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[Laws in effect as of January 24, 2002]  
[Document not affected by Public Laws enacted between  
January 24, 2002 and December 19, 2002]  
[\*CITE\*: \*43USC959\*]

## TITLE 43--PUBLIC LANDS

### CHAPTER 22--RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

#### Sec. 959. Rights of way for electrical plants, etc.

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: Provided, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: Provided further, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: And provided further, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

(Feb. 15, 1901, ch. 372, 31 Stat. 790.)

#### Repeal of Section

Section repealed by Pub. L. 94-579, title VII, Sec. 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

### References in Text

Title 65 of the Revised Statutes of the United States, and amendments thereto, referred to in text, which consisted of R.S. Secs. 5263 to 5269, was classified to sections 1 to 6 and 8 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and was repealed by act July 16, 1947, ch. 256, Sec. 1, 61 Stat. 327.

### Codification

Section, insofar as it relates to rights-of-way through public lands, forest, and reservations, and the Yosemite, Sequoia, and General Grant National Parks is also set out as section 79 of Title 16, Conservation, and insofar as it related to rights-of-way through national forests was set out as section 522 of Title 16 which was omitted from the Code.

### General Grant National Park Abolished

Act Mar. 4, 1940, ch. 40, Sec. 2, 54 Stat. 43, which is classified to section 80a of Title 16, Conservation, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

### Savings Provision

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

### Section Referred to in Other Sections

This section is referred to in section 421c of this title.