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CHAP. 53.—An act regulating the construction of bridges over the Muskingum River, in Ohio.

Muskingum River, Ohio. Authority to bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or corporation having lawful authority to erect a bridge or bridges across the Muskingum River, Ohio, between its mouth and Dresden, may hereafter erect bridges across said river for railroad or other uses upon compliance with the provisions and requirements of this act, but no bridge shall be erected across said river which does not comply therewith.

Construction.

SEC. 2. That every bridge hereafter erected across the Muskingum River, Ohio, shall have its axis at right angles to the current at medium and high stages, and its piers shall be parallel to this current. No riprap or other outside protection for insufficient foundations will be permitted around the channel piers, and all coffer-dams, piling, and other temporary works must be removed by the owners of the bridge before it is open to traffic. Every such bridge may be built either as a draw-bridge or as a continuous bridge; If built as a draw-

Draws.

bridge, the draw span shall give two clear openings, measured on the low water line, of eighty-feet, and smooth crib work or masonry shall be built at right angles to the bridge extending up stream from the pivot pier, a distance of at least one hundred feet, and down stream the same distance, and the height of this protection pier shall not be less than four feet above highest locking stage. The channel sides of the channel piers shall be smoothly cut; the corners of the draw piers shall be rounded to a radius of not less than six inches; there shall be no projecting cornices on the piers, nor projecting footway on the draw span; the apparatus for swinging the draw shall be sufficient to open it in not more that five minutes; and the draw shall be promptly opened on signal. The location of the draw span shall be subject to the approval of the Secretary of War.

Spans.

SEC. 3. That if the bridge be built as a continuous bridge it shall have at least one channel span, the center of which shall be in the middle of the channel usually run in high stages by steamboats descending the river with barges or rafts in tow; said channel span to have a clear opening of two hundred and fifty feet, measured at the low-water line, and the lowest part of the span to be forty feet above highest navigable water, as determined by a straight line connecting the tops of the lower lock gates at the head and foot of the pool in which the bridge is to be built. The other spans may have such grades as may be desired.

Applications for permission to bridge.

SEC. 4. That whenever any duly authorized persons or corporations shall determine to apply to the Secretary of War for permission to build a bridge across the Muskingum River, they shall first give public notice of said intention by publication, once a week for four weeks, in newspapers having a wide circulation, in not less than two newspapers published in towns on the Muskingum River below Dresden, and in not less than two newspapers published in Pitts-

Plans, etc., to be approved by Secretary of War.

burgh. They shall also submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and piers, and a map of the locality, on the scale of one inch to one hundred feet, giving for the space of one-quarter of a mile above and one-quarter of a mile below the site of the proposed bridge, the topography of the banks of the river, the line of low and highest navigable water, an accurate representation of the bed of the river by contour lines, two feet apart, determined by accurate soundings; and shall also show over the whole width of this part of the river, the force and direction of the currents at low water, and at high navigable stages, by triangulated observations on suitable floats. The map shall also show the location of all bridges, locks, and dams, coal tipples, breakwaters, and other structures within the high-water lines in the designated area. Said map and drawings shall be

referred to a board of engineer officers or to the engineer officer in charge of the Muskingum River for examination and report; and said board, or officer, shall visit the site of the proposed bridge and shall hold a public session at some convenient point, of which public session due notice and invitation to be present shall be given to all interested parties; and if said board, or officer, shall report the site as unfavorable, the Secretary of War, is authorized to require that such changes be made in the proposed bridge by lengthening the spans, or by the addition of guiding dikes or other auxiliary works, or by both, or by increasing the height, or by such other modifications as will make the bridge as safe for navigation as if built in a favorable part of the river; and no bridge shall be begun until the plans have been approved by the Secretary of War.

Canals.

SEC. 5. That in case the location of the proposed bridge crosses the river at the site of one of the lateral canals, and the main bridge is over a part of the river that is not navigable, the provisions of the foregoing sections are so far modified that the protection piers above and below the pivot pier of the draw may be replaced by piling, or similar approved construction, and in case of a continuous bridge, the span over the canal need not exceed the width of the canal measured between the tops of its banks. The current observation may also be omitted.

Lights.

SEC. 6. That all parties owning, occupying, or operating bridges over the Muskingum River shall maintain for the security of navigation, at their own expense, from sunset to sunrise, throughout the year, such lights on their bridges, as may be required by the Light-House Board, or the United States engineer officer in charge of said river and during the construction of any bridge under this act such lights and buoys shall be kept on coffer-dams, cribs, piling, floating crafts, rafts, and so forth, used in the construction of the bridge, as may be necessary for the security of navigation.

Navigating crafts.

SEC. 7. That the officers and crews of all vessels, boats, or rafts navigating the Muskingum River, shall be required to regulate the use of said vessels, and of any pipes or chimneys belonging thereto, so as not to interfere with the construction of any of the bridges authorized by the provisions of this act.

To be lawful structures and post-routes.

SEC. 8. That any bridge constructed under this act and according to its limitation, shall be a lawful structure, and shall be recognized and known as a post-route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation over the railroads or public highways leading to the said bridges; and the United States shall have the right of way for telegraph or telephone purposes across any such bridge; and in case of any litigation arising from any alleged obstruction to the navigation of said Muskingum River created by the construction of any bridge under this act the cause or question arising may be tried before the circuit or district court of the United States for the eastern division of the southern district of Ohio.

Litigation.

Amendment, etc.

SEC. 9. That the right to alter, amend, or repeal this act so as to prevent or remove all material obstructions to the navigation of said river by the future construction of bridges is hereby expressly reserved, without any liability of the Government for damages on account of the alterations or amendment of this act, or on account of the prevention, or requiring the removal of any such obstructions; and the entire removal of said bridge after its construction, or any change in the construction thereof or any alteration of any such bridge that may be directed, at any time by the Secretary of War, shall be made at the cost and expense of the owners thereof.

Approved, April 2, 1888.