Guard has concluded best serves the public interest. As explained in the NPRM, the Coast Guard thought that the rule reasonably accommodated the needs of boaters and vehicular and pedestrian traffic. As the following analysis shows, the comments received on the NPRM do not alter the basis for this determination. However, the NPRM itself was based upon an extensive array of information compiled over the last two years, and reflected the Coast Guard's confidence that this bridge opening schedule represents the best possible balance of all interests that can be achieved. The final rule also continues the past practice of allowing vessels to transit the river in emergencies under special arrangements and without flotilla requirements.

Two openings on each of the weekend days with no flotilla requirements were selected to accommodate what is generally agreed and shown by the administrative record to be the busiest and most appropriate time period for the heavy Spring Breakout and Fall Return recreational traffic. The Coast Guard found significant concurrence with this approach during the negotiated rulemaking, although no consensus was reached. These openings are on days that have been most-utilized by boaters and also are days when daytime vehicular traffic is at its lowest volume.

Monday and Friday weekday evening openings with significantly shorter (6 hour) advance notice were provided to meet any possible late supplements to demands for breakout and return passages, and to meet the need of a single boater to have access for nonemergency repairs at the beginning of a week in order to return to the lake for the next weekend's recreation. Although concerns have been raised by boaters about the safety of evening passages, a passage beginning shortly after 6:30 p.m. would be conducted in daylight during the extended daylight hours that coincide with most of the boating season. Moreover, these evening hours are intended as a supplement to the weekend and Wednesday daytime openings provided by the rule. Past data and experience indicate that fewer boaters may actually use this option, but it is there for those who need it. As noted above, the possibility of Monday and Friday evening openings was discussed at length by all parties in the course of the negotiated rulemaking proceeding. While no consensus was reached on this issue, the Coast Guard believes that openings on these evenings provide some of the additional flexibility sought by boating interests, and can help to accommodate

scheduling of mid-week repairs at the boatyards. The scheduled times of these openings should also minimize negative impacts on vehicular traffic.

It should be noted that, in addition to considering the needs of boaters to make normal repairs during the boating season, the Coast Guard recognizes that situations may arise where a true emergency repair involving the substantial value of a boat may occur that cannot be accommodated by scheduled openings. The Coast Guard's rule explicitly provides that the general requirement, Subpart A, in 33 CFR Part 117, direct the opening of bridges for vessels in distress where a delay would endanger life or property.

A Wednesday post-morning rush hour opening without flotilla requirements was selected based on information in the administrative record supporting Wednesday as a weekday chosen historically by boaters for transit, and to minimize the time between potential single vessel passages. The Coast Guard believes that providing a scheduled weekday opening with 20-hour advance notice will provide the necessary predictability and notification time to minimize the impact on congestion and avoid unacceptable delays to emergency vehicles. The Coast Guard recognizes that weekday daytime drawbridge openings are disruptive to vehicular traffic, but this fact must be weighed against the constraints of providing only evening passages to boaters. Ultimately, the Coast Guard believes that a Wednesday daytime openings, in addition to weekend openings, is a reasonable compromise. The need to accommodate mid-week daytime transits for non-emergency repairs was addressed by both the boaters and the boatyards. The boatyards claimed that they had experienced a decline in their summer repair business, although no documentation was submitted to confirm their losses. The need for both daytime and evening weekday openings also received the attention of the participants during the negotiated rulemaking proceeding. The Coast Guard believes that a balanced schedule of predictable bridge openings is in the public interest and will benefit all parties from the standpoint of planning future activities.

The regulations allow additional nonrush hour openings to be scheduled for flotillas of five or more vessels with 20hour advance notice. This provision responds to the assertion of the boating interests that flexibility in the schedule can reduce the overall number of openings. Based on previous usage of the Chicago River by sailboaters, it is anticipated that this provision will be

used primarily to schedule additional breakout and return passages, but it could also be used to bundle trips for non-emergency repair work. Although the City asserts that any allowance for openings for supplemental flotillas will compromise the other scheduled openings' reductions of traffic delays and congestion, the Coast Guard expects that the advance scheduling of these openings and their announcement in the media would provide appropriate notice to land-based traffic and emergency services. Moreover, the flotilla requirement will also serve to reduce the frequency of disruptions caused by additional passage opportunities.

Finally, the Coast Guard decided not to adopt two other potential variations to the regulations. Although there have been concerns raised by many boaters about the safety of evening passages, scheduling openings for all or more weekday evenings had been suggested by various boating interests during the negotiated rulemaking. The Coast Guard has concluded that the volume of recreational traffic simply does not require additional scheduled evening openings, especially in light of the provision for supplemental flotilla openings, and in light of the boaters' oftstated position that they do not prefer to transit the river at night. On a second issue, the City had requested that the Coast Guard implement a procedure to penalize boaters who are "no-shows" at pre-arranged openings. The Coast Guard has not been presented with any data indicating that boaters are abusing agreements on openings and therefore such a regulatory response would not be warranted.

The comments received by the Coast Guard and the positions articulated at the August 22, 1995 hearing indicate that a compromise such as the new rule is required, and underscores what has been apparent from the outset of this proceeding. The Chicago boating interests and the City of Chicago, along with its non-boating commercial enterprises, have diametrically opposed and strongly held views concerning when Chicago's bridges should be required to open. Any solution will necessarily be a compromise that will not fully accommodate the needs of any one party.

Approximately 25 businesses, associations, organizations and individuals who were not boaters or otherwise affiliated with sailing claimed that the Coast Guard's proposed rule was too permissive. These commenters stated that bridge openings impeded vehicular and pedestrian traffic in the Chicago downtown area, that weekday openings impermissibly constrained