

33 CFR Part 117

[CGD05-94-116]

RIN 2115-AE47

**Drawbridge Operation Regulations;
Wicomico River, Salisbury, MD**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Main Street and the US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, in Salisbury, Maryland. This rule will extend the current rush hour restrictions by one hour in the morning and one hour in the afternoon, and require a three hour advance notice for commercial vessels needing a bridge opening during the hours of closure due to emergency situations. The existing 12 noon to 1 p.m. closure period will remain in effect. These changes to the drawbridge regulations are intended to reduce motor vehicle delays and congestion, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on July 21, 1995.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and LCDR Christopher A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

Regulatory History

On February 10, 1995, the Coast Guard published a notice of proposed rulemaking with request for comments entitled Wicomico River, Salisbury, Maryland, in the **Federal Register** (60 FR 7930). The comment period ended May 11, 1995. The Coast Guard received no comments on the proposed rule. The Commander, Fifth Coast Guard District, also published the proposed rule as a public notice on March 20, 1995, with the comment period ending May 11, 1995, and no comments were received as a result of this notice. A public hearing was not requested and one was not held.

Background and Purpose

The State Highway Administration, Maryland Department of Transportation (MDOT), has requested that openings of the Main Street and US 50 drawbridges

across the North Prong of the Wicomico River, mile 22.4, at Salisbury, Maryland, be further restricted during the morning and evening rush hours. This will help to reduce highway traffic congestion problems and relieve public safety and welfare concerns associated with frequent bridge openings caused by commercial boat traffic. Currently, these drawbridges open on signal except from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m., during which time both remain closed to navigation. This rule changes the hours of bridge closures to 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. The existing 12 noon to 1 p.m. closure will remain the same. This rule also includes the provision that commercial vessels needing passage through the bridge during the hours of restriction will be required to give a three hour advance notice for a bridge opening. This advance notice requirement only applies to tugs and barges unable to reach the bridges except during the hours of closure due to severe inclement weather or other emergency or unforeseen circumstances.

MDOT conducted an analysis of highway traffic and marine traffic data, along with a waterway user and property owner survey that was conducted in 1993. It revealed that the excessive drawbridge openings during the morning and evening hours were caused by commercial vessels from two waterfront companies located upstream of the drawbridges. Based on this information and the allowance of the three hour advance notice provision, the Coast Guard believes these regulations should not unduly restrict commercial vessel passage through the bridge since they can plan their vessel transits around the hours of restriction as well as take advantage of the three hour advance notice for bridge openings during the hours of restriction during inclement weather.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the U.S. Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e. (32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist have been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

**PART 117—DRAWBRIDGE
OPERATION REGULATIONS**

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); § 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.579 is revised to read as follows: