

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD05-06-001]

RIN 1625-AA-09

**Drawbridge Operation Regulations; Shark River, NJ****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the W-43 (Ocean Avenue) Bridge, at mile 0.1, over Shark River Inlet at Monmouth County, New Jersey. To facilitate removal and replacement of the mechanical systems of the lift spans, the temporary deviation would allow partial openings of the drawbridge.

**DATES:** This deviation is effective from 7 a.m. on January 9, 2006, to 3 p.m. on February 19, 2006.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6629. Commander (obr), Fifth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6629.

**SUPPLEMENTARY INFORMATION:** The W-43 (Ocean Avenue) Bridge has a vertical clearance in the closed position of 15 feet at mean high water and 18 feet at mean low water.

The HNTB Corporation on behalf of Monmouth County, which owns and operates this double-leaf bascule drawbridge, has requested a temporary deviation from the general operating regulations set out in 33 CFR 117.5, to facilitate repairs.

During this temporary deviation, the repairs will require immobilizing half of the draw span. From 7 a.m. on January 9, 2006, until and including 3 p.m. on February 19, 2006, single-leaf openings will be provided on signal.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to

normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 6, 2006.

**Waverly W. Gregory, Jr.,**  
Chief, Bridge Administration Branch, Fifth Coast Guard District.

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD05-05-041]

**Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA****AGENCY:** Coast Guard, DHS.**ACTION:** Interim Rule; reopening of comment period.

**SUMMARY:** The Coast Guard is reopening the period for public comment concerning drawbridge operation regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA, because the Dominion Boulevard (U.S. 17) Bridge is utilized frequently and members of the public have communicated to the Coast Guard that they would like to make additional comments.

**DATES:** Comments must reach the Coast Guard on or before March 10, 2006.

**ADDRESSES:** Identify your comments and related material by the docket number for this rulemaking [CGD05-05-041]. To make sure they do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to Commander (obr), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704.

(2) By hand delivery to Commander (obr), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222.

(3) By fax to the Bridge Administration office at (757) 398-6334.

Commander, Fifth Coast Guard District (obr) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble, will become part of this docket and will be available for

inspection or copying at the address listed above between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, contact Waverly W. Gregory, Jr., Commander (obr) Fifth Coast Guard District, by telephone at (757) 398-6222, or by e-mail at [waverly.w.gregory@uscg.mil](mailto:waverly.w.gregory@uscg.mil). For questions on viewing or submitting material to the docket, contact Mr. Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

On May 10, 2005, the Coast Guard published a Notice of Proposed Rulemaking (70 FR 24492). That document contains a detailed history of the Coast Guard's previous regulatory efforts regarding the Dominion Boulevard (U.S. 17) Bridge.

On August 19, 2005, the Coast Guard published an interim rule with request for comments entitled "Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA" (70 FR 48637). That document also contains a detailed history of the Coast Guard's previous regulatory efforts.

**Reason for Reopening the Comment Period**

In response to the Notice of Proposed Rulemaking, the Coast Guard received more than 700 comments from the public and in response to the interim rule received 32 comments from the public. The Coast Guard also received a letter from the Mayor of the City of Chesapeake, which requested an additional comment period. This letter was prompted by several phone conversations between the Bridge Administration Staff for the Fifth Coast Guard District and City of Chesapeake officials regarding the possible changes to the bridge schedule. This letter accurately describes the substance of these phone conversations and has been added to the docket for this rulemaking.

This rulemaking will affect numerous vehicle commuters and also maritime traffic. Therefore, the Coast Guard is seeking comment from the public before proceeding. During this time we will also accept comments from any other interested party. The Coast Guard requests that you not re-submit comments already in the docket.

**Request for Comments**

We encourage you to participate in this rulemaking by submitting your comments to Commander (obr), Fifth