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TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 11--BRIDGES OVER NAVIGABLE WATERS

SUBCHAPTER III--GENERAL BRIDGE AUTHORITY

Sec. 525. Construction and operation of bridges

(a) Consent of Congress

The consent of Congress is granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this subchapter.

(b) Approval of plans

The location and plans for such bridges shall be approved by the Secretary of Transportation before construction is commenced, and, in approving the location and plans of any bridge, the Secretary may impose any specific conditions relating to the maintenance and operation of the structure which the Secretary may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law. This subsection 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.

(c) Private highway toll bridges

Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Secretary of Transportation and, if approved by the Secretary of Transportation, approval by the highway departments shall not be required.

(Aug. 2, 1946, ch. 753, title V, Sec. 502, 60 Stat. 847; June 30, 1949, ch. 288, title I, Sec. 103(a), 63 Stat. 380; 1949 Reorg. Plan No. 7, Sec. 1, eff. Aug. 19, 1949, 14 F.R. 5288, 63 Stat. 1070; Pub. L. 97-322, title I, Sec. 107(a), Oct. 15, 1982, 96 Stat. 1582; Pub. L. 97-449, Sec. 2(d)(1), (3), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 98-557, Sec. 17(g)(2), Oct. 30, 1984, 98 Stat. 2869.)

Amendments

1984--Subsec. (b). Pub. L. 98-557 struck out ``the Chief of Engineers and'' before ``the Secretary of Transportation'' and substituted ``the Secretary'' for ``they'' wherever appearing.

1983--Subsec. (b). Pub. L. 97-449, Sec. 2(d)(1), substituted ``Secretary of Transportation'' for ``Secretary of War''. See Transfer of Functions note below.

Subsec. (c). Pub. L. 97-449, Sec. 2(d)(3), substituted ``Secretary of Transportation'' for ``Public Roads Administration'' wherever appearing. See Transfer of Functions note below.

1982--Subsec. (b). Pub. L. 97-322 inserted exemption provision at end.

Short Title

Section 501 of title V of act Aug. 2, 1946, provided that: ``This title [enacting this subchapter] may be cited as the `General Bridge Act of 1946'.''

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 section 6(g)(6)(C) of Pub. L. 89-670. 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).

Functions of Public Roads Administration transferred to Bureau of Public Roads within General Services Administration by section 103(a) of act June 30, 1949. See text of, and Historical and Revision Notes under, section 303(b) of Title 40, Public Buildings, Property, and Works.

Bureau of Public Roads within General Services Administration transferred to Department of Commerce by section 1 of Reorg. Plan No. 7 of 1949.

For transfer of functions of other officers, employees, and agencies of Department of Commerce, with certain exceptions, to Secretary of Commerce, with power to delegate, see Reorg. Plan No. 5 of 1950, Secs. 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

Functions, powers, and duties of Secretary of Commerce and other offices and officers of Department of Commerce under subsec. (c) of this section relating generally to highways transferred to and vested in Secretary of Transportation by section 6(g)(6)(C) of Pub. L. 89-670. 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).

Reservation of Right To Alter, Amend, or Repeal

Section 511 of title V of act Aug. 2, 1946, provided that: ``The right to alter, amend, or repeal this title [this subchapter] is hereby expressly reserved as to any and all bridges which may be built under authority hereof.''