County, Florida. This change is intended to relieve highway congestion while still meeting the reasonable needs of navigation.

EFFECTIVE DATE: March 6, 1995. FOR FURTHER INFORMATION CONTACT: Ian L MacCartney, Project Manager, Bridge Section, at (305) 536–6546.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Ian L. MacCartney, Project Manager, and LT. J. M. Losego, Project Counsel.

Regulatory History

On September 16, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Sarasota, FL in the **Federal Register** (59 FR 47577). The Coast Guard received five letters commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

This drawbridge presently opens on signal except that from 11 a.m. to 6 p.m., on weekend and holidays, the draw need open only on the hour, quarter hour, half hour, and three quarter hour. The MPO and FDOT requested that the bridge open only on the hour and half hour during certain periods of each day to help reduce traffic delays, particularly during morning and afternoon commuter hours and on busy weekends. A comparison of highway traffic volumes between 1985 and 1993 indicated there has been an overall increase in traffic volume with current levels exceeding highway capacity on weekday afternoons during the winter season without any bridge openings.

The number of bridge openings continue to average less than two per hour with a maximum of 4 openings per hour being experienced periodically during the winter season. Based on analysis of the highway traffic and bridge opening data provided by FDOT on June 28, 1993, the Coast Guard determined that most of the weekday delays were caused by back to back bridge openings which did not allow accumulated vehicle traffic to clear before the next opening. The Coast Guard concluded that a 30 minute opening schedule was not warranted, but as a compromise, tested a 20 minute opening schedule which would limit openings to 3 times per hour daily, year around. This test was conducted from January 1, 1994, to February 23, 1994. The results demonstrated that strong

cross winds, heavy currents and shallow water adjacent to the channel near the bridge create holding conditions for northbound vessels that could become unsafe for navigation if the opening schedule is extended to 30 minutes. A daily 20 minute schedule would help reduce traffic delays without significantly increasing the danger to vessels caused by the potentially unsafe holding conditions.

Discussion of Comments and Changes

Two commenters were in favor of the year round 20 minute opening schedule. One commenter opposed any increase in vessel delays due to unsafe holding conditions near the bridge. He suggested extending the existing 15 minute schedule to include peak weekday traffic periods and recommended improving local traffic light coordination with the bridge openings. One commenter recommended openings on the hour and half hour similar to the nearby Ringling Causeway Drawbridge. Another commenter recommended sailboats be required to operate offshore and pay a fee for each bridge opening to minimize impacts on highway traffic. The Coast Guard has carefully considered these comments and has concluded the 20 minute schedule will reduce bridge openings without creating unsafe holding conditions for waiting vessels. FDOT will be encouraged to install traffic light preemption programs which should help reduce cross traffic delays and improve vehicular dispersal after each bridge opening.

Regulatory Evaluation

This 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979) is unnecessary. We conclude this because the rule exempts tugs with tows.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, 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 proposal to be minimal, the Coast Guard certifies under section 605(b) that this proposal, if adopted, will not have a significant 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

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available for inspection or copying at the above address.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 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).

2. In § 117.287, paragraph (b-1) is revised to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

(b-1) The draw of the Siesta Key bridge, mile 71.6 at Sarasota, shall open on signal, except that, from 11 a.m. to 6 p.m. daily, the draw need open only on the hour, 20 minutes past the hour, and 40 minutes past the hour.

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