

ESHB 1449 - S AMD TO WM COMM AMD (S2976.4) 411
By Senator Rolfes

NOT CONSIDERED 4/15/2015

1 On page 17, after line 16 of the amendment, insert the following:

2 "Sec. 11. RCW 88.16.190 and 1994 c 52 s 1 are each amended to
3 read as follows:

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

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

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

14 ~~(b) Twin screws; and~~

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

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

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

21 ~~PROVIDED, That, if such forty to one hundred and twenty five
22 thousand deadweight ton tanker is in ballast or is under escort of a
23 tug or tugs with an aggregate shaft horsepower equivalent to five
24 percent of the deadweight tons of that tanker, subsection (2) of this
25 section shall not apply: PROVIDED FURTHER, That additional tug shaft
26 horsepower equivalencies may be required under certain conditions as
27 established by rule and regulation of the Washington utilities and
28 transportation commission pursuant to chapter 34.05 RCW: PROVIDED~~

29 ~~FURTHER, That))~~ (a) Except as provided in subsection (2) of this
30 section, an oil tanker of greater than forty thousand deadweight tons
31 may operate in the waters east of a line extending from Discovery
32 Island light south to New Dungeness light and all points in the Puget
33 Sound area, to the extent that these waters are within the

1 territorial boundaries of Washington, only if the oil tanker is under
2 the escort of a tug or tugs in compliance with the requirements of
3 subsection (3) of this section.

4 (b) The state board of pilotage commissioners, in consultation
5 with the department of ecology and relying on the results of vessel
6 traffic risk assessments, shall adopt rules by June 30, 2017, to
7 implement this subsection (1)(b). These rules may include tug escort
8 requirements and other safety measures for oil tankers of greater
9 than forty thousand deadweight tons, all articulated tug barges, and
10 other towed waterborne vessels or barges. The geographic scope of the
11 rules must be limited to the narrow channels of the San Juan Islands
12 archipelago, including Rosario Strait, Haro Strait, Boundary Pass,
13 and connected waterways. In order to adopt a rule under this section,
14 the board of pilotage commissioners must determine that the results
15 of a vessel traffic risk assessment provides evidence that the rules
16 are necessary in order to achieve best achievable protection as
17 defined in RCW 88.46.010.

18 (2)(a) If an oil tanker, articulated tug barge, or other towed
19 waterborne vessel or barge is in ballast, the tug escort requirements
20 of subsection (1)(a) of this section and any tug escort rules adopted
21 pursuant to subsection (1)(b) of this section do not apply.

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

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

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

1 (5) The provisions adopted under this section may not include
2 rules affecting pilotage. This section does not affect any existing
3 authority to establish pilotage requirements.

4 (6) For the purposes of this section:

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

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

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

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

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18 On page 29, line 22 of the title amendment, after "90.56.010,"
19 insert "88.16.190,"

EFFECT: Requires the pilotage commission to adopt tug escort and
safety rules for Puget Sound by June 30, 2017.

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