**5057-S2 AMS ROLF S2463.1 - NOT FOR FLOOR USE**

**2SSB 5057** - S AMD TO S AMD (S-2278.4/15) **203**

By Senator Rolfes

**NOT ADOPTED 3/9/2015**

On page 16, after line 16 of the amendment, insert the following:

"**Sec.**  RCW 88.16.170 and 1991 c 200 s 601 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river, Grays Harbor, and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Grays Harbor and Puget Sound and adjacent waters are ((~~a~~)) relatively confined salt water environments with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river, Grays Harbor, and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such ((~~tankers~~)) vessels have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river, Grays Harbor, and on Puget Sound and its shorelines by ((~~requiring all oil tankers above a certain size to employ licensed pilots and to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters~~)) establishing safety requirements that comprehensively address spill risks, which may include the establishment of tug escorts and other measures to mitigate safety risks in certain state waters.

**Sec.**  RCW 88.16.190 and 1994 c 52 s 1 are each amended to read as follows:

(1) ((~~Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.~~

~~(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty-five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:~~

~~(a) Shaft horsepower in the ratio of one horsepower to each two and one-half deadweight tons; and~~

~~(b) Twin screws; and~~

~~(c) Double bottoms, underneath all oil and liquid cargo compartments; and~~

~~(d) Two radars in working order and operating, one of which must be collision avoidance radar; and~~

~~(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:~~

~~PROVIDED, That, if such forty to one hundred and twenty-five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That~~)) Except as provided in subsection (2) of this section, an oil tanker of greater than forty thousand deadweight tons may operate in the waters described in (a) of this subsection, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs in compliance with the requirements of subsection (4) of this section.

(a) Those waters east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area.

(b) The state board of pilotage commissioners, in consultation with the department of ecology and relying on the results of vessel traffic risk assessments, may write rules to implement this subsection (1)(b). These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges that may apply in the following areas consistent with subsections (2)(a) and (4) of this section:

(i) Within a two-mile radius of the Grays Harbor pilotage district as defined in RCW 88.16.050;

(ii) Any inland portion of the Columbia river or within three miles of Cape Disappointment at the mouth of the Columbia river; or

(iii) The waters identified in (a) of this subsection.

(c) The state board of pilotage commissioners, in consultation with the department of ecology and relying on the results of vessel traffic risk assessments, shall adopt rules by June 30, 2017, to implement this subsection (1)(c). These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges and apply in the following areas consistent with subsections (2)(a) and (4) of this section: All narrow channels of the San Juan Islands archipelago, including Rosario Strait, Haro Strait, Boundary Pass, and connected waterways.

(2)(a) If an oil tanker, articulated tug barge, or other towed waterborne vessel or barge is in ballast, the tug requirements of subsection (1) of this section do not apply.

(b) If an oil tanker is a single-hulled oil tanker of greater than five thousand gross tons, the requirements of subsection (1)(a) of this section do not apply and the oil tanker must instead comply with 33 C.F.R. Part 168, as of the effective date of this section.

(3)(a) Prior to proceeding with rule making as authorized under subsection (1)(b) and (c) of this section, the commission shall consult with the United States coast guard, the Oregon board of maritime pilots, the Puget Sound, Grays Harbor, and Columbia river harbor safety committees, area tribes, public ports in Oregon and Washington, local governments, and other appropriate entities.

(b) The department may not adopt any rules under this subsection or under subsection (1)(b) and (c) of this section until a vessel traffic risk assessment has been completed for the waters subject to the rule making. In order to adopt a rule under this section or subsection (1)(b) and (c) of this section, the board of pilotage commissioners must determine that the results of a vessel traffic risk assessment provides evidence that the rules are necessary in order to achieve best achievable protection as defined in RCW 88.46.010.

(4) Oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges must ensure that any escort tugs they use have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker or articulated tug barge. The state board of pilotage commissioners may adopt rules to ensure that escort tugs have sufficient mechanical capabilities to provide for safe escort. Rules adopted on this subject must be designed to achieve best achievable protection as defined under RCW 88.46.010.

(5) A tanker assigned a deadweight of equal to or less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 through 88.16.190.

(6) The provisions of this section do not apply to pilotage for enrolled tankers.

(7) For the purposes of this section:

(a) "Articulated tug barge" means a tank barge and a towing vessel joined by hinged or articulated fixed mechanical equipment affixed or connecting to the stern of the tank barge.

(b) "Oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug barge tank vessel.

(c) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine."

Renumber the remaining sections consecutively and correct any internal references accordingly.

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By Senator Rolfes

**NOT ADOPTED 3/9/2015**

On page 24, line 32 of the title amendment, after "90.56.010," insert "88.16.170, 88.16.190,"

EFFECT: Authorizes the pilotage commission to write rules for tug escorts for oil-laden vessels in Puget Sound, Grays Harbor, and the Columbia river.