



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

Docket No. [USCG-2025-0805]

RIN 1625-AA09

Drawbridge Operation Regulation; Newark Bay, Between the City of Newark and City of Bayonne, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating regulation that governs the Lehigh Valley Drawbridge across Newark Bay, mile 4.6, between the City of Newark and City of Bayonne, NJ. This change in the regulation will not alter the operating schedule of the bridge but will allow the bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. This change to allow for remote bridge operations is necessary to reduce delays and improve the efficiency of bridge openings.

DATES: This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG-2025-0805) in the “SEARCH” box and click “SEARCH”. In the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Mr. Gregory P. Hitchen, Northeast Coast Guard District (dpb); telephone 571-607-8154, e-mail Gregory.P.Hitchen@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	Federal Register
OMB	Office of Management and Budget
NPRM	Notice of Proposed Rulemaking (Advance, Supplemental)
§	Section
U.S.C.	United States Code

II. Background Information and Regulatory History

On November 18, 2025, the Coast Guard published a Test Deviation, with a request for comments, entitled “Drawbridge Operating Regulation: Newark Bay, Between the City of Newark and City of Bayonne, NJ” in the Federal Register (90 FR 51508), to test this operating regulation governing the Lehigh Valley Drawbridge. Three comments were received during the test period, and those comments are addressed in Section IV of this Final Rule.

On November 18, 2025, the Coast Guard published a Notice of Proposed Rulemaking entitled “Drawbridge Operating Regulation: Newark Bay, Between the City of Newark and City of Bayonne, NJ” in the Federal Register (90 FR 51508). There, we stated why we issued the NPRM and invited comments on our proposed regulatory action. During the comment period that ended April 16, 2026, we received two comments, and those comments are addressed in Section IV of this Final Rule.

III. Legal Authority and Purpose

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Lehigh Valley Drawbridge across Newark Bay, between the City of Newark and City of Bayonne, NJ, mile 4.6, owned and operated by Conrail, has a vertical clearance of 35 feet above mean high water when closed and 135 feet above mean high water when open.

This regulation will allow the bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. The current operating schedule is published in 33 CFR 117.735 and will not change with the implementation of remote operation of the bridge. There are 28 daily train transits that cross the bridge and a daily average of four bridge openings for vessel transits. The bridge is normally maintained in the closed position due to the average daily number of trains crossing the bridge. Newark Bay is a major commercial waterway containing multiple waterfront facilities. However, most of these facilities are well south (downstream) of the Lehigh Valley Lift Bridge.

The Coast Guard is allowing remote operations to improve the efficiency of bridge openings. Currently, the on-site bridge operator must consult with the Conrail train dispatcher in Mount Laurel, NJ to obtain authorization to open the Lehigh Valley Drawbridge. This process causes delays in authorizing the opening of the bridge, which is a major causative factor in complaints the Coast Guard receives from mariners. Remote operations will facilitate direct communication between the mariner and the Conrail train dispatcher, who has much better situational awareness of the multimodal transportation picture.

This modification will also allow the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ, instead of being operated by the bridge tender at the Lehigh Valley Drawbridge. The operating schedules for the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge are published in 33 CFR 117.702 and 33 CFR 117.723, respectively. These regulations already authorize both bridges to be remotely operated, and their schedules will not change as a result of the implementation of remote operation of the Lehigh Valley Drawbridge.

IV. Discussion of Comments, Changes, and the Final Rule

As noted above, the Coast Guard provided 120 days for comment regarding this rule and five comments in the docket were received. We provide a detailed discussion below in response to each comment in turn.

The American Waterways Operators (AWO) provided a comments letter, dated April 16, 2026, which included the following five specific concerns:

Public Review of Remote Operations and Contingency Plans: AWO encouraged the Coast Guard to share information submitted in accordance with the agency's Bridge Remote/Automated Operation Request Guide in future Federal Register notices regarding remote bridge operation proposals.

Coast Guard Response: The Coast Guard incorporated applicable information from the Bridge Remote/Automated Operation Request Guide, particularly regarding operations and contingency plans, in the Notice of Proposed Rulemaking for this regulatory action. Conrail also provided applicable information during outreach to the New York/New Jersey Harbor Safety Committee and other stakeholders. The Coast Guard will seek to incorporate these best practices for future bridge remote operations rulemaking actions.

Investigation and Transparency: AWO urged the Coast Guard to fully investigate incidents, near-misses, and operational delays associated with remote bridge operations and share data from test periods with waterways users.

Coast Guard Response: The Coast Guard will continue to fully investigate and share findings with waterway users as they are reported to Coast Guard bridge program offices on a case-by-case basis. During the six-month test period for the Lehigh Valley Drawbridge remote operations, no delays were reported due to failures of the remote operations system. There were 15 other delays reported, 7 due to mechanical failures not associated with remote operations, and 8 due to other factors not related to remote

operations. These reported delays were less than half those reported during the same time frame in 2025. No safety incidents or near misses were reported during the test deviation period.

Automated Identification System (AIS): AWO supports the inclusion of AIS broadcasting of bridge status as part of operational requirements for remote bridge operations.

Coast Guard Response: AIS is incorporated on the Lehigh Valley Drawbridge. The Coast Guard will continue to assess its benefit for future remote operations requests.

Minimizing Impacts on Maritime Commerce: AWO requested that when final rules are published authorizing remote operation, the Coast Guard include any subsequent data on vessel delays or incidents in the Federal Register. If remote operations lead to continued operational delays for maritime commerce, AWO urged the Coast Guard not to authorize remote operations until a test period of at least six months can be sustained without any delays to maritime commerce. If delays continue after the Coast Guard resumes remote operations, AWO urged the Coast Guard to require a bridge tender to operate the bridge on site until delays are resolved for an additional period of six months.

Coast Guard Response: The Coast Guard will take this comment into consideration and assess potential corrective action to mitigate delays caused by bridge remote operations approved in accordance with Bridge Remote/Automated Operation Request Guide.

Nationalization of Bridge Delay Reporting Form: AWO strongly supports the nationalization of the Coast Guard Great Lakes District's Bridge Delay Reporting Form to ensure that information is consistently captured and relayed to relevant regulatory agencies for the record and for any necessary follow-up investigations or enforcement actions.

Coast Guard Response: The Coast Guard will review Bridge Delay Reporting Forms for potential standardization.

The Citizens Rulemaking Alliance provided comments on November 2, 2025, which included the following four specific concerns:

Administrative Procedures Act Good Cause: The commenter stated that if the Coast Guard relied on 5 U.S.C. 553(b)(B) to forgo prior notice-and-comment, and/or 553(d)(3) to waive the 30-day delayed effective date, the record does not demonstrate “impracticability,” “unnecessariness,” or “contrary to the public interest” with sufficient specificity for this waterway and user community.

Coast Guard Response: The Coast Guard did not forgo a public comment period nor waive the 30-day delayed effective date.

Inadequate Small Entity Analysis under Regulatory Flexibility Act: The commenter stated that the rule’s Regulatory Flexibility Act (RFA) treatment appears to rely on a conclusory 5 U.S.C. 605(b) certification without an adequate factual basis or meaningful consideration of less burdensome alternatives for small entities as required by 5 U.S.C. 603–604 and Small Business Regulatory Enforcement Fairness Act principles.

Coast Guard Response: The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. The operating schedule of the Lehigh Valley Drawbridge has not changed because of this rulemaking. Vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735. Furthermore, the Coast Guard tested the remote operation of the bridge and assessed it provided equal or greater capabilities compared to an on-site bridge tender.

Paperwork Reduction Act: The commenter stated that any requirement that mariners provide advance notice (e.g., hours before an opening) or specified information by phone, radio, email, portal, or similar means to the bridge owner or the Coast Guard

constitutes a “collection of information” within 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), which requires a valid OMB control number. The notice does not identify such clearance.

Coast Guard Response: This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). It does not require mariners to provide advance notice (e.g., hours before opening) or provide additional information by phone, radio, email, portal, or similar means to the bridge owner.

Executive Order 12866 Economic Analysis: The commenter stated the economic analysis as to foreseeable effects on port operations and small maritime businesses is underdeveloped and does not adequately assess reasonable regulatory alternatives.

Coast Guard Response: The operating schedule of the Lehigh Valley Drawbridge has not changed because of this rulemaking. Vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735. Thus, there are no foreseeable significant economic effects on port operations and small maritime businesses as a result of the operational change. Furthermore, the Coast Guard tested the remote operation of the bridge and assessed it provided equal or greater capabilities compared to an on-site bridge tender.

An anonymous individual provided comments on April 16, 2026, which included the following four specific concerns:

60-Minute Restoration Standard: The commenter requested additional information identifying the staffing model, practical details, and personnel locations that support Conrail’s plan to restore bridge operations locally should remote operations fail.

Coast Guard Response: In the event of a remote operating system failure, personnel from the Oak Island Rail Yard, immediately adjacent to the Lehigh Valley Drawbridge, will be deployed to operate bridges locally. The Coast Guard assesses that deploying personnel from this location will meet the 60-minute restoration standard addressed in this rule. Additionally, the Arthur Kill Railroad Bridge is stowed in the open

position, which mitigates impacts to maritime traffic in the event the remote operations system fails in advance of a scheduled closure of the bridge.

Test Period Evaluation and Performance Data: The commenter stated that the temporary deviation runs from January 16 through July 14, 2026, while the comment period closes partway through that test. The commenter requested a summary of the deviation-period performance data and the criteria used to determine whether remote operation provides equal or greater capability.

Coast Guard Response: During the six-month test period for the Lehigh Valley Drawbridge remote operations, no delays were reported due to failures of the remote operations system. There were 15 other delays reported, 7 due to mechanical failures not associated with remote operations, and 8 due to other factors not related to remote operations, such as train congestion. These reported delays were less than half those reported during the same time frame in 2025. No safety incidents or near misses were reported during the test deviation period.

Dispatch Center Concentration and System Level Operations: The commenter stated this rule will consolidate operation of the Lehigh Valley, Arthur Kill, and Hack Freight bridges at the Conrail North Jersey Dispatch Center. Since publication of the NPRM, the Point No Point Railroad Bridge has also been finalized for remote operation from the same location, increasing the number of bridges controlled from a single node. This development was finalized after the NPRM was published and was not before the public during this comment period, making it newly material context the agency should address in the final rule.

Coast Guard Response: The Point No Point Bridge opens on average once every six months. The Coast Guard has assessed that adding that bridge to remote operations from the Conrail North Jersey Dispatch Center will have minimal additional impact on the efficiency of consolidated remote operations.

Cyber-Risk Review of Remote Operation Architecture: The commenter requested information on whether a cyber-risk review of the remote-control architecture was conducted and under what framework or explain why such a review was not required.

Coast Guard Response: In accordance with the Bridge Remote/Automated Operation Request Guide, Conrail provided a cyber risk review on its remote operations infrastructure. This review leveraged Conrail’s overarching Cybersecurity Implementation Plan and Cybersecurity Response Plan, updated in 2024 and submitted to the Transportation Security Administration in accordance with applicable Department of Homeland Security directives.

One individual provided a comment on November 26, 2025, supporting remote operations of the Lehigh Valley Drawbridge, and asked if shifting operational control from the on-site bridge tender to the remote dispatch center would affect current liability policy in the event of an accident. The Coast Guard is not aware of any shift in liability policy. Liability would be assessed in accordance with current federal, state, and local laws.

One individual provided a comment on April 16, 2026, conferring general support for improving the efficiency of moveable bridges in the New Jersey Region.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses 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 received no comments from the Small Business Administration on this rule. 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 for the following reasons. (1) vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735, (2) the remote operation system is designed to provide equal or greater capabilities compared to the on-site bridge tender, and (3) the bridge owner will be capable of restoring on-site operation of the bridge within 60 minutes if the remote operation system fails.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

C. Federalism and Indian Tribal Government

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 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 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

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 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. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f). The Coast Guard 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 promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 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; 33 CFR 1.05-1; and DHS Delegation No. 00170.1.
Revision No. 01.4.

2. Revise § 117.735 to read as follows:

§ 117.735 Newark Bay.

(a) The following requirements apply to all bridges across this waterway:

(1) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw without delay. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw

span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(b) The draw of the Lehigh Valley Drawbridge, mile 4.6, between the City of Newark and City of Bayonne, NJ, shall be operated from a remote location at all times, except when it is tended locally.

(1) Closed circuit television cameras shall be operated and maintained at the bridge site to enable the remotely located bridge tender to have a full view of both vessel traffic and the bridge.

(2) Radiotelephone Channel 13/16 VHF-FM shall be maintained and utilized to facilitate communication in both remote and local control locations. A push-to-talk (PTT) will be maintained on VHF-FM channel 13. Vessels may push the PTT button five times while on VHF-FM channel 13 and the remotely located bridge tender will receive and respond to the request and commence opening of the bridge.

(3) The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels.

(4) A telephone number will be maintained and posted for mariners to directly contact the remotely located bridge tender.

(5) Whenever the remote-control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control as soon as possible, but no more than 60 minutes after malfunction or disability of the remote system. Mechanical bypass and override capability of the remote system shall be provided and maintained.

M. E. Platt,
Rear Admiral, U.S. Coast Guard,
Commander, Northeast Guard District.

