

tation. 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 L. 89-670, and repealed section 6(g)(3).

Executive Documents

TRANSFER OF FUNCTIONS

“Fiscal Service” substituted in text for “Division of Disbursement” on authority of section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees, which consolidated such division into Fiscal Service of Department of the Treasury. See section 306 of Title 31, Money and Finance.

§ 518. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter.

(June 21, 1940, ch. 409, § 8, 54 Stat. 500.)

Statutory Notes and Related Subsidiaries

ALTERATION OF BRIDGES

Pub. L. 108-90, title II, Oct. 1, 2003, 117 Stat. 1144, provided in part: “That in fiscal year 2004 and thereafter, funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 108-7, div. I, title I, Feb. 20, 2003, 117 Stat. 389.

§ 519. Noncompliance with orders; penalties; removal of bridge

Any bridge owner who shall willfully fail or refuse to comply with any lawful order of the Secretary, made in accordance with the provisions of this subchapter, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding \$5,000, and every month such bridge owner shall remain in default shall be deemed a new offense and subject such bridge owner to additional penalties therefor. In addition to the penalties above prescribed the Secretary may, upon the failure or refusal of any bridge owner to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of any such bridge and accessory works at the expense of the bridge owner; and suit for such expense may be brought in the name of the United States against such bridge owner and recovery had for such expense in any court of competent jurisdiction. The removal of any bridge erected or maintained in violation of the provisions of this subchapter or the order or direction of the Secretary made in pursuance thereof, and compliance with any order of the Secretary made with respect to any bridge in accordance with the provisions of this subchapter, may be enforced by injunction, mandamus, or other summary process upon application to the district court of any district in which such bridge may, in whole or 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.

(June 21, 1940, ch. 409, § 9, 54 Stat. 500.)

§ 520. Review of findings and orders

Any order made or issued under section 516 of this title may be reviewed by the court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order is issued. The judgment of any such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certification or certiorari, in the manner provided in section 1254 of title 28. The review by such Court shall be limited to questions of law, and the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. Upon such review, such Court shall have power to affirm or, if the order is not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require. Proceedings under this section shall not operate as a stay of any order of the Secretary issued under provisions of this subchapter other than section 516 of this title, or relieve any bridge owner of any liability or penalty under such provisions.

(June 21, 1940, ch. 409, § 10, 54 Stat. 501; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

Editorial Notes

CODIFICATION

“Section 1254 of title 28” substituted in text for “sections 239 and 240 of the Judicial Code, as amended” on authority of act June 25, 1948, ch. 646, 62 Stat. 869, section 1 of which enacted Title 28, Judiciary and Judicial Procedure. Prior to the enactment of Title 28, sections 239 and 240 of the Judicial Code were classified to sections 346 and 347 of Title 28.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Act June 25, 1948, as amended by act May 24, 1949, substituted “court of appeals” for “circuit court of appeals”.

§ 521. Regulations and orders

The Secretary is authorized to prescribe such rules and regulations, and to make and issue such orders, as may be necessary or appropriate for carrying out the provisions of this subchapter.

(June 21, 1940, ch. 409, § 11, 54 Stat. 501.)

§ 522. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8507(b), Jan. 1, 2021, 134 Stat. 4754

Section, act June 21, 1940, ch. 409, § 12, 54 Stat. 501, related to applicability of certain provisions of law existing in 1940.

§ 523. Relocation of bridges

If the owner of any bridge and the Secretary shall agree that in order to remove an obstruc-

tion 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 the department in which the Coast Guard is operating 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; Pub. L. 114-120, title III, § 306(b)(4)(D), Feb. 8, 2016, 130 Stat. 55.)

Editorial Notes

AMENDMENTS

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

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”.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 the department in which the Coast Guard is operating 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), 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; Pub. L. 114-120, title III, § 306(b)(5)(A), Feb. 8, 2016, 130 Stat. 55.)