

ASSEMBLY BILL

No. 2441

Introduced by Assembly Member Lieber
(Principal coauthor: Assembly Member DeSaulnier)
(Coauthors: Assembly Members Coto, Hancock, Huffman, Jones,
Leno, Mullin, Nava, Ruskin, Torrico, and Wolk)
(Coauthor: Senator Maldonado)

February 21, 2008

An act to amend Section 8670.17.2 of the Government Code, relating to oil spill prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2441, as introduced, Lieber. Oil spill prevention and response: regulations: tugboat escorts: hazardous materials.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires the administrator for oil spill response to adopt regulations governing tugboat escorts for tank ships and tank barges entering, leaving, or navigating in the harbors of the state, as prescribed.

This bill would additionally require the administrator to adopt regulations governing tugboat escorts for vessels carrying hazardous materials that are entering, leaving, or navigating in the harbors of the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8670.17.2 of the Government Code is
2 amended to read:

1 8670.17.2. (a) The administrator shall adopt regulations
2 governing tugboat escorts for tank ships, ~~and~~ tank barges, *and*
3 *vessels carrying hazardous materials that are* entering, leaving,
4 or navigating in the harbors of the state. The regulations shall be
5 adopted, and thereafter periodically revised, to ensure the best
6 achievable protection of the public health and safety and the
7 environment.

8 (b) The regulations adopted pursuant to subdivision (a) shall
9 include, but not be limited to, a determination of the circumstances
10 under which tank ships ~~and~~, tank barges, *and vessels carrying*
11 *hazardous materials* are required to be accompanied by a tugboat
12 or tugboats of sufficient size, horsepower, and pull capability while
13 entering, leaving, or navigating in the harbors of the state. In
14 making that determination, the administrator shall be guided by
15 the recommendations of the harbor safety committees established
16 pursuant to Section 8670.23.

17 (c) The administrator may adopt regulations that differ from the
18 recommendations of the harbor safety committees only after a
19 public hearing. If the administrator proposes to adopt regulations
20 that require the use of tugboat escorts in fewer instances in the
21 harbors of San Francisco, San Pablo, and Suisun Bays than that
22 which is recommended by the Harbor Safety Committee for San
23 Francisco, San Pablo, and Suisun Bays, the administrator shall, in
24 a public hearing, adopt findings, based on substantial evidence,
25 that the proposed regulations provide adequate protection and are
26 consistent with the purposes of this chapter.

27 (d) A public hearing held in accordance with Section 11346.8
28 shall satisfy the public hearing requirement of subdivision (c).

29 (e) The Legislature hereby finds and declares that the appropriate
30 use of tugboat escorts can improve vessel safety, particularly in
31 the harbors of San Francisco, San Pablo, and Suisun Bays, and
32 that the regulations concerning tugboat escorts in those harbors
33 shall be adopted as quickly as practicable and may be adopted
34 before the adoption of all other regulations required by this section.