

NOT ADOPTED 3/9/2015

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

2 "Sec. 11. RCW 88.16.170 and 1991 c 200 s 601 are each amended to
3 read as follows:

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

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

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

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

26 It is therefore the intent and purpose of RCW 88.16.180 and
27 88.16.190 to decrease the likelihood of oil spills on the Columbia
28 river, Grays Harbor, and on Puget Sound and its shorelines by
29 ~~((requiring all oil tankers above a certain size to employ licensed~~
30 ~~pilots and to be escorted by a tug or tugs while navigating on~~
31 ~~certain areas of Puget Sound and adjacent waters))~~ establishing
32 safety requirements that comprehensively address spill risks, which

1 may include the establishment of tug escorts and other measures to
2 mitigate safety risks in certain state waters.

3 **Sec. 12.** RCW 88.16.190 and 1994 c 52 s 1 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

30 ~~FURTHER, That)) Except as provided in subsection (2) of this section,~~
31 ~~an oil tanker of greater than forty thousand deadweight tons may~~
32 ~~operate in the waters described in (a) of this subsection, to the~~
33 ~~extent that these waters are within the territorial boundaries of~~
34 ~~Washington, only if the oil tanker is under the escort of a tug or~~
35 ~~tugs in compliance with the requirements of subsection (4) of this~~
36 ~~section.~~

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

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

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

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

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

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

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

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

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

37 (b) The department may not adopt any rules under this subsection
38 or under subsection (1)(b) and (c) of this section until a vessel
39 traffic risk assessment has been completed for the waters subject to
40 the rule making. In order to adopt a rule under this section or

1 subsection (1)(b) and (c) of this section, the board of pilotage
2 commissioners must determine that the results of a vessel traffic
3 risk assessment provides evidence that the rules are necessary in
4 order to achieve best achievable protection as defined in RCW
5 88.46.010.

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

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

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

21 (7) For the purposes of this section:

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

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

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

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

2SSB 5057 - S AMD TO S AMD (S-2278.4/15) 203
By Senator Rolfes

NOT ADOPTED 3/9/2015

1 On page 24, line 32 of the title amendment, after "90.56.010,"
2 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.

--- END ---