value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

(Aug. 2, 1946, ch. 753, title V, § 504, 60 Stat. 848; 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

Section 6(g)(6)(C) of Pub. L. 89–670 transferred 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 subchapter to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States to Secretary of Transportation. Pub. L. 97–449 amended this section to reflect transfer made by section 6(g)(6)(C) of Pub. L. 89–670, and repealed section 6(g)(6)(C).

§ 528. Statement of construction costs of privately owned interstate bridges; investigation of costs; conclusiveness of findings; review

Within ninety days after the completion of a privately owned interstate toll bridge, the owner shall file with the Secretary of Transportation and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of Transportation may, and upon request of a highway department shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of Transportation as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 527 of this title subject only to review in a court of equity for fraud or gross mistake.

(Aug. 2, 1946, ch. 753, title V, § 505, 60 Stat. 848; 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'' wherever appearing. See Transfer of Functions note below.

TRANSFER OF FUNCTIONS

Section 6(g)(6)(C) of Pub. L. 89–670 transferred 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 subchapter to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States to Secretary of Transportation. Pub. L. 97–449 amended this section to reflect transfer made by section 6(g)(6)(C) of Pub. L. 89–670, and repealed section 6(g)(6)(C).

§ 529. Repealed. Pub. L. 100–17, title I, § 135(e), Apr. 2, 1987, 101 Stat. 174

Section, acts Aug. 2, 1946, ch. 753, title V, § 506, 60 Stat. 848; May 25, 1948, ch. 336, 62 Stat. 267, related to adjusting rates of tolls charged on an interstate bridge constructed or taken over by State or political subdivision thereof to provide fund to pay reasonable costs of maintaining and operating such bridge and a sinking fund to amortize amount paid for such bridge, with such bridge to be operated and maintained free of tolls after a sinking fund sufficient for such amortization had been provided.

§ 530. Bridges included and excluded

The provisions of this subchapter shall apply only to bridges over navigable waters of the United States, the construction of which is approved after August 2, 1946, under the provisions of this subchapter; and the provisions of the first proviso of section 401 of this title, and the provisions of sections 491 to 498 of this title, shall not apply to such bridges.

(Aug. 2, 1946, ch. 753, title V, § 507, 60 Stat. 849.)

§ 531. International bridges

This subchapter shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country.

(Aug. 2, 1946, ch. 753, title V, § 508, 60 Stat. 849.)

§ 532. Eminent domain

There are conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of this subchapter to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

(Aug. 2, 1946, ch. 753, title V, § 509, 60 Stat. 849.)

§ 533. Penalties for violations

(a) Criminal penalties for violation

Any person who willfully fails or refuses to comply with any lawful order of the Secretary of Transportation or the Chief of Engineers issued under the provisions of this subchapter, or who willfully fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of Transportation relating to the maintenance and operation of bridges, or who willfully refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under this subchapter, or who otherwise willfully violates any provisions of this subchapter, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Civil penalties for violation; separate offenses; notice and hearing; assessment, collection, and remission; civil actions

Whoever violates any provision of this subchapter, or any order issued under this subchapter, shall be liable to a civil penalty of not more than $5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

(Aug. 2, 1946, ch. 753, title V, § 510, 60 Stat. 849; Pub. L. 97–322, title I, § 108(d), Oct. 15, 1982, 96 Stat. 1584; Pub. L. 97–449, § 2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 108–293, title VI, § 601(d), Aug. 9, 2004, 118 Stat. 1050.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–293 substituted ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter'' for ''$1,000''.

1983—Subsec. (a). 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 designated existing provisions as subsec. (a), made willfulness an element of the described offenses, and added subsec. (b).

TRANSFER OF FUNCTIONS

Section 6(g)(6)(C) of Pub. L. 89–670 transferred 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 subchapter to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States to Secretary of Transportation. Pub. L. 97–449 amended this section to reflect transfer made by section 6(g)(6)(C) of Pub. L. 89–670, and repealed section 6(g)(6)(C).

§ 534. Conveyance of right, title, and interest of United States in bridges transferred to States or political subdivisions; terms and conditions

The Secretary of the Army is authorized to transfer or convey to State authorities or political subdivisions thereof all right, title, and interest of the United States, in and to any and all bridges heretofore or hereafter constructed or acquired in connection with the improvement of canals, rivers and harbors, or works of flood control, together with the necessary lands, easements, or rights-of-way, upon such terms and conditions and with or without consideration, as may be determined to be in the best interest of the United States by the Chief of Engineers: *Provided*, That such transferred bridges shall be toll-free.

(May 17, 1950, ch. 188, title I, § 109, 64 Stat. 168.)

CODIFICATION

Section was not enacted as part of the General Bridge Act of 1946 which comprises this subchapter.

SUBCHAPTER IV—INTERNATIONAL BRIDGES

§ 535. Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent

The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this subchapter referred to as an ''international bridge'') and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of sections 491 to 498 of this title, except section 496 of this title, whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) of the provisions of this subchapter.

(Pub. L. 92–434, § 2, Sept. 26, 1972, 86 Stat. 731.)

SHORT TITLE

Section 1 of Pub. L. 92–434 provided: ''That this Act [enacting this subchapter and amending section 129 of Title 23, Highways] may be cited as the 'International Bridge Act of 1972'.''

§ 535a. Congressional consent to State agreements with Canada and Mexico; Secretary of State's approval of agreements

The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

(1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or

(2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality