

# STATE OF NEW YORK

6825

2017-2018 Regular Sessions

## IN ASSEMBLY

March 21, 2017

Introduced by M. of A. BARRETT, MAYER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the navigation law, in relation to consideration of environmental conditions when permitting petroleum-bearing vessels to enter navigable waters; and repealing section seventy-one of the navigation law relating to the petroleum-bearing vessel advisory commission

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

1 Section 1. Section 33-0303 of the environmental conservation law is  
2 amended by adding a new subdivision 8 to read as follows:

3 8. The commissioner in consultation with the United States Coast  
4 Guard, the board of commissioners of pilots, the department of state,  
5 the office of parks, recreation and historic preservation and appropri-  
6 ate officials of any state or country, may establish guidelines for the  
7 purpose of carrying out the provisions of section seventy of the naviga-  
8 tion law.

9 § 2. Section 70 of the navigation law, as added by chapter 898 of the  
10 laws of 1990, is amended to read as follows:

11 § 70. Minimum conditions for petroleum-bearing vessels in certain  
12 areas; tanker-avoidance zones. 1. The commissioner of environmental  
13 conservation in consultation with [~~the petroleum-bearing vessel advisory~~  
14 ~~commission established in section seventy-one of this article,~~] the  
15 United States Coast Guard, the board of commissioners of pilots, the  
16 department of state, the office of parks, recreation and historic pres-  
17 ervation and appropriate officials of any state or country with concur-  
18 rent jurisdiction over water bodies which might be affected, through  
19 rule and regulation may establish standards setting forth:

20 (a) the minimum conditions under which petroleum-bearing vessels as  
21 defined in section one hundred seventy-two of this chapter may enter or  
22 move upon the navigable waters of the state and any tidewaters bordering

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

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1 on or lying within the boundaries of Nassau and Suffolk counties. Such  
2 conditions may include, but not be limited to, visibility, the tide and  
3 wind conditions [~~and~~], weather, environmental conditions such as the  
4 existence of designated significant coastal fish and wildlife habitats  
5 and proximity to waterfront communities; and

6 (b) the minimum conditions under which petroleum-bearing vessels may  
7 enter or leave any major facility, port or harbor. Such conditions may  
8 include, but not be limited to, visibility, the tide and wind conditions  
9 [~~and~~], weather, environmental conditions such as the existence of desig-  
10 ated significant coastal fish and wildlife habitats and proximity to  
11 waterfront communities.

12 2. The commissioner of environmental conservation may, in consultation  
13 with [~~the petroleum-bearing vessel advisory commission established in~~  
14 ~~section seventy-one of this article,~~] the United States Coast Guard, the  
15 board of commissioners of pilots, the department of state, the office of  
16 parks, recreation and historic preservation and appropriate officials of  
17 any state or country with concurrent jurisdiction over water bodies  
18 which might be affected, establish tanker-avoidance zones, where it  
19 shall be unlawful for petroleum-bearing vessels as defined in section  
20 one hundred seventy-two of this chapter, to enter [~~or~~], move or anchor  
21 upon the navigable waters of the state or any tidewaters bordering on or  
22 lying within the boundaries of Nassau and Suffolk counties, except in  
23 cases of great emergency. Such tanker-avoidance zones may be based upon  
24 physical and environmental conditions which may include, but are not  
25 limited to, navigational hazards, environmental conditions such as the  
26 existence of designated significant coastal fish and wildlife habitats  
27 and proximity to waterfront communities.

28 § 3. Section 71 of the navigation law is REPEALED.

29 § 4. Subdivision 15-a of section 172 of the navigation law, as added  
30 by chapter 898 of the laws of 1990, is amended to read as follows:

31 15-a. "Petroleum-bearing vessel" means any vessel transporting petro-  
32 leum in commercial quantities as cargo or any vessel constructed or  
33 adapted for the carriage of petroleum in bulk, including tank vessels,  
34 barges and tug-barge combinations;

35 § 5. This act shall take effect immediately.