

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-95-29) and the specific section of this rule to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (ob) at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

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

Background and Purpose

The City of Chesapeake has requested that openings of the Dominion Boulevard Bridge, also known as the Steel Bridge, located at mile 8.8 of the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, at Chesapeake, Virginia, be further limited by extending the morning rush hour closure period to recreational vessel traffic, and by eliminating the 5 p.m. opening for recreational vessels during the evening rush hour period, while continuing to open on signal at all other times.

Currently, the Dominion Boulevard Bridge is closed to recreational vessel traffic from 7 a.m. to 8 a.m. and 4 p.m. to 6 p.m., with a 5 p.m. opening for recreational vessels waiting to pass, Monday through Friday, except Federal holidays. The draw opens on signal at all other times. This proposed rule

would extend the morning rush hour closure period for recreational vessels by requiring the bridge to remain closed from 7 a.m. to 9 a.m. From 4 p.m. to 6 p.m., the 5 p.m. opening for waiting recreational vessels would be eliminated. Vessels in distress or in an emergency situation will continue to be allowed passage through the bridge at any time.

This request is based on an analysis the City of Chesapeake conducted on highway traffic data for 1990, 1992, and 1994, and a review of the drawlogs from January 1994 to April 1995 for the Dominion Boulevard Bridge. The drawlogs revealed that bridge openings between 8 a.m. and 9 a.m. and at 5 p.m. caused by recreational vessels were frequent enough to cause highway traffic to back up on each side of the bridge resulting in congestion and delays. The highway traffic data revealed that more vehicles are crossing the bridge between 8 a.m. to 9 a.m. By extending the morning rush hour closure period by one additional hour and eliminating the 5 p.m. opening during the evening rush hours, traffic conditions that currently exist at this bridge will be relieved as well as public safety and welfare concerns associated with frequent bridge openings caused by recreational boats.

The Coast Guard believes these regulations should not unduly restrict recreational vessel passage through the bridge, since they can plan their vessel transits around the hours of restriction. This proposed change to the regulations is intended to establish a schedule that will meet the reasonable needs of waterway users and, at the same time, diminish delays to an improve the flow of motor vehicles crossing the bridge.

Regulatory Evaluation

The proposed action 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 proposal 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 (U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if

adopted, will have 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 proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environment impact of this proposal 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 proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations to read 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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In section 117.997 paragraph (d) is revised to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

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(d) The draw of the Dominion Boulevard Bridge, mile 8.8, in