

in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary of the department in which the Coast Guard is operating; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under said sections, the cause or question arising may be tried before the district court of the United States in any district which any portion of said obstruction or bridge touches.

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

Whoever violates any provision of sections 491 to 494 and 495 to 498 of this title, or any order issued under sections 491 to 494 and 495 to 498 of this title, shall be liable to a civil penalty of not more than \$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 the department in which the Coast Guard is operating 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.

(Mar. 23, 1906, ch. 1130, § 5, 34 Stat. 85; Mar. 3, 1911, ch. 231, §§ 289, 291, 36 Stat. 1167; Pub. L. 97-322, title I, § 108(c), 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(a), Aug. 9, 2004, 118 Stat. 1050; Pub. L. 114-120, title III, § 306(b)(2)(C), Feb. 8, 2016, 130 Stat. 55; Pub. L. 115-232, div. C, title XXXV, § 3548(b), Aug. 13, 2018, 132 Stat. 2328.)

CODIFICATION

The words “district court” were substituted for “circuit court,” upon incorporation into the Code, the Circuit Courts being abolished by act Mar. 3, 1911, and their powers and duties transferred to the district courts by section 291 of that act.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232 struck out “\$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” after “civil penalty of not more than”.

2016—Pub. L. 114-120 substituted “Secretary of the department in which the Coast Guard is operating” for “Secretary of Transportation” wherever appearing.

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—Subsec. (a). Pub. L. 97-322, § 108(c)(1)-(3), designated existing provisions as subsec. (a), provided for

punishment of persons who shall “willfully” fail to comply with lawful orders, and struck out “shall be deemed guilty of a violation of said sections, and any persons who shall be guilty of a violation of said sections” before “shall be deemed guilty of a misdemeanor”.

Subsec. (b). Pub. L. 97-322, § 108(c)(4), added subsec. (b).

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army [formerly War] and other offices and officers of Department 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 Pub. L. 89-670, § 6(g)(6)(B), Oct. 15, 1966, 80 Stat. 941. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(B) of Pub. L. 89-670, and repealed section 6(g)(6)(B).

§ 496. Time for commencement and completion of bridge

Whenever Congress shall after March 23, 1906, by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act.

(Mar. 23, 1906, ch. 1130, § 6, 34 Stat. 86.)

§ 497. “Persons” defined

The word “persons” as used in sections 491 to 494 and 495 to 498 of this title, shall be construed to import both the singular and the plural, as the case demands, and shall include municipalities, quasi-municipal corporations, corporations, companies, and associations.

(Mar. 23, 1906, ch. 1130, § 7, 34 Stat. 86.)

§ 498. Reservation of right to alter or repeal

The right to alter, amend, or repeal sections 491 to 494 and 495 to 498 of this title, is expressly reserved as to any and all bridges which may be built in accordance with the provisions of said sections, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisions.

(Mar. 23, 1906, ch. 1130, § 8, 34 Stat. 86.)

§ 498a. Repealed. Pub. L. 100-17, title I, § 135(b), Apr. 2, 1987, 101 Stat. 174

Section, act June 10, 1930, ch. 441, § 17, 46 Stat. 552, provided that, in the case of bridges authorized prior to June 10, 1930, by Acts of Congress, where Congress has specifically reserved the right to regulate tolls, such bridges, with respect to regulation of all tolls, be subject to sections 491 to 494 and 495 to 498 of this title.

§ 498b. Repealed. Pub. L. 100-17, title I, § 135(c), Apr. 2, 1987, 101 Stat. 174

Section, act June 27, 1930, ch. 640, § 1, 46 Stat. 821, provided that, in case of any bridge authorized prior to

Mar. 23, 1906, by Act of Congress, where Congress has specifically reserved the right to alter, amend, or repeal such Act, regulation of all tolls be subject to sections 491 to 494 and 495 to 498 of this title.

§ 499. Regulations for drawbridges

(a) Criminal penalties for violations; enforcement; rules and regulations

It shall be the duty of all persons owning, operating, and tending the drawbridges built prior to August 18, 1894, or which may thereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of the department in which the Coast Guard is operating the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$2,000 nor less than \$1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this subsection may be commenced before any magistrate judge, judge, or court of the United States, and such magistrate judge, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of the department in which the Coast Guard is operating, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any willful violation thereof shall be punished as hereinbefore provided: *Provided further*, That any regulations made in pursuance of this section may be enforced as provided in section 413 of this title, the provisions whereof are made applicable to the said regulations. Any rules and regulations made in pursuance of this section shall, to the extent practical and feasible, provide for regularly scheduled openings of drawbridges during seasons of the year, and during times of the day, when scheduled openings would help reduce motor vehicle traffic delays and congestion on roads and highways linked by drawbridges.

(b) Nonstructural vessel appurtenances; unreasonable delays

No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered and no person shall unreasonably delay the opening of a draw after the signal required by rules or regulations under this section has been given. The Secretary of the department in which the Coast Guard is operating shall issue rules and regulations to implement this subsection.

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

Whoever violates any rule or regulation issued under subsection (a) or (b), 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. 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 the department in which the Coast Guard is operating 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.

(d) Temporary changes to drawbridge operating schedules

Notwithstanding section 553 of title 5, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

(1) is approved—

(A) the Secretary of the department in which the Coast Guard is operating shall—

(i) issue a deviation approval letter to the bridge owner; and

(ii) announce the temporary change in—

(I) the Local Notice to Mariners;

(II) a broadcast notice to mariners and through radio stations; or

(III) such other local media as the Secretary considers appropriate; and

(B) the bridge owner, except a railroad bridge owner, shall notify—

(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

(e) Drawbridge movements

The Secretary of the department in which the Coast Guard is operating—

(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;