

SEC. 3. That said bridge shall be built and located under and subject to such regulations for the security of navigation of such river as the Secretary of War shall prescribe; and to secure that object the company building the said bridge shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location thereof, and until the said plan and location are approved by the Secretary of War the said bridge shall not be commenced or built, and no changes shall be made in said bridge during the progress of construction, or after completion, unless approved by the Secretary of War; and the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interests of navigation: *Provided*, That if said bridge shall be built as a drawbridge the draw shall be opened promptly upon reasonable signal for the passage of all water craft; and upon whatever kind of bridge is constructed the said company shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

Secretary of War to approve plans, etc.

Changes.

*Proviso*.  
Drawbridge.

Lights, etc.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges in the passage of railroad trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies or any one of them desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proof of the parties.

Use by other companies.  
Compensation.

Failure to agree.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within two years from the date of the approval of this Act.

Time of construction.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 28, 1902

**CHAP. 1314.**—An Act To authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina.

June 28, 1902.

[Public, No. 196.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Charleston, Suburban and Summerville Railway Company, a corporation existing under the laws of South Carolina, its successors and assigns, be, and is hereby, authorized to construct and maintain two bridges and all approaches thereto across Ashley River, in the counties of Charleston and Dorchester, South Carolina, at points suitable to the interests of navigation, and in accordance with such plans as may be approved by the Secretary of War, and to lay on or over said bridges a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite such point, under the limitations and conditions hereinafter provided. Said company, or its successors and assigns, are hereby authorized to build, construct, and maintain any and all trestles, roadbeds, tracks, appurtenances, and things that may be necessary for proper approaches to said bridges and for the use of the same as railroad bridges. That said bridges shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river by reason of the construction of the said bridges the said

Ashley River, S. C.  
Charleston, Suburban and Summerville Railway Company may construct two bridges across.  
Location.

Unobstructed navigation.  
Litigation.

cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridges may be: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt the bridges from the operation of the same: *Provided further*, That said bridges shall be constructed to provide for the passage of railroad trains, and at the option of said company may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for such reasonable rates of toll as may be fixed by said company and approved by the Secretary of War.

*Provisions.*  
Protection to navigation.

Railroad, wagon, and foot bridge.

Toll.

Drawbridge.

**SEC. 2.** That if the bridges authorized shall be built as drawbridges, the draws shall be operated by steam or other reliable power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said spans; but in no case shall unnecessary delay occur in opening said draws after the passage of trains.

Piers, etc.

**SEC. 3.** That all piers shall be built as nearly as may be parallel with the current of the river at that stage of water which is most important for navigation, and the bridges themselves shall be built as nearly as may be at right angles thereto; and the riprapping or other protection for imperfect foundations which will lessen the required waterway shall not be permitted; and also that piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if after construction any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War at the expense of the company or persons owning, controlling, or operating said bridges.

Current.

**SEC. 4.** That the approaches to said bridges shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood; and any encroachment on the high-water cross sections by piers, solid embankments, or otherwise which will result in unduly accelerating the high-water current at the site of the bridges shall not be allowed.

Booms, etc.

Permanent channel.

**SEC. 5.** That any corporation, company, or persons owning, controlling, or operating the bridges built under the authority of this Act shall build and maintain at all times as accessory work to such bridges such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge sites, and for the guiding of rafts, steamboats, and other craft safely under or through said bridges; and if at any time after the construction of the bridges and their accessory works the approaches to draw openings, channel spans, or raft passages in said bridges are found to be dangerous or difficult of access by river traffic, the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridges to construct, under his direction, and to maintain such additional sheer booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons shall maintain, at their own expense, from sunset to sunrise, such lights and other signals on said bridges as may be required by the Light-House Board for the security of navigation.

Aids to navigation.

Secretary of War to approve plans, etc.

**SEC. 6.** That the bridges authorized to be constructed by this Act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for

his examination a design and drawing of the bridges, piers, approaches, and accessory works, and a map of the location, giving for a space of one mile above and one mile below the proposed locations the topography of the banks of the river and the shore lines at high and low water. This map shall be accompanied by another, drawn on the scale of one inch to two hundred feet, giving for a space of one-half mile above the line of the proposed bridges and one-fourth mile below an accurate representation of the bottom of the river, by contour lines five feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at at least one intermediate stage, by triangulated observations on suitable floats. The maps shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject; and the construction of the proposed bridges shall not be commenced until the location and plans thereof are approved by the Secretary of War.

Maps.

Location of other bridges.

Changes.

SEC. 7. That any bridges constructed under the authority of this Act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during the construction of said bridges or after their completion unless said changes or alterations are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War in said bridges, before or after completion, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War, at the expense of the company or persons owning, controlling, or operating such bridges. That during original construction or carrying out any authorized changes or repairs of said bridges a navigable channel shall be preserved at the site of the bridges at all times, and the waterway of the river shall not be obstructed to a greater extent than is absolutely necessary; and such lights and buoys shall be kept on all cofferdams, piles, and so forth, as may be necessary for the security of navigation.

Lights, etc.

Use by other companies.

SEC. 8. That all railroad companies desiring the use of the bridges authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner of said bridges and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of the bridges shall be granted to all telegraph and telephone companies.

Compensation.

Telegraph, etc., rights.

SEC. 9. That the bridges constructed, maintained, and operated under this Act and according to its limitations shall be lawful structures, and shall be recognized and known as post routes, upon which also no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions of war over the railroads and public highways leading to said bridges; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridges.

Lawful structure and post route.

SEC. 10. That this Act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Time of construction.

SEC. 11. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.