



## Coast Guard

### 33 CFR Part 165

[USCG-2025-0783]

RIN 1625-AA00

### Safety Zone; Patapsco River, Francis Scott Key Bridge

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish two temporary safety zones for certain waters of the Patapsco River. This action is necessary to provide for the safety of life on these navigable waters at the Francis Scott Key Bridge during demolition and construction operations. This rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** This temporary rule would be in effect from October 15, 2025 to October 15, 2028.

Comments and related material must be received by the Coast Guard on or before September 28, 2025.

**ADDRESSES:** You may submit comments identified by docket number USCG-2025-0783 using the Federal Docket Management System at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY**

**INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email LCDR Kate M. Newkirk, Sector Maryland-NCR, Waterways

Management Division, U.S. Coast Guard: telephone 410-576-2674, email D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil.

## **SUPPLEMENTARY INFORMATION:**

### **I. Table of Abbreviations**

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code
MDTA	Maryland Transportation Authority
COTP	Captain of the Port

### **II. Background, Purpose, and Legal Basis**

Maryland Transportation Authority has notified the Coast Guard that it will be resuming demolition and construction of the Francis Scott Key Bridge on the Patapsco River which was previously protected by a safety zone in effect from July 7, 2025, through August 30, 2025. See 90 FR 29457 (July 3, 2025) for notice of that safety zone. Debris removal and hydrographic surveying will be conducted on both the Hawkins Point side of the remaining bridge segments and the Sollers point side. Marine equipment, including barges, positioned in the Patapsco River will be used to support bridge demolition, debris removal operations, and bridge construction. This operation requires the use of a temporary commercial mooring buoy in the Patapsco River in the vicinity of the old bridge where the barges will be kept. This operation will not impede vessels requiring the use of the federal navigation channel.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within 1500 feet of the construction area. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

### **III. Discussion of Proposed Rule**

The COTP is proposing to establish two safety zones from 12:01a.m. on October 15, 2025, until October 15, 2028. The safety zone will cover the following areas:

All navigable waters of the Patapsco River, encompassed by a line connecting the following four points of the first box 39° 13' 01.2" N, 076°31' 50.9W, 39°12'51.5"N 76°31'40.7"W, 39°12'47.8"N 76°32'08.3"W, 39°12'38.8"N 76°31'57.3"W. All navigable waters of the Patapsco River, encompassed by a line connecting the following four points of the second box 39°13'27.7"N 76°31'16.5"W, 39°13'18.7"N 76°31'05.4"W, 39°13'09.0"N 76°31'40.8"W, 39°12'59.3"N 76°31'30.6"W.

The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled demolition and debris removal. The main channel will remain open to vessel traffic. Except for marine equipment and vessels operated by MDTA, or its subcontractors, no vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The term designated representative also includes a supervisor or contractor on site for the sole purposes of designating and establishing safe transit corridors, to permit passage into or through the safety zone, or to notify vessels and individuals that they have entered the safety zone and are required to leave.

The COTP will notify the public that the safety zone will be enforced by all appropriate means to the affected segments of the public, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification will also include, but are not limited to, Broadcast Notice to Mariners. Vessels or persons violating this rule are subject to the penalties set forth in 46 U.S.C. 70036 and 46 U.S.C. 70052. The regulatory text appears at the end of this document.

#### **IV. Regulatory Analyses**

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analysis based on a number of these statutes and Executive orders.

##### *A. Impact on Small Entities*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, this rule will not have a significant economic impact on any vessel owner or operator, for the following reasons.

The safety zones do not restrict the main channel. These safety zones would impact the parts of the Patapsco River during the duration of construction, but we anticipate there will be no vessels that are unable to conduct business. Excursion vessels and commercial fishing vessels are not impacted by this rulemaking. Excursion vessels do not operate in this area, and commercial fishing vessels are not impacted because of their draft. Some towing vessels may be impacted, but bridge project personnel have been conducting outreach throughout the project to coordinate with those vessels. Moreover, the Coast Guard would issue Local Notices to Mariners and a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the FOR FURTHER INFORMATION CONTACT section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any

policy or action of the Coast Guard.

*C. Collection of Information*

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*D. Federalism and Indian Tribal Governments*

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

*E. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

*F. Environment*

We have analyzed this proposed rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves safety zones lasting the duration of construction that would prohibit entry within a portion of the Patapsco River when the presence of a public safety vessel and a broadcast on VHF Ch 16 are present. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the ADDRESSES section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

## **V. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

*Submitting comments.* We encourage you to submit comments through the Federal Docket Management System at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG- 2025-0783 in the search box and click "Search." Next, look for this document in the **Search Results** column, and click on it. Then click on the **Comment** option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this

proposed rule for alternate instructions.

*Viewing material in docket.* To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions webpage. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

*Personal information.* We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

INFORMATION CONTACT section, above.

### **List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

### **PART 165 SAFETY ZONE; PATAPSCO RIVER, FRANCIS SCOTT KEY BRIDGE**

1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

2. Add § 165.T05-0783 to read as follows:

### **§ 165.T05-0783 Safety Zone; Patapsco River, Francis Scott Key Bridge**

(a) *Location.* The following areas are safety zones. These coordinates are based on

datum NAD 83.

(1) The safety zone will cover the following area: All navigable waters of the Patapsco River, encompassed by a line connecting the following four points of the first box 39° 13' 01.2" N, 076°31' 50.9W, 39°12'51.5"N 76°31'40.7"W, 39°12'47.8"N 76°32'08.3"W, 39°12'38.8"N 76°31'57.3"W. All navigable waters of the Patapsco River, encompassed by a line connecting the following four points of the second box 39°13'27.7"N 76°31'16.5"W, 39°13'18.7"N 76°31'05.4"W, 39°13'09.0"N 76°31'40.8"W, 39°12'59.3"N 76°31'30.6"W.

(b) *Definitions.* As used in this section---

*Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Maryland-National Capital Region (COTP) in the enforcement of the safety zone. The term also includes an employee of MDTA for the sole purposes of designating and establishing safe transit corridors, to permit passage into or through the safety zone, or to notify vessels and individuals that they have entered the safety zone and are required to leave.

*Marine equipment* means any vessel, barge or other equipment operated by MDTA, or its subcontractors.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, except for marine equipment, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP, MDTA, or the COTP's designated representative. If a vessel or person is notified by the COTP, MDTA, or the COTP's designated representative that they have entered the safety zone without permission, they are required to immediately leave in a safe manner following the directions given.

(2) Mariners requesting to transit any of these safety zone areas must first contact the

MDTA designated representative, the on-site project manager Marine Band Radio VHF-FM channels 13 and 16. If permission is granted, mariners must proceed at their own risk and strictly observe any and all instructions provided by the COTP, MDTA, or designated representative to the mariner regarding the conditions of entry to and exit from any area of the safety zone. The COTP or the COTP's representative can be contacted by telephone number 410-576-2693 or on Marine Band Radio VHF-FM channel 16 (156.8 MHz).

(3) The Coast Guard will publish a notice in the Coast Guard East District Local Notice to Mariners and issue marine information broadcasts on VHF-FM marine band radio announcing specific enforcement dates and times.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be in effect from 12:01 a.m. on October 15, 2025 until 12:01 a.m. on October 15, 2028.

Dated: August 29, 2025.

**Patrick C. Burkett,**

*Captain, U.S. Coast Guard,*

*Captain of the Port, Sector Maryland-National Capital Region.*

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