

parties. It is also posted at the post office nearest the site and public places in the vicinity.

(3) Meetings are public and conducted in an informal manner. A designated Coast Guard official presides. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard first, followed by opponents with full opportunity afforded for rebuttals.

(c) *Report and recommendations.* After the close of the comment period and any public hearings, a detailed statement of findings, conclusions, and recommendations based on all available information (including Coast Guard records and experience) is prepared. The following factors may be discussed in this report:

(1) Comparison of proposed bridge with existing bridges over the waterway; attitude of local authorities; summary of objections raised by the public, and District Commander's comments or responses; probable effect on navigation, present and prospective.

(2) Description of the navigation on the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or in tows.

(3) Whether the District Commander approves, or recommends approval of the plans. If they are found objectionable, the reasons for this finding will be stated. If there are objectionable features in the plans which may be corrected, the applicant is given an opportunity to revise them. If approval is given or recommended, all conditions to which the permit should be subject will be stated.

(d) *Action on permit application.* (1) The District Commander may issue the permit if authorized under §1.01-60(b) of this chapter; otherwise, a report with the application shall be submitted to the Commandant for final action.

(2) When an application is approved, the issuing official signs the permit and transmits it to the applicant.

(3) When an application is not approved, the applicant is notified and provided with reasons for the disapproval, and suggestions for modifications that would justify reconsideration, if appropriate.

(4) If an application is disapproved by the District Commander, the applicant may appeal this decision to the Commandant under §114.50 of this chapter. The Commandant's determination shall constitute final agency action.

(e) *Permit amendments.* Applications for amendments to permits will be processed in the same manner as permit applications. The District Commander may approve amendments to any permits which that official is authorized to issue under §1.01-60(b) of this chapter. All other amendments must be approved by the Commandant.

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

[CGD 80-099, 46 FR 38354, July 27, 1981; 46 FR 42268, Aug. 20, 1981, as amended by CGD 82-006, 47 FR 36641, Aug. 23, 1982; CGD 82-074, 47 FR 51865, Nov. 18, 1982; USCG-2008-0179, 73 FR 35012, June 19, 2008]

§ 115.70 Advance approval of bridges.

(a) The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to start of construction (33 U.S.C. 525). The Commandant has given his advance approval to the location and plans of bridges to be constructed across reaches of waterways navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats. In such cases the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation.

(b) The term "small motorboats" shall be interpreted in the light of the things and conditions with which it is associated. The term means rowboats, canoes and other similar craft with outboard motors. It does not include sailing or cabin cruiser craft.

(14 U.S.C. 633; 33 U.S.C. 401, 491, and 525; 49 U.S.C. 1655(g); and 49 CFR 1.46(c))

[CGFR 67-46, 32 FR 17771, Dec. 12, 1967, as amended by CGD 81-076, 46 FR 54936, Nov. 5, 1981; USCG-1998-3799, 63 FR 35527, June 30, 1998]