

# STATE OF NEW YORK

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5197--B

2017-2018 Regular Sessions

## IN SENATE

March 13, 2017

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Introduced by Sens. SERINO, ALCANTARA, AMEDORE, AVELLA, CARLUCCI, HAMILTON, KRUEGER, LATIMER, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the navigation law, in relation to consideration of environmental conditions when permitting petroleum-bearing vessels to operate on the Hudson River

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The navigation law is amended by adding a new section 70-a  
2 to read as follows:

3 § 70-a. Minimum conditions for petroleum-bearing vessels on the Hudson  
4 river; tanker-avoidance zones. 1. The commissioner of environmental  
5 conservation in consultation with the United States Coast Guard, the  
6 board of commissioners of pilots, the department of state, at least one  
7 licensed Hudson river pilot and appropriate officials of any state which  
8 might be affected, may establish guidelines setting forth:

9 (a) the minimum conditions under which petroleum-bearing vessels as  
10 defined in section one hundred seventy-two of this chapter may enter or  
11 move upon the navigable waters of the Hudson river. Such conditions may  
12 include, but not be limited to: (i) visibility; (ii) the tide and wind  
13 conditions; and (iii) weather;

14 (b) the minimum conditions under which petroleum-bearing vessels may  
15 enter or leave any major facility, port or harbor along the Hudson  
16 river. Such conditions may include, but are not be limited to: (i) visi-  
17 bility; (ii) the tide and wind conditions; and (iii) weather;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (c) the establishment of tanker-avoidance zones, where it shall be  
2 unlawful for petroleum-bearing vessels as defined in section one hundred  
3 seventy-two of this chapter, to enter, move or anchor upon the navigable  
4 waters of the Hudson river, except in cases of great emergency. Such  
5 tanker-avoidance zones may be based upon physical and environmental  
6 conditions which may include, but are not limited to: (i) navigational  
7 hazards; (ii) environmental conditions; (iii) the existence of desig-  
8 nated significant coastal fish and wildlife habitats; (iv) proximity to  
9 waterfront communities; (v) disproportionate impacts on communities; and  
10 (vi) federally or state identified environmental remediation sites; and  
11 may consider an affected community's waterfront revitalization plan or  
12 comprehensive plan and the environmental justice communities impacts.

13 2. The commissioner of environmental conservation following consulta-  
14 tion with the United States Coast Guard, the board of commissioners of  
15 pilots, the department of state, the office of parks, recreation and  
16 historic preservation, at least one licensed Hudson river pilot and  
17 appropriate officials of any state which might be affected, shall submit  
18 a report to the governor, the temporary president of the senate, and the  
19 speaker of the assembly within one hundred twenty days of the effective  
20 date of this section regarding recommendations on plans, policies and  
21 programs affecting petroleum-bearing vessels on the navigable waters of  
22 the Hudson river, as well as on any proposed rulemaking from the United  
23 States Coast Guard which would impact the Hudson river.

24 § 2. This act shall take effect immediately.