

tion, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not begun before such date, shall be subject to the provisions of this subchapter as though such order had not been issued, and compliance with the provisions of this subchapter and with such orders as may be issued thereunder shall be considered to constitute compliance with such order issued prior to July 1, 1939, and with the provisions of law under which it was issued.

(June 21, 1940, ch. 409, §12, 54 Stat. 501.)

§ 523. Relocation of bridges

If the owner of any bridge and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location would be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expense of changes in and additions to rights-of-way, stations, tracks, spurs, sidings, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 516 of this title in the case of an alteration and the share of the United States paid from the appropriation authorized in section 518 of this title: *Provided*, That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary of Transportation shall not find to be, in fact, a relocation of an existing bridge.

(June 21, 1940, ch. 409, §13, 54 Stat. 502; July 16, 1952, ch. 889, §4, 66 Stat. 733; 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.

1952—Act July 16, 1952, struck out “used for railroad traffic” after “owner of any bridge”.

TRANSFER OF FUNCTIONS

Section 6(g)(3) of Pub. L. 89-670 transferred functions, powers, and duties of Secretary of the Army [formerly War] and other officers and offices of Department of the Army [formerly War] relating to obstructive bridges under this subchapter to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(3) of Pub. L. 89-670, and repealed section 6(g)(3).

§ 524. Applicability of administrative procedure provisions

In the administration of this Act, hearings and other procedures shall be exempted from the provisions of subchapter II of chapter 5, and chapter 7, of title 5, except as to the requirements of section 552 of title 5.

(July 16, 1952, ch. 889, §3, 66 Stat. 733.)

REFERENCES IN TEXT

This Act, referred to in text, is act July 16, 1952, ch. 889, 66 Stat. 732, which enacted this section and amended sections 511, 516, and 523 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of act June 21, 1940, ch. 409, 54 Stat. 497, which comprises this subchapter.

“Subchapter II of chapter 5, and chapter 7, of title 5” and “section 552 of title 5” substituted in text for “the Administrative Procedure Act (60 Stat. 237)” and “section 3 thereof”, respectively, on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

SUBCHAPTER III—GENERAL BRIDGE AUTHORITY

§ 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, §502, 60 Stat. 847; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; 1949 Reorg. Plan No. 7, §1, eff. Aug. 19, 1949, 14 F.R. 5288, 63 Stat. 1070; Pub. L. 97-322, title I, §107(a), Oct. 15, 1982, 96 Stat. 1582; Pub. L. 97-449, §2(d)(1), (3), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 98-557, §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, §2(d)(1), substituted “Secretary of Transportation” for “Secretary of War”. See Transfer of Functions note below.

Subsec. (c). Pub. L. 97-449, §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 Historical and Revision Notes under section 303(b) of Title 40, Public Buildings, Property, and Works. Section 303(b) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Federal Works Agency and Commissioner of Public Buildings. See 2006 Amendment note under section 303 of Title 40.

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, §§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.”

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

Section, acts Aug. 2, 1946, ch. 753, title V, §503, 60 Stat. 847; Jan. 12, 1983, Pub. L. 97-449, §2(d)(1), 96 Stat. 2440, provided that tolls charged for transit over any interstate bridge be just and reasonable and authorized Secretary of Transportation to prescribe reasonable rates of toll for such transit, which rates were to be legal rates demanded and received. See section 508 of this title.

§ 526a. Repealed. Pub. L. 100-17, title I, § 135(f), Apr. 2, 1987, 101 Stat. 174

Section, act Pub. L. 93-87, title I, §133(b), Aug. 13, 1973, 87 Stat. 267, authorized Secretary of Transportation to promulgate regulations establishing guidelines governing any increase in tolls for use of any bridge constructed pursuant to either the General Bridge Act of 1906 or the General Bridge Act of 1946.

STUDY OF TOLL BRIDGE AUTHORITY; INVESTIGATION AND STUDY OF FEDERAL STATUTES AND REGULATIONS; REPORT TO CONGRESS

Section 133(a) of Pub. L. 93-87 directed Secretary of Transportation to study the existing Federal laws and regulations governing toll bridges over navigable waters of United States and submit a report containing recommendations regarding action to be taken to assure reasonable nationwide tolls no later than July 1, 1974, except in the case of the toll bridge at Chester, Illinois, where the Secretary was directed to submit a similar report no later than Dec. 31, 1973, prior to repeal by Pub. L. 100-17, title I, §135(f), Apr. 2, 1987, 101 Stat. 174.

§ 527. Acquisition of interstate bridges by public agencies; amount of damages

After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of Transportation, either of the States in which the bridge is located, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going 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).