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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2026-1338]

RIN 1625-AA09

Drawbridge Operation Regulation; Harlem River, between the Boroughs of Manhattan and the Bronx, New York City, New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily modify the operating regulation that governs the Macombs Dam Bridge across the Harlem River, mile 3.2, between the Boroughs of Manhattan and the Bronx, New York City, New York. The bridge owner, New York City Department of Transportation (NYCDOT), submitted a request on August 31, 2026, to allow the bridge to remain in the closed position from February 1, 2027, through November 30, 2027, and facilitate rehabilitation of the bridge structure. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The Coast Guard anticipates that this proposed rule will be effective from 12:01 a.m. on February 1, 2027, through 11:59 p.m. on November 30, 2027.

ADDRESSES: You may submit comments identified by docket number USCG-2026-1338 at https://www.regulations.gov.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for 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 on this proposed rule, call or e-mail Donna D. Leoce, Northeast Coast Guard District, Bridge Management Specialist, telephone number (571) 613-2415, email Donna.D.Leoce@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
§	Section
U.S.C.	United States Code
NYCDOT	New York City Department of Transportation

II. Background, Purpose and Legal Basis

The Macombs Dam Bridge across the Harlem River, between the Boroughs of the Bronx and Manhattan, New York, at mile 3.2, owned and operated by NYCDOT, has a vertical clearance of 28.2 feet above mean high water when closed, unlimited when open, and a horizontal clearance of 164 feet. The proposed temporary regulation will allow the bridge to remain in the closed position from 12:01 a.m. February 1, 2027, through 11:59 p.m. November 30, 2027. The modification of the bridge schedule will allow NYCDOT to perform necessary rehabilitation to the structure of the 131-year-old bridge to ensure its safety.

Commercial vessels, including small passenger vessels and marine construction support vessels, and recreational vessels transit the Harlem River in the vicinity of the bridge. Under this proposed rule, commercial and recreational vessels that regularly use the Harlem River can still transit under the bridge in the closed position. Vessels

requiring higher vertical clearance can also access the Harlem River through the waterway's confluences with the East River to the east and the Hudson River to the west. NYCDOT briefed their proposed modification of the bridge's operating schedule to the Port of New York and New Jersey Harbor Safety, Navigation, and Operations Committee. This committee, comprised of representatives of major segments of waterway users, did not object to NYCDOT's proposal.

The existing operating schedule is listed in 33 CFR 117.789(b)(1). Currently, the Macombs Dam Bridge opens on signal with at least a four-hour advance notice and does not need to open for the passage of vessel traffic from 6 a.m. to 9 a.m. and 5 p.m. to 7 p.m. Monday through Friday except federal holidays.

NYCDOT requests a modification of 33 CFR 117.789(b)(1) to allow the bridge to remain in the closed position from February 1, 2027, through November 30, 2027, while a work platform system is in place under the bridge deck to perform necessary structural rehabilitation. The work platform will reduce the vertical clearance of the bridge to no less than 24.5 feet above Mean High Water in the closed position. The platform will not obstruct the operation of the bridge's navigation lights.

III. Discussion of Proposed Rule

We propose to temporarily modify the drawbridge operating schedule in 33 CFR 117.789(b)(1) for the Macombs Dam Bridge, at mile 3.2. The proposed rule would allow the bridge to remain in the closed position from February 1, 2027, through November 30, 2027, while a work platform system is in place under the bridge deck to perform necessary structural rehabilitation. Commercial and recreational vessels that regularly use the Harlem River can still transit under the bridge given in the closed position. Vessels requiring higher vertical clearance can also access the Harlem River through the waterway's confluences with the East River to the east and the Hudson River to the west.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on 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 for the following reasons. Commercial and recreational vessels that regularly use the Harlem River can still transit under the bridge given in the closed position. Vessels requiring higher vertical clearance can also access the Harlem River through the waterway's confluences with the East River to the east and the Hudson River to the west.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this 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 (Public Law 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 contact 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.

B. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).

C. 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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 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 will not result in such an expenditure, we do discuss the effects of this proposed 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 proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are 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. 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 at https://www.regulations.gov. To do so, go to https://www.regulations.gov, type USCG-2026-1338 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 your material cannot be submitted using https://www.regulations.gov, contact the person in the

FOR FURTHER INFORMATION CONTACT section of this document 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 go to the online docket and sign up for email alerts through the "Subscribe" option, you will be notified when comments/updates 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 in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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. 1.04.

2. Revise § 117.789 by adding paragraph (e) to read as follows:

§ 117.789 Harlem River

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(e) The draw of the Macombs Dam Bridge, mile 3.2, need not open for the passage of vessels from 12:01 a.m. on February 1, 2027, through 11:59 p.m. on November 30, 2027.

Matthew Lake,
Rear Admiral (lower half), U.S. Coast Guard,
Commander, Northeast Coast Guard District

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