



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2026-0336]

RIN 1625-AA00

Safety Zone; Hudson River, Manhattan, NY

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Hudson River in the vicinity of Pier 66, New York City, Manhattan, NY.

The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the Hudson Tunnel Project construction activities. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, New York, or their designated representative.

DATES: This rule is effective without actual notice from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], through January 20, 2029. For the purposes of enforcement, actual notice will be used from May 1, 2026, until [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: To view available documents referred to as being available in the docket, go to <https://www.regulations.gov> and search for USCG-2026-0336.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Mr. Jeff Yunker, Sector New York Waterways Management Division, U.S. Coast Guard; telephone 571-607-2628, or email Jeffrey.M.Yunker@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port New York
DHS	Department of Homeland Security
FR	<i>Federal Register</i>
HTP	Hudson Tunnel Project
NAD	North American Datum
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code
WGS 84	World Geodetic System

II. Background and Authority

The Gateway Development Commission, acting on behalf of the Port Authority of New York and New Jersey, has submitted a request, under 33 CFR 165.5(b), that the Coast Guard create a safety zone within the Hudson River Federal Channel, and pierhead line, near Pier 66, Manhattan, NY. Per 33 CFR 165.20, a safety zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels.

The Gateway Development Commission is a public authority which is facilitating and coordinating activities to effectuate the Gateway Program, a suite of rail infrastructure projects on the Northeast Corridor, between Newark, New Jersey and New York Penn Station. The Commission has submitted this request in support of the Hudson Tunnel Project (HTP), which will (a) build nine miles of new passenger rail track between New York and New Jersey, including nearly five miles of tunnel boring to construct a new, two-tube tunnel under the Hudson River, and (b) rehabilitate the existing rail tunnel beneath the Hudson River. The existing tunnel, known as the North River Tunnel, which is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service, has been in service since 1910.¹

¹ For additional information about the HTP, see the Federal Railroad Administration's "Hudson Tunnel Project, New Jersey and New York" website, at: <https://railroads.dot.gov/rail-network-development/environment/environmental-reviews/hudson-tunnel-project/hudson-tunnel>

Boring the new tunnel involves two major marine construction packages: the Hudson River Ground Stabilization Project and the Manhattan Tunnel Project. Hazards from these projects include but are not limited to cofferdam installation and removal, soil mixing, crane and deck barge operations, and the construction of temporary marine structures that create hazards for the public. The Captain of the Port (COTP) New York has determined that potential hazards associated with the construction are a safety concern for anyone within the work area. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard became aware of the hazardous situation this project is creating on February 12, 2026, and must establish this safety zone as soon as possible to protect personnel, vessels, and the marine environment. Therefore, the Coast Guard does not have enough time to solicit and respond to comments.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the *Federal Register*.

III. Discussion of the Rule

This rule establishes a safety zone from 12:01 a.m. on May 1, 2026, through January 20, 2029. The Coast Guard anticipates construction to end sooner than that, but is establishing the safety zone for that length of time in case the project is delayed due to weather, construction, or funding delays or other unforeseen circumstances. If the project is completed before January 20, 2029, enforcement of the safety zone will be suspended, and notice given via Local Notice to Mariners. The Coast Guard Northeast District Local

Notice to Mariners can be found at: <https://www.navcen.uscg.gov/maritime-safety-information>.

The safety zone will cover all navigable waters of the Hudson River from surface to bottom, within the following points: Point 1 at 40°45'20.32" N, 074°00'23.84" W; thence to Point 2 at 40°45'23.34" N, 074°00'30.60" W; thence to Point 3 at 40°45'24.03" N, 074°00'40.85" W; thence to Point 4 at 40°45'18.89" N, 074°00'48.18" W; thence to Point 5 at 40°45'13.80" N, 074°00'48.64" W; thence to Point 6 at 40°45'08.03" N, 074°00'46.44" W; thence to Point 7 at 40°45'07.51" N, 074°00'37.61" W; thence to Point 8 at 40°45'09.18" N, 074°00'36.37" W; thence to Point 9 at 40°45'06.70" N, 074°00'30.78" W; thence returning along the Manhattan shoreline to Point 1. These coordinates are based on the World Geodetic System (WGS 84) / North American Datum 83 (NAD 83). Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the COTP or the COTP's representative. The COTP has, however, authorized access by Hudson River Community Sailing vessels and paddlecraft transiting directly to or from the Pier 66 area. These vessels may transit through the southern area of the safety zone to the east of the Hudson River Cofferdam Lighted Hazard Buoy D (LLNR 37663.3).

IV. Regulatory Analyses

The Coast Guard developed this rule after considering numerous statutes and Executive orders related to rulemaking. The Coast Guard's analyses based on a number of these statutes and Executive orders are provided below.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility

Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

The Coast Guard has analyzed this rule under Executive Order 13132, Federalism, and has determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

D. Unfunded Mandates Reform Act

As required by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in

the aggregate, or by the private sector.

E. Environment

The Coast Guard has analyzed this 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 et seq.), and has determined 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 rule is a safety zone. It is 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 Record of Environmental Consideration supporting this determination is available in the docket.

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 amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

2. Add § 165.T01-0336 to read as follows:

§ 165.T01-0336 Safety Zone; Hudson River, Manhattan, NY.

(a) *Location.* The following area is a safety zone: All waters of the Hudson River from surface to bottom, encompassed by a line connecting the following points beginning

at 40°45'20.32" N, 074°00'23.84" W; thence to 40°45'23.34" N, 074°00'30.60" W; thence to 40°45'24.03" N, 074°00'40.85" W; thence to 40°45'18.89" N, 074°00'48.18" W; thence to 40°45'13.80" N, 074°00'48.64" W; thence to 40°45'08.03" N, 074°00'46.44" W; thence to 40°45'07.51" N, 074°00'37.61" W; thence to 40°45'09.18" N, 074°00'36.37" W; thence to 40°45'06.70" N, 074°00'30.78" W; thence returning along the Manhattan shoreline to the beginning point. These coordinates are based on the World Geodetic System (WGS 84) / North American Datum 83 (NAD 83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer with law enforcement authority designated by or assisting the Captain of the Port New York (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at (718) 354-4353. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's representative.

(3) Hudson River Community Sailing Vessels and Human Powered Vessels transiting directly to or from the Pier 66 area may transit through the southern area of the safety zone to the east of the Hudson River Cofferdam Lighted Hazard Buoy D (LLNR 37663.3) unless otherwise directed by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be subject to enforcement from 12:01 a.m. on May 1, 2026, to 11:59 p.m. on January 20, 2029. If the project is completed

before January 20, 2029, enforcement of the safety zone will be suspended, and notice given via Local Notice to Mariners. The Coast Guard Northeast District Local Notice to Mariners can be found at: <https://www.navcen.uscg.gov/maritime-safety-information>.

Jonathan Andrechik,

Captain, U.S. Coast Guard,

Captain of the Port, Sector New York.

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