

embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole of the legal subdivision or subdivisions traversed or occupied by such railroad or railroad structures of any kind as aforesaid, except lands within a municipality the title to which, upon forfeiture or abandonment, as herein provided, shall vest in such municipality, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever: *Provided*, That this section shall not affect conveyances made by any railroad company of portions of its right of way if such conveyance be among those which have been or may after March 8, 1922, and before such forfeiture or abandonment be validated and confirmed by any Act of Congress; nor shall this section affect any public highway on said right of way on March 8, 1922: *Provided further*, That the transfer of such lands shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same.

(Mar. 8, 1922, ch. 94, 42 Stat. 414.)

§ 913. Conveyance by land grant railroads of portions of rights of way to State, county, or municipality

All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

(May 25, 1920, ch. 197, 41 Stat. 621.)

§ 914. Omitted

CODIFICATION

Section, act June 18, 1874, ch. 305, 18 Stat. 80, provided for issuance of patents for lands granted State of Oregon prior to June 18, 1874, upon certificate of Governor that wagon roads, in aid of which lands were granted, had been built.

CHAPTER 21A—FORFEITURE OF NORTHERN PACIFIC RAILROAD INDEMNITY LAND GRANTS

§§ 921 to 929. Omitted

CODIFICATION

Section 921, act June 25, 1929, ch. 41, § 1, 46 Stat. 41, related to forfeiture of any and all lands within indemnity limits of land grants to the Northern Pacific Railroad.

Section 922, act June 25, 1929, ch. 41, § 2, 46 Stat. 42, related to forfeiture of all unsatisfied indemnity selection rights.

Section 923, act June 25, 1929, ch. 41, § 3, 46 Stat. 42, related to effect of provisions of this chapter on various prior statutory provisions affecting the railroad.

Section 924, act June 25, 1929, ch. 41, § 4, 46 Stat. 42, related to effect of provisions of this chapter on title to rights of way actually in use by railroad.

Section 925, act June 25, 1929, ch. 41, § 5, 46 Stat. 42, authorized Attorney General to institute and prosecute all suits affecting title to lands.

Section 926, act June 25, 1929, ch. 41, § 6, 46 Stat. 43, related to restitution by railroads of lands which were not earned or erroneously credited.

Section 927, act June 25, 1929, ch. 41, § 7, 46 Stat. 43, related to jurisdiction of suits.

Section 928, act June 25, 1929, ch. 41, § 8, 46 Stat. 44, related to reports and recommendations to Congress concerning final determinations in such actions.

Section 929, act June 25, 1929, ch. 41, § 9, 46 Stat. 44, related to withholding of approval of adjustments of land grants pending final determination of actions.

CHAPTER 22—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

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 971a. Alaskan lands within highway, telephone, and pipeline withdrawals; disposal; amendment of land description of claim or entry on adjoining lands.
 971b. Sale of restored Alaskan lands; preference rights; consent of Federal agency.
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§ 931. Navigable rivers as public highways

All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

(R.S. §2476.)

CODIFICATION

R.S. §2476 derived from acts May 18, 1796, ch. 29, §9, 1 Stat. 468; Mar. 3, 1803, ch. 27, §17, 2 Stat. 235.

§ 931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.

The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the

extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is ceded to such State. The Attorney General is authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired.

(May 9, 1941, ch. 94, 55 Stat. 183.)

§ 931b. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act July 24, 1946, ch. 596, §7, 60 Stat. 643, authorized Secretary of War to grant easements and rights-of-way to States, etc. See section 2668 of Title 10, Armed Forces.

§ 931c. Permits, leases, or easements; authorization to grant; payment; limitation

The head of any department or agency of the Government of the United States having jurisdiction over public lands and national forests, except national parks and monuments, of the United States is authorized to grant permits, leases, or easements, in return for the payment of a price representing the fair market value of such permit, lease, or easement, to be fixed by such head of such department or agency through appraisal, for a period not to exceed thirty years from the date of any such permit, lease, or easement to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining on such lands public buildings or other public works. In the event such lands cease to be used for the purpose for which such permit, lease, or easement was granted, the same shall thereupon terminate.

(Sept. 3, 1954, ch. 1255, §1, 68 Stat. 1146.)

REPEAL; SAVINGS PROVISION

Section repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System. Such repeal not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94-579, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see section 706(b) of Pub. L. 94-579, set out as a note under section 1701 of this title.

§ 931d. Additional authority of department or agency head

The authority conferred by section 931c of this title shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.