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**SENATE BILL 6267**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Ranker, Palumbo, Rolfes, Keiser, Liias, and Chase

AN ACT Relating to providing an emergency response system that provides for an emergency response towing vessel; and adding new sections to chapter 88.46 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 88.46 RCW to read as follows:

(1) The legislature intends that the maritime industry cooperate through a single umbrella organization or other mechanism to develop an equitable method of funding and implementing the emergency response system required by section 2 of this act, similar to that developed by the industry to establish and fund the emergency response system for the Strait of Juan de Fuca. The legislature acknowledges that the majority of vessel traffic in Haro Strait and Boundary Pass are inbound or outbound transits to or from ports in Canada, and that an equitable funding method must include participation by the owners of such vessels as well as those bound for or outbound from ports in Washington state.

(2) If invited by the maritime industry, the department may assist in seeking broad participation in developing a funding mechanism for the emergency response system required by section 2 of this act.

(3) By January 1, 2019, the department shall provide a report to the appropriate standing committees of the senate and house of representatives regarding the progress to date in establishing the emergency response system required by section 2 of this act, including the anticipated level of participation by owners of vessels transiting these waters either inbound to or outbound from ports in Canada. If the department determines that the emergency response system required by section 2 of this act is not likely to be implemented by July 1, 2019, the department's progress report must include its recommendations on whether the requirements of section 2 of this act should be delayed or modified.

NEW SECTION. **Sec.**  A new section is added to chapter 88.46 RCW to read as follows:

(1) By July 1, 2019, the owner or operator of a covered vessel transiting to or from a Washington port through Haro Strait, Boundary Pass, or Rosario Strait shall establish and fund an emergency response system that provides for an emergency response towing vessel. The vessel must be stationed in the vicinity of the San Juan Islands archipelago and be able to respond immediately to a vessel in distress in Haro Strait, Boundary Pass, Rosario Strait, and connected navigable waterways.

(2) An emergency response system must require minimum deployment and equipment standards for towing vessels.

(a) A towing vessel must be able to:

(i) Deploy within twenty minutes of a decision to deploy;

(ii) Deploy at any hour of any day to provide emergency assistance within the capabilities of the minimum planning standards and be safely manned to remain underway for at least forty-eight hours;

(iii) In severe weather conditions, stop, hold, and tow a drifting or disabled vessel of one hundred eighty thousand metric dead weight tons and holding position within one hundred feet of another vessel;

(iv) Maneuver well enough to effectively employ a ship anchor chain recovery hook and line throwing gun; and

(v) Complete a bollard pull of at least seventy short tons.

(b) A towing vessel must be equipped with appropriate equipment for:

(i) Damage control patching;

(ii) Vessel dewatering;

(iii) Air safety monitoring; and

(iv) Digital photography.

(3) The requirements of this section may be fulfilled by one or more private organizations or nonprofit cooperatives providing umbrella coverage under contract to single or multiple covered vessels.

(4)(a) The department, at its discretion, is authorized to contract with the emergency response towing vessel in response to a potentially emerging maritime casualty or as a precautionary measure during severe storms. All instances of use by the department, the department is responsible for the cost of its use of an emergency response towing vessel.

(b) Covered vessels that are required to provide an emergency response towing vessel under this section may not restrict the emergency response towing vessel from responding to distressed vessels that are not covered vessels.

(5) Nothing in this section limits the ability of a covered vessel to contract with an emergency response towing vessel with capabilities that exceed the minimum capabilities provided for a towing vessel in this section.

(6) The covered vessel owner or operator shall submit a written report to the department as soon as practicable regarding an emergency response system deployment, including photographic documentation determined by the department to be of adequate quality. The report must provide a detailed description of the incident necessitating a response and the actions taken to render assistance under the emergency response system.

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