

## Background and Purpose

The Virginia Department of Transportation has requested that openings of the George P. Coleman Memorial Bridge across York River, mile 7.0 at Yorktown, Virginia, be further limited by extending the morning and evening rush hour closure periods to all vessel traffic, while continuing to open on signal at all other times.

Currently, the Coleman Bridge is closed to vessel traffic from 6 a.m. to 8 a.m. and 3 p.m. to 6 p.m. Monday through Friday, except Federal holidays, year round. The draw opens on signal at all other times. This rule will extend the morning and evening rush hour restrictions by requiring the bridge to remain closed from 5 a.m. to 8 a.m. and from 3 p.m. to 7 p.m., Monday through Friday, except Federal holidays, year round. Vessels in distress, or in an emergency situation will be allowed passage through the bridge at any time.

The Virginia Department of Transportation's request is based on traffic problems associated with current construction of a new bridge at this location, as well as on an increase in highway traffic crossing the bridge since the Park Service recently closed access to Route 17 at the Colonial Parkway. Finally, Newport News Shipbuilding and Drydock has changed its hours of operation, resulting in motorists crossing the bridge earlier in the morning and later in the evening. The Virginia Pilots Association was informed of the Coast Guard's decision to further restrict openings of the Coleman Bridge. They stated that although they do not support bridge closures in general, they understand the need to extend the hours of restriction for this bridge. The U.S. Navy was contacted and supports the extended periods of restrictions during rush hours.

The Coast Guard believes these restrictions will not unduly restrict vessel passage through the bridge, as vessel operators can plan transits around the interim schedule. The interim rule will remain in effect until three months after completion of construction and renovation of the Coleman bridge. Leaving this rule in effect three months after the work is completed will allow for an evaluation period to gather highway traffic data with the four-lane structure in service. This evaluation period will give VDOT and the Coast Guard information needed to determine if the extended hours of restriction should be made a permanent part of the regulations. The Coast Guard believes it is in the public interest to further limit openings of the Coleman

Bridge and that vessel traffic will not be unduly burdened.

## 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the U.S. Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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). This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the regulatory flexibility requirements. Although exempt, the Coast Guard has reviewed this rule for potential impact on small entities. Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business qualifies as a small entity and that this rule will have a significant economic impact on your business, please submit a comment (see ADDRESSES) explaining why you think your business qualifies and in what way and to what degree this rule will affect your business economically.

## Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

## Federalism

This action has been analyzed in accordance with the principals and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to

warrant the preparation of a Federalism Assessment.

## Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations to read 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); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.1025(a) is revised to read as follows:

#### § 117.1025 York River.

(a) The Coleman Memorial bridge, mile 7.0, at Yorktown, shall open on signal; except from 5 a.m. to 8 a.m. and 3 p.m. to 7 p.m., Monday through Friday, except Federal holidays, the bridge shall remain closed to navigation.

(b) \* \* \*

Dated: May 22, 1995.

#### W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

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## 33 CFR Part 165

[COTP St. Louis 95-007]

RIN 2115-AA97

### Safety Zone; Upper Mississippi River, Mile 167.0 to 241.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 167.0 and 241.0. This regulation is needed to protect vessels from the hazards