

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating; Allegheny County

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to boating.

A. Effective Date

The proposed rulemaking, if approved on final rulemaking, will go into effect on May 1, 2003, or upon publication of an order adopting the rulemaking in the *Pennsylvania Bulletin*, whichever occurs later.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed rulemaking to § 111.2 (relating to Allegheny County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered this proposed rulemaking and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendment.

E. Summary of Proposal

On February 15, 2002, the Commission received a petition from "Boaters are Voters," Pittsburgh, PA. The petition requested an extension of the existing slow, minimum height swell speed zone currently in place at the "Point" in Pittsburgh to encompass the area between the Fort Duquesne and Sixth Street Bridges, a distance of about 1,500 feet. The petition was accompanied by letters of support from 6 organizations and petition sheets with 291 signatures.

The Commission subsequently published a notice of proposed rulemaking at 32 Pa. B. 3490 (July 20, 2002) and held a public meeting in the Pittsburgh area to give the public additional opportunity to comment. On final-form rulemaking, the Commission amended § 111.2(c) to extend the slow, no wake zone on the Allegheny River to the Fort Wayne (Norfolk Southern) Bridge, instead of the Sixth Street Bridge as proposed. This proposed rulemaking, which will go into effect on May 1, 2003, extends the zone an additional 2,000 feet to encompass the

waterside development in the vicinity of the David E. Lawrence Convention Center.

At the same time, the Commission also approved the publication of a new notice of proposed rulemaking to extend the slow, no wake zone on the Monongahela River from the Fort Pitt Bridge to the Smithfield Bridge and to change the time that the zones are in effect to 7 days a week, 24 hours a day between May 1 and October 1. Having the zone in effect 7 days a week, 24 hours a day, between May 1 and October 1 will enhance the boaters' understanding of the regulation and make education, notification (signage) and enforcement easier to implement. The Commission proposes to amend this section to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-136. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.2. Allegheny County.

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(c) *Allegheny, Monongahela and Ohio Rivers (City of Pittsburgh)*.—Boats are limited to slow, minimum height swell speed from the [Fort Pitt] Smithfield Bridge over the Monongahela River and the Fort Wayne (Norfolk Southern) Bridge over the Allegheny River to the West End Bridge over the Ohio River. This zone shall be in

effect [**on weekends**] from May 1 to October 1 [**from 3 p.m. Friday until midnight Sunday and from 3 p.m. on the day preceding Memorial Day, July 4 and Labor Day until midnight of the holiday**].

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