

SUBCHAPTER J—BRIDGES

PART 114—GENERAL

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AUTHORITY: 33 U.S.C. 401, 491, 499, 521, 525, and 535; 14 U.S.C. 633; 49 U.S.C. 1655(g); Pub. L. 107-296, 116 Stat. 2135; 49 CFR 1.46(c).

SOURCE: CGFR 67-46, 32 FR 17769, Dec. 12, 1967, unless otherwise noted.

§114.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for:

(1) Locations and clearances of bridges and causeways over the navigable waters (33 U.S.C. 401, 491 to 507, and 525 to 534).

(2) Administration of the alteration of unreasonably obstructive bridges (33 U.S.C. 511 to 524).

(3) Regulation of drawbridge operation (33 U.S.C. 499).

(b) The rules and regulations in this subchapter also describe the procedures and practices, including forms and instructions, which are applicable to the public subject to certain laws governing bridges and causeways over the navigable waters of the United States.

(c) Subsection 6(g) of the Department of Transportation Act (Sec. 6(g), 80 Stat. 937, 49 U.S.C. 1655(g)) transferred and vested in the Secretary of Transportation all functions, powers and duties of the Secretary of the Army and other officers and offices of the Department of the Army under specified laws. The Secretary of Transportation by 49 CFR 1.45(b) and 1.46(c) (5), (6), (8), (9), and (10) delegated to the Commandant, U.S. Coast Guard, with the authority to redelegate within the Coast Guard, the authority to exercise the functions, powers, and duties of the Secretary

with respect to the following provisions of law:

(1) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499), regarding drawbridge operation regulations.

(2) The Act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), regarding unreasonably obstructive bridges.

(3) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401), regarding construction of bridges, causeways, etc., to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(4) The Act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.), regarding general bridge authority to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(5) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.), to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(6) Section 5 of the International Bridge Act of 1972 (86 Stat. 732; 33 U.S.C. 535c).

(d) The Commandant has delegated within the Coast Guard authority for the issuance of drawbridge operation regulations and permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States. These delegations may be found in §§1.05-1 and 1.01-60 of this Chapter.

[CGFR 67-46, 32 FR 17769, Dec. 12, 1967, as amended by CGFR 70-115, 35 FR 15923, Oct. 9, 1970; CGFR 71-95, 36 FR 19160, Sept. 30, 1971; CGD 80-099, 46 FR 38353, July 27, 1981; 46 FR 42268, Aug. 20, 1981; CGD 82-006, 47 FR 36640, Aug. 23, 1982; CGD 96-026, 61 FR 33663, June 28, 1996]

§114.05 Definitions.

(a) *General*. Certain terms as used in this subchapter are defined in this section.

(b) *Approved*. The term “approved” means approved by the Commandant unless otherwise stated.

(c) *Bridges*. The term “bridge” means a structure erected across navigable waters of the United States, and includes causeways, approaches, fenders, and other appurtenances thereto.

(d) *Coast Guard District Commander or District Commander*. The term “Coast Guard District Commander” or “District Commander” means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his or her district. (See Part 3 of this chapter for descriptions of Coast Guard Districts.)

(e) *Commandant*. The term “Commandant” means Commandant, U.S. Coast Guard, Department of Homeland Security, Washington, D.C. 20593.

(f) *District Office or Coast Guard District Office*. The term “District Office” or “Coast Guard District Office” means the Office of the Commander of a Coast Guard District.

(g) *Headquarters or Coast Guard Headquarters*. The term “Headquarters” or “Coast Guard Headquarters” means the Office of the Commandant, U.S. Coast Guard, Department of Homeland Security, Washington, D.C. 20593.

(h) *Permit*. The term “permit” means the license permitting construction of bridges and approaches thereto in or over navigable waters of the United States, issued under the rules and regulations in this subchapter.

(i) *Secretary*. The term “Secretary” means the Secretary of Homeland Security or any person to whom he or she has delegated his or her authority in the matter concerned.

(j) *United States Coast Guard or Coast Guard*. The term “United States Coast Guard” or “Coast Guard” means the organization or agency established by the Act of January 28, 1915, as amended (14 U.S.C. 1).

(k) [Reserved]

(l) *Assistant Commandant for Operations*. The term “Assistant Commandant for Operations” means the officer of the Coast Guard designated by the Commandant as the staff officer in charge of the Office of Navigation Safe-

ty and Waterway Services, U.S. Coast Guard Headquarters.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c) (8), (9), (10), (q))

[CGFR 67–46, 32 FR 17769, Dec. 12, 1967, as amended by CGD 76–144, 42 FR 28882, June 6, 1977; CGD 80–099, 46 FR 38353, July 27, 1981; CGD 82–006, 47 FR 36640, Aug. 23, 1982; CGD 88–052, 53 FR 25120, July 1, 1988; CGD 96–026, 61 FR 33663, June 28, 1996; CGD 97–023, 62 FR 33363, June 19, 1997; USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2003–14505, 68 FR 9535, Feb. 28, 2003]

§ 114.10 General policies on issuance of permits and drawbridge operation regulations.

The several bridge laws referenced in § 114.01 Purpose, are intended to prevent any interference with navigable waters of the United States whether by bridges, dams, dikes or other obstructions to navigation except by express permission of the United States. The decision as to whether a bridge permit or a drawbridge operation regulation will be issued or promulgated must rest primarily upon the effect of the proposed action on navigation to assure that the action provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment. The Coast Guard is not responsible for any other permits that the applicant may need from other federal, state, or local agencies and issuance of a bridge permit does not affect flood control projects or other governmental programs.

[CGD 82–006, 47 FR 36640, Aug. 23, 1982, as amended by USCG–2000–7223, 65 FR 40056, June 29, 2000]

§ 114.20 Departure from permit plans.

(a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish a tracing showing the work as actually constructed but no further action will be taken by the Coast Guard.

(b) It is not the practice of the Coast Guard to issue letters certifying that completed work conforms to that which was authorized. That question is a matter of fact to be determined in