. | Repealed.   |
| 508.        | Amount of tolls.  |

### SUBCHAPTER II—ALTERATION OF BRIDGES

- |      |  |
|------|--|
| 511. | Definitions.   |
| 512. | Obstruction of navigation.                                   |
| 513. | Notice, hearings, and findings.                              |
| 514. | Submission and approval of general plans and specifications. |
| 515. | Contracts for project; guaranty of cost.                     |
| 516. | Apportionment of cost.                                       |
| 517. | Payment of share of United States.                           |
| 518. | Authorization of appropriations.                             |
| 519. | Noncompliance with orders; penalties; removal of bridge.     |
| 520. | Review of findings and orders.                               |

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|------|---|
| Sec. |   |
| 521. | Regulations and orders.                               |
| 522. | Existing provisions of law.                           |
| 523. | Relocation of bridges.                                |
| 524. | Applicability of administrative procedure provisions. |

### SUBCHAPTER III—GENERAL BRIDGE AUTHORITY

- |            |   |
|------------|---|
| 525.       | Construction and operation of bridges.  |
| 526, 526a. | Repealed.   |
| 527.       | Acquisition of interstate bridges by public agencies; amount of damages.  |
| 528.       | Statement of construction costs of privately owned interstate bridges; investigation of costs; conclusiveness of findings; review.          |
| 529.       | Repealed.   |
| 530.       | Bridges included and excluded.  |
| 531.       | International bridges.  |
| 532.       | Eminent domain.   |
| 533.       | Penalties for violations.   |
| 534.       | Conveyance of right, title, and interest of United States in bridges transferred to States or political subdivisions; terms and conditions. |

### SUBCHAPTER IV—INTERNATIONAL BRIDGES

- |       |  |
|-------|--|
| 535.  | Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent. |
| 535a. | Congressional consent to State agreements with Canada and Mexico; Secretary of State's approval of agreements.     |
| 535b. | Presidential approval; recommendations of Federal officials.   |
| 535c. | Secretary of Transportation's approval; commencement and completion requirements; extension of time limits.        |
| 535d. | Repealed.  |
| 535e. | Ownership.   |
| 535f. | Applicability of provisions.   |
| 535g. | Federal navigable waters and commerce jurisdiction unaffected.   |
| 535h. | Report of Secretary of Transportation's approval during fiscal year.   |
| 535i. | Reservation of right to alter or repeal.   |

### SUBCHAPTER I—GENERAL PROVISIONS

#### § 491. Approval of and deviation from plans; exemptions

When, after March 23, 1906, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of Transportation for the Secretary's approval, nor until the Secretary shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of sections 491 to 498 of this title, have been approved by the Secretary it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary. This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a

means to transport interstate or foreign commerce.

(Mar. 23, 1906, ch. 1130, §1, 34 Stat. 84; Pub. L. 97-322, title I, §107(c), Oct. 15, 1982, 96 Stat. 1582; Pub. L. 97-449, §2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 98-557, §17(g)(1), Oct. 30, 1984, 98 Stat. 2869.)

#### AMENDMENTS

1984—Pub. L. 98-557 substituted “for the Secretary’s approval, nor until the Secretary” for “and Chief of Engineers for their approval, nor until they” and struck out “by the Chief of Engineers and” after “have been approved”, “of the Chief of Engineers and” after “received the approval”, and “of Transportation” after “by the Secretary” and after “of the Secretary”.

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Secretary of War” wherever appearing. See Transfer of Functions note below.

1982—Pub. L. 97-322 inserted sentence at end relating to exemption.

#### SHORT TITLE

Sections 491 to 498 of this title are popularly known as the “Bridge Act of 1906” and the “General Bridge Act of 1906”.

#### TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army [formerly War] and other offices and officers of Department of the Army [formerly War] under this section to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, §6(g)(6)(B), Oct. 15, 1966, 80 Stat. 941. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(B) of Pub. L. 89-670, and repealed section 6(g)(6)(B).

### § 492. Bridge as post route; limitation as to charges against Government; telegraph and telephone lines

Any bridge built in accordance with the provisions of sections 491 to 498 of this title, shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies.

(Mar. 23, 1906, ch. 1130, §2, 34 Stat. 85.)

### § 493. Use of railroad bridges by other railroad companies

All railroad companies desiring the use of any railroad bridge built in accordance with the provisions of sections 491 to 498 of this title, shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such

use or the sums to be paid all matters at issue shall be determined by the Secretary of Transportation upon hearing the allegations and proofs submitted to him.

(Mar. 23, 1906, ch. 1130, §3, 34 Stat. 85; Pub. L. 97-449, §2(d)(1), Jan. 12, 1983, 96 Stat. 2440.)

#### AMENDMENTS

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Secretary of War”. See Transfer of Functions note below.

#### TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army [formerly War] and other offices and officers of Department of the Army [formerly War] under this section to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, §6(g)(6)(B), Oct. 15, 1966, 80 Stat. 941. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(B) of Pub. L. 89-670, and repealed section 6(g)(6)(B).

### § 494. Obstruction of navigation; alterations and removals; lights and signals; draws

No bridge erected or maintained under the provisions of sections 491 to 498 of this title, shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of said sections, shall, in the opinion of the Secretary of Homeland Security at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the draw-span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of Homeland Security after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of said sections; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Commandant of the Coast Guard shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft.

(Mar. 23, 1906, ch. 1130, §4, 34 Stat. 85; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Pub. L. 97-449, §2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 100-17, title I, §135(a), Apr. 2, 1987, 101 Stat. 173; Pub. L. 109-241, title IX, §902(k), July 11, 2006, 120 Stat. 568.)