

## Act of August 18, 1894

[Chapter 299]

[As Amended Through P.L. 115–282, Enacted December 4, 2018]

【Currency: This publication is a compilation of the text of Chapter 299 of the 53rd Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

\* \* \* \* \*

SEC. 5. 【33 U.S.C. 499】 (a) That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter 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 two thousand dollars nor less one thousand dollars, 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 commissioner, judge, or court of the United States, and such commissioner, 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. 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) 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) 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, United States Code, 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;
  - (2) may inspect the logbook to ensure drawbridge movement is in accordance with the posted operating schedule;
  - (3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and
  - (4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.
- (f) REQUIREMENTS.—
  - (1) LOGBOOKS.—An operator of a drawbridge built across a navigable river or other water of the United States—
    - (A) that opens the draw of such bridge for the passage of a vessel, shall record in a logbook—
      - (i) the bridge identification and date of each opening;
      - (ii) the bridge tender or operator for each opening;
      - (iii) each time it is opened for navigation;
      - (iv) each time it is closed for navigation;
      - (v) the number and direction of vessels passing through during each opening;
      - (vi) the types of vessels passing through during each opening;
      - (vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;
      - (viii) for each vessel, the vessel name and registration number if easily observable; and
      - (ix) all maintenance openings, malfunctions, or other comments; and
    - (B) that remains open to navigation but closes to allow for trains to cross, shall record in a logbook—
      - (i) the bridge identification and date of each opening and closing;
      - (ii) the bridge tender or operator;
      - (iii) each time it is opened to navigation;
      - (iv) each time it is closed to navigation; and
      - (v) all maintenance openings, closings, malfunctions, or other comments.

(2) MAINTENANCE OF LOGBOOKS.—A drawbridge operator shall maintain logbooks required under paragraph (1) for not less than 5 years.

(3) SUBMISSION OF LOGBOOKS.—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary the logbook required under paragraph (1) as the Secretary considers necessary to carry out this section.

(4) EXEMPTION.—The requirements under paragraph (1) shall be exempt from sections 3501 to 3521 of title 44, United States Code.

\* \* \* \* \*