

is unique in that no other major city has so many drawbridges incorporated into a downtown web of thoroughfares. Thus the potential for disruption of vehicular traffic related to openings of the drawbridges is greater in Chicago than in any other major city in the United States.

In recent years the number of boatyards on the Chicago River system has decreased. There also has been evidence of physical deterioration in bridge operations. Due to changes in the number of personnel utilized by the City to open the bridges, costs associated with operating the bridges have increased. Expanded commercial development outside of Chicago's "Loop" business district has generated additional vehicular and pedestrian traffic demands, raising concerns from City commercial interests as well as City officials. As a result, there has been growing disbelief on the part of the City and boatyards that voluntary cooperation among them would continue to provide for mutually satisfactory drawbridge operations. The City has desired increased predictability and a move away from an "on demand" opening schedule that leaves the City at the mercy of any boater's request to have up to 26 bridges, most owned by the City, open on demand. The City has asserted that the existing rule cost the City thousands of dollars in labor, caused thousands of hours of vehicle and pedestrian delay for each series of bridge openings, and benefited only a relatively few boat owners who chose to traverse the Chicago River without lowering the masts on their vessels. The boatyard owners also have wanted predictable drawbridge openings but were concerned that limited openings, particularly during weekday daylight hours, would adversely affect their business. The boaters were concerned that individual boaters would continue to have reasonable opportunity to traverse the river.

At the outset, the Coast Guard recognized that the situation involving the drawbridges over the Chicago River and its branches was both complex and unique. The Chicago River and the North and South branches divide the core portion of the third largest city in the United States into three segments. The main branch virtually bisects the downtown area, at the North edge of the Chicago Loop. There is virtually no vessel destination in the main branch. Recreational vessels that require bridge openings normally transit the entire main branch segment enroute to destinations on either Lake Michigan or the North or South branches, thus requiring the opening of all ten bridges

over the main branch. In addition, due to the confined nature of the Chicago River and the close proximity of the bridges, few recreational sailing vessels "cruise" on the river. These circumstances are drastically different from the normal situations addressed by drawbridge regulations. Virtually all of the Coast Guard's drawbridge regulations concern single bridges. The procedures and guidance in the Bridge Administration Manual (COMDTINST M16590.5A) primarily address those normal situations. Accordingly, in the Chicago situation the Coast Guard adopted a systems approach to analyzing the need for changes to the existing rules and, if changes were found to be appropriate, the nature of those changes. It was recognized that unique solutions might be required and that any revised rules that resulted should not be considered as setting a precedent for the drawbridge regulations where normal navigational and land traffic exists.

In addition, the Coast Guard realized that it was necessary to distinguish between the provisions of the existing permanent rule and the practices that had been followed, on a voluntary basis, in earlier years and during more recent times. The existing rule requires the bridges to be opened on demand, and bridge logs for the years prior to 1993 showed that bridges were opened frequently, during weekday daylight hours, for single vessel transits. In 1992, apparently related to an accident involving the Michigan Avenue bridge and the flooding of a tunnel under the main branch of the river, the City desired to limit weekday daylight openings, concentrate openings on weekends, and arrange for recreational vessels to transit in flotillas. Since 1993, weekday daylight openings have been limited through the voluntary practices of the boatyards in grouping vessels into flotillas for transits, particularly during the spring breakout and the return to winter storage in the fall. While this practice has worked, with varying degrees of friction, to limit the number of drawbridge openings and the consequent impact on land traffic, the statute obligates the Coast Guard to regulate drawbridge openings, where necessary. If there is a need to restrict the number of openings of the drawbridges over the Chicago River, the Coast Guard cannot leave it to the good will of the boatyard owners and individual boaters to limit their requests for openings. There are no market forces available to balance the needs of the recreational boater and the citizens of the City. It is the Coast Guard's

obligation to promulgate a rule which will balance the needs of land and maritime transportation and that clearly sets forth the rights and obligations of the bridge owner and the vessel owners.

It should be noted that the proposed rulemaking does not govern all the drawbridges on the Chicago River. The proposal only affects the bridges owned or operated by the City. With the exception of bridges which carry Chicago Transit Authority trains, the bridges carry vehicular and pedestrian traffic. There are four railroad bridges, not owned by the City, that are manned by bridge tenders 24 hours a day. These bridges would continue to open on signal for both commercial and recreational vessels.

Summary of Comments

Over the course of the history outlined above there have been two public hearings and many comments from a wide variety of special and public groups as well as individuals. Positions over the course of this two and one-half year process have run the spectrum from opening the bridges on demand, with no flotilla or advance notice restrictions, to opening only on weekends with a variety of restrictions. The following discussion briefly summarizes the positions of the interested parties, which have remained essentially unchanged since the City first requested a change to the existing regulations.

The City representatives have urged that weekday daylight openings are not necessary, since all outgoing and incoming vessels can be accommodated on weekends. Weekday openings are too disruptive to commercial vehicular traffic during business hours, emergency services, and midday pedestrian, public transit, and vehicular traffic. The City has submitted lengthy comments and data concerning the problems caused by multiple openings and the costs associated with maintaining and operating the aging drawbridges. Representatives of the City have attended hearings and discussed the potential impact of bridge openings on emergency response by police, fire, and rescue vehicles. In addition, City representatives have commented on the detrimental effects of vehicle delays on the environment and commercial development. The comments submitted on behalf of the City particularly oppose on demand openings.

Businesses in Chicago are not in favor of weekday daylight openings due to disruption of deliveries, public transportation, and emergency services. Comments to this effect have been received from taxi companies, couriers,