

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

CGD11-00-003

RIN 2115-AE47

**Drawbridge Operating Regulations; China Basin, Mission Creek, San Francisco, CA**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Commander, Eleventh Coast Guard District is temporarily changing the regulation governing the Third Street Drawbridge, Mile 0.0, across Mission Creek, China Basin, San Francisco, CA. The drawbridge need not open for vessel traffic and may remain in the closed-to-navigation position from 8:30 a.m. to 10:30 a.m. on July 9, 2000. This temporary rule is issued to allow the public to cross the bridge to participate in the scheduled Second Annual Chronicle Marathon, a community event.

**DATES:** This temporary rule is effective from 8:30 a.m. to 10:30 a.m. on July 9, 2000.

**ADDRESSES:** The public docket and all documents referred to in this notice will be available for inspection and copying at offices of the Commander (oan-2), Building 50-6, Eleventh Coast Guard District, Coast Guard Island, Alameda, CA 94501-5100 50-6, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, Building 50-6 Coast Guard Island, Alameda, CA 94501-5100, telephone 510-437-3516.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This rule is being promulgated without an NPRM due to the short time frame available between the submission of the request by the Department of Public Works of the City of San Francisco and the date of the event. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Background and Purpose**

On May 10, 2000, the Department of Public Works of the City of San

Francisco requested a temporary change to the operation of the Third Street Bridge across Mission Creek, China Basin at Mile (0.0) in San Francisco, California. The Third Street Drawbridge navigation span provides vertical clearance of 8 feet above MLLW in the closed-to-navigation position. Navigation on the waterway consists of both commercial and recreational watercraft. Presently, the draw is required to open on signal if at least one hour advance notice is given. The City requested the drawbridge be permitted to remain closed to navigation from 8:30 a.m. to 10:30 a.m. on July 9, 2000. During this time the bridge will be crossed by participants in the scheduled Second Annual Chronicle Marathon. This temporary drawbridge operation amendment has been coordinated with the waterway users. No objections to the proposed rule were raised.

**Regulatory Evaluation**

This temporary 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 not been reviewed by the Office of Management and Budget under that Order. It is not a "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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because waterway traffic is not likely to be delayed more than two hours.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and government jurisdictions with populations of less than 50,000.

This rule will be in effect for only 2 hours early in the day and the Coast Guard expects the impact of this action to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b), that this action will not have a significant economic impact on a substantial number of small entities.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or, believes he or she qualifies as a small entity and requires assistance with the provisions of this rule, may contact David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, telephone 510-437-3516.

**Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

**Federalism**

We have analyzed this rule under the principles and criteria contained in Executive Order 13132, and have determined that this rule does not have implications of federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

**Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Protection of Children**

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

**Environmental**

The Coast Guard considered the environmental impact of this temporary rule and concluded that under Chapter 2.B.2 and Figure 2-1, 32(e) of Commandant Instruction M16475.1C, this temporary rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 117**

Bridges.

For the reasons set out in the preamble, the Coast Guard amends Part 117 of Title 33, Code of Federal Regulations, as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.225 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. From 8:30 a.m. to 10:30 a.m., July 9, 2000, § 117.149 is suspended and a new § 117.T148 is temporarily added to read as follows:

**§ 117.T148 China Basin, Mission Creek.**

The draw of the Third Street Drawbridge, China Basin mile (0.0), at San Francisco, California need not open from 8:30 a.m. to 10:30 a.m. on July 9, 2000. During this time it may remain closed to navigation.

Dated: May 25, 2000.

**T.H. Collins,**

*Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.*

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD07-00-053]

RIN 2115-AE47

**Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Mile 1084.6, Miami, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule with request for comments.

**SUMMARY:** Commander, Seventh Coast Guard District is temporarily changing the regulations governing the West 79th

Street Causeway Bridge, mile 1084.6 across the Atlantic Intracoastal Waterway at Palm Beach, Florida. This temporary rule establishes scheduled openings every 30 minutes, Monday through Saturday, from 7 a.m. to 6 p.m., starting Thursday, May 25, 2000, through February 28, 2001. The drawbridge will open on demand during all other periods including holidays and Sundays. This action is necessary to facilitate rehabilitation of the drawbridge.

**DATES:** This rule is effective from May 25, 2000, to February 28, 2001. Comments must be received by September 29, 2000.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07-00-053] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S. E. 1st Avenue, Room 406, Miami, FL 33131 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM is impracticable because we received notice of this rehabilitation very recently, not leaving time for a NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. We received notice of this rehabilitation very recently, not leaving time for a delayed effective date.

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD07-00-053], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all

comments and material received during the comment period. We may change this temporary rule in view of them.

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address under **ADDRESSES**, explaining why one would be beneficial. If the Coast Guard determines that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Discussion of the Rule**

The West 79th Street Causeway Drawbridge, mile 1084.6, across the Atlantic Intracoastal Waterway, has a vertical clearance of 19.5 feet at mean high water and a horizontal clearance of 90 feet between fenders. The existing operating regulations in 33 CFR 117.5 require the bridge to open promptly and fully for the passage of vessels when a request to open is given.

The Florida Department of Transportation requested from the Coast Guard on May 9, 2000, that the West 79th Street Causeway Drawbridge operations be temporarily changed to allow for rehabilitation of the drawbridge. This temporary rule change to the drawbridge operating regulations will allow the drawbridge owner or operator to open every thirty minutes, Monday through Saturday, from 7 a.m. to 6 p.m., starting Thursday, May 25, 2000 through February 28, 2001.

**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. The Office of Management and Budget has not reviewed it 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 minimal because the bridge will still open at 30 minute intervals and on demand during evenings, Sundays, and holidays.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.