

some or all issues, the Coast Guard would draft a notice of proposed rulemaking consistent with any agreed-upon issues, and committee members would retain their right to comment positively or negatively on those aspects of such a notice of proposed rulemaking that were not based on final consensus.

The committee met under the guidance of an experienced neutral facilitator on June 5, 14, 20, 28 and July 12, 1995. Detailed summaries of committee meetings were provided by the facilitator and, after review and approval by the committee, were made available to the public and included in the public docket. During the five, day-long sessions, the committee engaged in detailed discussions concerning the history of drawbridge operations, future concerns, and the goals sought by the interest groups represented.

During the first meeting of the committee, there was an indication that there might be consensus for Saturday and Sunday daytime openings and weekday evening openings, and that only weekday daytime scheduling would be controversial. In the absence of any offers from the other members of the committee to draft regulatory language that would serve as a basis for discussion, the Coast Guard offered to provide a draft schedule for the committee to use at the next meeting.

The second committee meeting was held on June 14, 1995. At that meeting, a representative of Civiltech Engineering, Inc., presented information from the "Downtown Bascule Bridge Traffic Delay Study" which that firm had prepared for the City. The City agreed to distribute copies of the backup data volume of the study and to have the Civiltech representative attend the next meeting to answer any further questions. The Coast Guard presented a revised draft of regulatory language for discussion and suggested that the committee should focus on provisions covering recreational vessels. The committee discussed the factors to be addressed in the regulations, including notice requirements, if any, for bridge openings; seasons of the year (i.e., Spring Breakout, Fall Return); direction of passage; days of the week; and hours of the day. While there was some tentative agreement on a number of these items, the central issue of whether and how often drawbridges would be required to open during the daytime on weekdays remained very much unresolved.

The third committee meeting was held on June 20, 1995. There was further discussion at that time of the Civiltech study before the committee turned to the Coast Guard's revised draft

of the regulatory language which reflected the tentative areas of agreement from the previous meeting. The committee discussed weekend passage issues including: 20-hour advance notice; no trips out to Lake Michigan starting after noon; no trips in from the lake after 1:00 p.m.; and two bridge lifts per weekend day. After much discussion of weekday daytime openings, however, no member could suggest an approach to this topic that might be mutually acceptable.

The Coast Guard suggested that as of that date, without further study of recently submitted data, and in the absence of consensus, it was inclined to issue a proposed rule covering the Spring and Fall seasons with basic components that included two openings on Saturdays and Sundays, at least one weekday daytime opening, and at least two weekday evening openings.

Most of the committee members found that those terms either provided too few or too many openings. The City stated it strongly preferred no daytime weekdays openings and fewer weekday evening openings. The Chicago Yachting Association stated that Tuesday and Thursday daytime openings are necessary to accommodate the reasonable needs of boaters.

At the fourth meeting held on June 28, 1995, the committee discussed the revised draft language prepared by the Coast Guard and gave contrasting grounds for opposing it, again, with some members arguing that it was too strict and others arguing that it was too lenient. For discussion purposes, the facilitator proposed a schedule framework with the following components: one daytime lift on Wednesday, evening lifts on Mondays and Fridays, two lifts each on Saturdays and Sundays, a minimum flotilla size of 5 boats, opportunities for additional openings for flotillas of 5 or more boats, and an overall cap on the number of boat runs per season. Boaters or their representatives would be required to provide the City with 20-hour advance notice for all of the openings, except for the evening openings which would require 6-hour notice. In addition, the Coast Guard indicated specific operational parameters that might be associated with any schedule of openings that might be developed. The City and Chamber of Commerce agreed to study the facilitator's proposal and the Coast Guard's operational issues. The boatyards and the Yachting Association, however, indicated that their framework would require at least two specified weekday openings. The boating interests also pressed for openings on Tuesday, Wednesday, and

Thursday evenings in addition to the Monday and Friday evening boat runs that had been proposed to accommodate transits from and to the lake so that non-emergency repairs could be accomplished without affecting weekend sailing. The boating interests further indicated that they strongly preferred that no maximum number of trips per season be included in the framework. The meeting concluded with the respective frameworks of the Chicago Yachting Association and the facilitator still on the table, but without consensus. The Coast Guard agreed to prepare new drafts of the regulatory language using the facilitator's framework for a starting point.

The last meeting was held on July 12, 1995. The committee discussion started with the two alternative schedule frameworks presented during the previous meeting. The Coast Guard reminded the committee members that its statutory obligation was to ensure the safe passage of vessel traffic while, to the extent practicable and feasible, reducing motor vehicle delays and congestion. The Coast Guard representative further pointed out that it was not the role of the agency to promote one set of economic interests over others and, to that end, any subsequent regulations must be grounded on the best available data on the issues of traffic access, delays, and congestion. The members could not find common ground in either of the two alternatives. A number of variations were discussed, but ultimately consensus simply could not be found on any suggested approach. The negotiated rulemaking concluded with the Coast Guard restating its determination to publish a proposed rule on schedule, which would be finalized in the Fall of 1995.

Despite the fact that the committee did not reach consensus, the Coast Guard nevertheless gained valuable information and insight concerning the issues in this rulemaking from the negotiated rulemaking process.

Discussion of Traffic Study and Recommendations

A. Overview

In the Spring of 1995, the Coast Guard had requested that the City of Chicago prepare a new traffic study to determine the effects of bridge openings on traffic in Chicago's Central Business District. The City of Chicago retained a traffic engineering firm, Civiltech Engineering, Inc., to perform 15-minute directional traffic counts at eleven bridges on fourteen days, and to document their findings in a comprehensive report. The