§ 1221. Prevention of damage to vessels, bridges, and other structures; protection of navigable waters from environmental harm; authority of Secretary

In order to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss, the Secretary of the department in which the Coast Guard is operating may—

(1) establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic;

(2) require vessels which operate in an area of a vessel traffic service or system to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system;

(3) require vessel traffic in areas which he determines to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by—

(i) specifying times of entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(ii) establishing vessel traffic routing schemes;

(iii) establishing vessel size and speed limitations and vessel operating conditions; and

(iv) restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances;

(4) direct the anchoring, mooring, or movement of a vessel when necessary to prevent damage to or by that vessel or her cargo, stores, supplies, or fuel;

(5) require pilots on self-propelled vessels engaged in the foreign trades in areas and under circumstances where a pilot is not otherwise required by State law to be on board until the State having jurisdiction of an area involved establishes a requirement for a pilot in that area or under the circumstances involved;

(6) establish procedures, measures, and standards for the handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control and disposition, of explosives or other dangerous articles or substances (including the substances described in section 391a(2)(A), (B), and (C) of title 46 on structures subject to this chapter; and

(7) prescribe minimum safety equipment requirements for structures subject to this chapter to assure adequate protection from fire, explosion, natural disasters, and other serious accidents or casualties;

(8) establish 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

specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this chapter.

(b) Enforcement

The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this chapter.


§ 1208. Penalties

(a) Master, person in charge, or pilot subject to penalty

Whoever, being the master or person in charge of a vessel subject to this chapter, fails to enforce or comply with this chapter or the regulations hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this chapter to pilot or direct the movement of the vessel, fails to enforce or comply with this chapter or the regulations hereunder shall be liable to a civil penalty of not more than $500 to be assessed by the Secretary.

(b) Vessels subject to penalty; jurisdiction

Every vessel navigating in violation of this chapter or the regulations hereunder is liable to a civil penalty of not more than $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Remission or mitigation

Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.


CHAPTER 25—PORTS AND WATERWAYS SAFETY PROGRAM

Sec. 1221. Prevention of damage to vessels, bridges, and other structures; protection of navigable waters from environmental harm; authority of Secretary.

1222. General provisions.

(a) Definition.

(b) Authority under other provisions and better safety requirements prescribed by other agencies unaffected.

(c) Consultation with appropriate agencies.

(d) Provisions of chapter inapplicable to Panama Canal; delegation of powers with respect to Saint Lawrence Seaway.

(e) Factors considered in the issuance of regulations.

1223. Investigatory powers of Secretary; production of witnesses and documents; proceedings for compliance with subpoenas; fees and allowances of witnesses.

1224. Rules and regulations.

1225. Omitted.

1226. Civil penalties; proceedings for collection.

1227. Criminal penalties.

CHAPTER REPEALED TO IN OTHER SECTIONS

This chapter is referred to in title 49 section 1806.
§ 1222  TITLE 33—NAVIGATION AND NAVIGABLE WATERS  Page 344

(9) establish procedures for examination to assure compliance with the minimum safety equipment requirements for structures.


SHORT TITLE

Section 1 of Pub. L. 92-340 provided that: “This Act (enacting this chapter and amending section 391a of Title 46, Shipping, and enacting provisions set out as notes under section 391a of Title 46) may be cited as the ‘Ports and Waterways Safety Act of 1972.’”

ESTABLISHMENT OF VESSEL TRAFFIC CONTROL SYSTEM FOR PRINCE WILLIAM SOUND AND VALDEZ, ALASKA

Pub. L. 93-153, title IV, § 402, Nov. 16, 1973, 87 Stat. 589, provided that: “The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340 [this chapter]).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1222 of this title.

§ 1222. General provisions

(a) Definition

For the purpose of this Act, the term "United States" includes the fifty States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(b) Authority under other provisions and better safety requirements prescribed by other agencies unaffected

Nothing contained in this chapter supplants or modifies any treaty or Federal statute or authority granted thereunder, nor does it prevent or modify any treaty or Federal statute or the exercise of his authority hereunder. In determining the need for, and the substance of, any rule or regulation or the exercise of other authority hereunder the Secretary shall, among other things, consider—

(1) the scope and degree of the hazards;

(2) vessel traffic characteristics including minimum interference with the flow of commercial traffic, traffic volume, the sizes and types of vessels, the usual nature of local cargo, and similar factors;

(3) port and waterway configurations and the differences in geographic, climatic, and other conditions and circumstances;

(4) environmental factors;

(5) economic impact and effects;

(6) existing vessel traffic control systems, services, and schemes; and

(7) local practices and customs, including voluntary arrangements and agreements within the maritime community.


REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 92-340, July 10, 1972, 86 Stat. 424, which enacted this chapter, amended section 391a of Title 46, Shipping, and enacted provisions set out as notes under section 391a of Title 46. For complete classification of this Act to the Code, see Short Title note set out under section 1221 of this title and Tables volume.

§ 1223. Investigatory powers of Secretary; production of witnesses and documents; proceedings for compliance with subpenas; fees and allowances of witnesses

The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to this chapter, or which affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States. In any investigation under this chapter, the Secretary may issue a subpoena to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey a subpena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.


§ 1224. Rules and regulations

The Secretary may issue reasonable rules, regulations, and standards necessary to implement this chapter. In the exercise of his rule-making authority the Secretary is subject to the provisions of chapters 5 and 7 of title 5. In preparing proposed rules, regulations, and standards, the Secretary shall provide an ade-
quate opportunity for consultation and comment to State and local governments, representatives of the marine industry, port and harbor authorities, environmental groups, and other interested parties.


§ 1225. Omitted

Section, Pub. L. 92-340, title I, § 106, July 10, 1972, 86 Stat. 427, which authorized the Secretary, within one year from July 10, 1972, to report to Congress his recommendations for legislation necessary to achieve coordination between the functions authorized by Pub. L. 92-340 and the functions of any other agencies and to eliminate duplication of these functions, was omitted from the Code as executed.

§ 1226. Civil penalties; proceedings for collection

Whoever violates a regulation issued under this chapter shall be liable to a civil penalty of not more than $10,000. The Secretary may assess and collect any civil penalty incurred under this chapter and, in his discretion, remit, mitigate, or compromise any penalty. Upon failure to collect or compromise a penalty, the Secretary may request the Attorney General to initiate an action for collection in any district court of the United States. A vessel used or employed in a violation of a regulation under this chapter shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.


§ 1227. Criminal penalties

Whoever willfully violates a regulation issued under this chapter shall be fined not less than $5,000 or more than $50,000 or imprisoned for not more than five years, or both.


CHAPTER 26—WATER POLLUTION PREVENTION AND CONTROL

SUBCHAPTER I—RESEARCH AND RELATED PROGRAMS

Sec.

1251. Congressional declaration of goals and policy.

1252. Comprehensive programs for water pollution control.
   (a) Preparation and development.
   (b) Planning for reservoirs; storage for regulation of streamflow.
   (c) Baseline grants to State agencies.

1252a. Reservoir projects, water storage; modification; storage for other than water quality, opinion of Federal agency, committee resolutions of approval; provisions inapplicable to projects with certain prescribed water quality benefits in relation to total project benefits.

1253. Interstate cooperation and uniform laws.

1254. Research, investigations, training, and information.
   (a) Establishment of national programs; cooperation; investigations; water quality surveillance system; reports.
   (b) Authorized activities of Administrator.
   (c) Research and studies on harmful effects of pollutants; cooperation with Secretary of Health, Education, and Welfare.
   (d) Sewage treatment identification and measurement of effects of pollutants; augmented streamflow.
   (e) Field laboratory and research facilities.
   (f) Great Lakes water quality research.
   (g) Treatment works pilot training programs; employment needs forecasting; training projects and grants; research fellowships; technical training; report to the President and transmittal to Congress.

1255. Grants for research and development.
   (a) Demonstration projects covering storm waters; advanced waste treatment and water purification methods, and joint treatment systems for municipal and industrial wastes.
   (b) Demonstration projects for advanced treatment and environmental enhancement techniques to control pollution in river basins.
   (c) Research and demonstration projects for prevention of water pollution by industry.
   (d) Accelerated and priority development of waste management and waste treatment methods and identification and measurement methods.
   (e) Research and demonstration projects covering agricultural pollution and pollution from sewage in rural areas; dissemination of information.
   (f) Limitations.
   (g) Maximum grants.
   (h) Authorization of appropriations.

Grants for pollution control programs.
   (a) Authorization of appropriations for state and interstate programs.
   (b) Allotments.
   (c) Maximum annual payments.
   (d) Limitations.
   (e) Grants prohibited to states not establishing water quality monitoring procedures or adequate emergency and contingency plans.
   (f) Conditions.
   (g) Reallotment of unpaid allotments.