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[CITE: **33USC1225**]

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 25--PORTS AND WATERWAYS SAFETY PROGRAM

Sec. 1225. Waterfront safety

(a) In general

The Secretary may take such action as is necessary to--

(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss. Such action may include, but need not be limited to--

(A) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on the structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101 of title 46;

(B) prescribing minimum safety equipment requirements for the structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

(C) establishing water or waterfront safety zones, or other measures for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

(D) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

(b) State law

Nothing contained in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those which may be prescribed by regulations hereunder.

(Pub. L. 92-340, Sec. 6, formerly title I, Sec. 105, July 10, 1972, 86 Stat. 427; renumbered and amended Pub. L. 95-474, Sec. 2, Oct. 17, 1978, 92 Stat. 1475.)

Codification

In subsec. (a) (2) (A), ``section 2101 of title 46'' substituted for ``section 4417a of the Revised Statutes [46 U.S.C. 391a]'' on authority of Pub. L. 98-89, Sec. 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

Amendments

1978--Pub. L. 95-474 substituted provisions relating to waterfront safety for provision requiring the Secretary to report to Congress

within one year his recommendations for legislation to achieve coordination between functions authorized under Pub. L. 92-340 and the functions of any other agencies and to eliminate duplication of these functions.

Section Referred to in Other Sections

This section is referred to in sections 1229, 1911 of this title; title 42 section 7511b.

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TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 25--PORTS AND WATERWAYS SAFETY PROGRAM

Sec. 1231. Regulations

(a) In general

In accordance with the provisions of section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement this chapter.

(b) Procedures

The Secretary, in the exercise of this regulatory authority, shall establish procedures for consulting with, and receiving and considering the views of all interested parties, including--

- (1) interested Federal departments and agencies,
- (2) officials of State and local governments,
- (3) representatives of the maritime community,
- (4) representatives of port and harbor authorities or associations,
- (5) representatives of environmental groups,
- (6) any other interested parties who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment, and
- (7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

(Pub. L. 92-340, Sec. 12, as added Pub. L. 95-474, Sec. 2, Oct. 17, 1978, 92 Stat. 1477.)

Section Referred to in Other Sections

This section is referred to in section 1911 of this title.