limits and advanced scheduling should be required.

The remainder of the other comments received by the Coast Guard following the issuance of the Fall, 1994 temporary deviation were from boaters or boating interests, and these comments took the position that the Coast Guard should establish a schedule that was more flexible to boaters. These comments generally urged the Coast Guard to implement a temporary rule that allowed a continuation of on-demand openings. Specific comments stated that allowing large flotillas presents inherent dangers to boaters, that some weekday openings are required by boaters, and that special circumstances may require boats to traverse the river at other than scheduled times, such as for repair or in emergencies.

4. The 1995 Temporary Deviation

Given the schedule for the City of Chicago to prepare its traffic study, it was not possible for the Coast Guard to implement a new final rule in time for the Spring, 1995 season. Therefore, it was necessary for another temporary deviation to be implemented for that season. Based on the comments received on the Fall, 1994 deviation, on February 16, 1995, the Coast Guard published a Notice proposing to adopt a new temporary schedule for the Spring, 1995 season that, if finalized, would have allowed on-demand openings of bridges, except during rush hour, and subject to a 24-hour notice requirement (60 Fed. Reg. at 8942). Other than the notice requirement, this proposal would have been similar to the provisions in the 1976 Rule. The Notice "encourage[d] interested persons to submit written data or views concerning the operation of drawbridges during this deviation period" and also scheduled a public hearing on the issue for March 9, 1975 (Id. at 8941). The Coast Guard stated in its Notice that:

[T]he hearing will provide all concerned parties with the opportunity to present oral and written statements, with supporting data, to the Coast Guard, for evaluation to determine if any revisions are to be made to the deviation prior to its becoming effective on April 15, 1995.

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The Coast Guard received 80 comments in response to the February 16 Notice. In contrast to the 21 comments received on the prior deviation, the vast majority of the comments received on this Notice took the position that the Coast Guard should not implement a temporary or final drawbridge schedule that allowed a return to on-demand drawbridge openings.

A large number of commenters urged that the Coast Guard should modify its proposed 90-day schedule so that there would be limited, if any, weekday openings of Chicago bridges. By and large, these individuals and Chicago commercial interests stated that the disruptive effect of bridge openings that they had experienced during weekday business hours simply was not in the public interest. Some commenters also stated that the temporary schedule ultimately adopted by the Coast Guard should include requirements for minimum flotilla size to lessen the total number of drawbridge openings.

Aside from general concerns relating to traffic disruption, many commenters stated that their particular business interests were harmed by on-demand openings. These included, among others, taxi cab companies, couriers, parcel delivery services, an ambulance company, hotels, associations, parking companies, property management firms, a bank, DePaul University, Union Station, and AMTRAK.

Accompanying Chicago's submission were letters from both Illinois Senators, 7 Representatives, and 5 alderman calling for a rule that did not allow ondemand bridge openings, particularly on weekdays. Finally, the City urged that while in its view all sailboats could easily be accommodated only with weekend openings, the City was nonetheless amenable to the imposition of a temporary schedule "of reasonable regulations limiting flotilla size and requiring bridge lifts only on weekends, Tuesday and Thursday evenings and Wednesdays during the day" for testing purposes.

Representatives from the City of Chicago in their comments to the docket, and in testimony at the public hearing, claimed that all needs of sailboaters could be accommodated by weekend openings. Chicago representatives stated that multiple openings of Chicago's bridges exacerbate problems relating to these aging structures, and pointed out that the total budget for all Chicago bridges is \$20 million per year, of which \$10 to \$20 million goes for rehabilitation of drawbridges. The City claimed that the cost of opening drawbridges averages between \$5,000 and \$8,000 per boat run, and that the total cost of raising the bridges for the 82 runs under the 1994 deviation was \$460,000. Chicago representatives also stated that ondemand bridge openings could not be handled without significant realignment of its bridge tender staff. The City noted that the costs of maintaining and operating the Chicago draws are

incurred almost exclusively for the benefit of recreational boaters.

Chicago also produced evidence concerning the potential impact of delays resulting from on-demand bridge openings on emergency fire and rescue efforts. Comments of the City of Chicago Department of Police Traffic Section summarized the potential delays to police, fire and rescue vehicles posed by weekday drawbridge openings, and noted that there is no radio contact with drawbridge tenders.

The Chicago Fire Commissioner, the District Chief of the First District Fire Department, and an employee of the Chicago Department of Environment testified concerning the problems that potentially and actually arise in getting to fire or rescue sites when drawbridges are open, particularly on weekdays. The Deputy Chief of Police for Special Functions and the Commander of the Chicago Police Department and Traffic Section provided similar testimony concerning the effects of bridge openings on law enforcement and other police activities. Others testifying included the Chief of Trauma and Critical Care of Northwestern Memorial Hospital who, citing the need to move serious trauma patients to treatment within fifteen minutes, urged "as a health care worker * * * stopping all bridges opening in Chicago.

A representative of the Chicago Development Council, comprised of "sixty-seven companies which represent over 70 million square feet of commercial real estate space in Chicago's central area" urged that ondemand drawbridge openings did not properly weigh the needs of Chicago's other citizens. Similar testimony was offered by a representative of the Chicagoland Chamber of Commerce. The Deputy Commissioner for the Department of Planning and Development stated that "the potential damage to the City of Chicago that would result in the proposed bridge lift [on-demand] regulation far exceeds the benefit to recreational boaters or the recreational boating industry." The Director of the Mayor's Office of Special Events offered testimony as to the detrimental effects on tourism of traffic jams caused by bridge openings. All of these statements were consistent with similar statements made by Chicago commercial concerns to the public docket urging that commercial detriment would result from delays relating to on-demand weekday bridge openings.

Boating interests presented their views in 7 comments filed with the Coast Guard. The boating interests urged that no basis had been shown to depart