

Union Calendar No. 60

106TH CONGRESS
1ST SESSION

H. R. 1034

[Report No. 106–107]

To declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1999

Mr. BILEY (for himself and Mr. SCOTT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

APRIL 27, 1999

Additional sponsors: Mr. PICKETT, Mr. SISISKY, and Mr. BATEMAN

APRIL 27, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) The James River and Kanawha Canal, lo-
6 cated in Richmond, Virginia, played an important
7 part in the economic development of the Common-
8 wealth of Virginia and the City of Richmond.

9 (2) The canal ceased to operate as a func-
10 tioning waterway in the conduct of commerce in the
11 late 1800's.

12 (3) Portions of the canal have been found by a
13 Federal district court to be nonnavigable.

14 (4) The restored portion of the canal will be
15 utilized to provide entertainment and education to
16 visitors and will play an important part in the eco-
17 nomic development of downtown Richmond.

18 (5) The restored portion of the canal will not be
19 utilized for general public boating, and will be re-
20 stricted to activities similar to those conducted on
21 similar waters in San Antonio, Texas.

22 (6) The continued classification of the canal as
23 navigable waters of the United States based on his-
24 toric usage that ceased more than 100 years ago

1 does not serve the public interest and is not nec-
2 essary to protect public safety.

3 ~~(7) Congressional action is required to clarify~~
4 ~~that the canal is no longer to be treated as navigable~~
5 ~~waters of the United States.~~

6 **SEC. 2. PORTION OF JAMES RIVER AND KANAWHA CANAL**
7 **DECLARED TO BE NONNAVIGABLE WATERS**
8 **OF THE UNITED STATES.**

9 The portion of the canal known as the James River
10 and Kanawha Canal in Richmond, Virginia, between the
11 Great Ship Lock on the East and the border of the City
12 of Richmond on the West is declared to be nonnavigable
13 waters of the United States for purposes of title 46,
14 United States Code, and the other maritime laws of the
15 United States.

16 **SECTION 1. FINDINGS.**

17 *The Congress finds the following:*

18 *(1) The canal known as the James River and*
19 *Kanawha Canal played an important part in the eco-*
20 *nomie development of the Commonwealth of Virginia*
21 *and the city of Richmond.*

22 *(2) The canal ceased to operate as a functioning*
23 *waterway in the conduct of commerce in the late*
24 *1800s.*

1 (3) *Portions of the canal have been found by a*
 2 *Federal district court to be nonnavigable.*

3 (4) *The restored portion of the canal will be uti-*
 4 *lized to provide entertainment and education to visi-*
 5 *tors and will play an important part in the economic*
 6 *development of downtown Richmond.*

7 (5) *The restored portion of the canal will not be*
 8 *utilized for general public boating, and will be re-*
 9 *stricted to activities similar to those conducted on*
 10 *similar waters in San Antonio, Texas.*

11 (6) *The continued classification of the canal as*
 12 *a navigable waterway based upon historic usage that*
 13 *ceased more than 100 years ago does not serve the*
 14 *public interest and is unnecessary to protect public*
 15 *safety.*

16 (7) *Congressional action is required to clarify*
 17 *that the canal is no longer to be considered a navi-*
 18 *gable waterway for purposes of subtitle II of title 46,*
 19 *United States Code.*

20 **SEC. 2. DECLARATION OF NONNAVIGABILITY OF A PORTION**
 21 **OF THE CANAL KNOWN AS THE JAMES RIVER**
 22 **AND KANAWHA CANAL IN RICHMOND, VIR-**
 23 **GINIA.**

24 (a) *CANAL DECLARED NONNAVIGABLE.—The portion*
 25 *of the canal known as the James River and Kanawha Canal*

1 *in Richmond, Virginia, located between the Great Ship*
2 *Lock on the east and the limits of the city of Richmond*
3 *on the west is hereby declared to be a nonnavigable water-*
4 *way of the United States for purposes of subtitle II of title*
5 *46, United States Code.*

6 (b) *ENSURING PUBLIC SAFETY.*—*The Secretary of*
7 *Transportation shall provide such technical advice, infor-*
8 *mation, and assistance as the city of Richmond, Virginia,*
9 *or its designee may request to insure that the vessels oper-*
10 *ating on the waters declared nonnavigable by subsection (a)*
11 *are built, maintained, and operated in a manner consistent*
12 *with protecting public safety.*

13 (c) *TERMINATION OF DECLARATION.*—

14 (1) *IN GENERAL.*—*The Secretary of Transpor-*
15 *tation may terminate the effectiveness of the declara-*
16 *tion made by subsection (a) by publishing a deter-*
17 *mination that vessels operating on the waters declared*
18 *nonnavigable by subsection (a) have not been built,*
19 *maintained, and operated in a manner consistent*
20 *with protecting public safety.*

21 (2) *PUBLIC INPUT.*—*Before making a determina-*
22 *tion under this subsection, the Secretary of Transpor-*
23 *tation shall—*

24 (A) *consult with appropriate State and*
25 *local government officials regarding whether such*

1 *a determination is necessary to protect public*
2 *safety and will serve the public interest; and*

3 *(B) provide to persons who might be ad-*
4 *versely affected by the determination the oppor-*
5 *tunity for comment and a hearing on whether*
6 *such action is necessary to protect public safety*
7 *and will serve the public interest.*

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