

(Added Pub. L. 117-263, div. K, title CXIII, § 11318(a), Dec. 23, 2022, 136 Stat. 4090.)

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 117-263, div. K, title CXIII, § 11318(c), Dec. 23, 2022, 136 Stat. 4091, provided that: “Nothing in this section [enacting this section and provisions set out as a note under this section] shall limit any authority available, as of the date of enactment of this Act [Dec. 23, 2022], to the captain of a port with respect to safety measures or any other authority as necessary for the safety of vessels located in anchorage grounds in the navigable waters of the United States.”

CONSTRUCTION; APPLICABILITY OF REGULATIONS

Pub. L. 117-263, div. K, title CXIII, § 11318(e), Dec. 23, 2022, 136 Stat. 4091, provided that: “The amendments made by subsection (a) [enacting this section] may not be construed to alter any existing rules, regulations, or final agency actions issued under section 70006 of title 46, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 23, 2022], until all regulations required under subsection (b) [136 Stat. 4091] take effect.”

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

§ 70011. Waterfront safety

(a) IN GENERAL.—The Secretary may take such action as is necessary to—

(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4258.)

§ 70012. Navigational hazards

(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

(b) SECRETARY’S RESPONSE.—

(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline’s vicinity.

(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline’s vicinity, and the owner and operator of the pipeline.

(c) PIPELINE DEFINED.—For purposes of this section, the term “pipeline” has the meaning given the term “pipeline facility” in section 60101(a)(18) of title 49.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4259.)

§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4259.)

Editorial Notes

REFERENCES IN TEXT

Section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899, referred to in subsec. (a), means section 10 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, known as the Rivers and Harbors Appropriation Act of 1899, which is classified to section 403 of Title 33, Navigation and Navigable Waters.

§ 70014. Aiming laser pointer at vessel

(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel op-