SB

165

[redacted]OUSE COMMITTEE REPO[redacted]

(7)

Date Referred: May 13, 1991 FURTHER REFERRALS: Finance

Date of Committee Action: 5/14/91

The TRANSPORTATION Committee considered: CSSB 165(TRA)

CS FOR SENATE BILL NO. 165 (TRANSPORTATION)

FERRIES WITH OIL SPILL RESPONSE ABILITY

"An Act relating to acquisition of vessels of the Alaska marine highway system having the capacity to assist in responding to spills of oil and hazardous substances."

RECOMMENDATIONS: [ ] the same title

be replaced with _____ [ ] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the _____ Committee

ADOPTS: _____ _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[✓] fiscal impact D.O.T [ ] fiscal note(s) _____

[ ] zero fiscal note _____ [ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Glenn Kubina	X	Gail Phillips - Question using 470 funds		X	
Bill Hudson	X	Drew M. Leman		✓	
Richard Foley	*				
Jerry Mackie	*				

Richard Foley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 165

Revision Date:
Department Affected: DEC
Title: AMHS vessels with Spill response capabilities
BRU: Environmental Quality
Sponsor: Senator Jay Kerttula
Component: EQ Projects
Requestor:

COMPONENT SERIAL NO. 1 1 0 1 1 6

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair
Phone: 465-2600
Division: Commissioner's Office
Date:

Approved by Commissioner:
Agency: Dept. of Environmental Conservation
Date: 3/18/91

Distribution (by preparer):Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NUMBER: SB 165

FISCAL NOTE

Revision Date:
Title: Ferries with Oil Spill Response Ability

Department Affected: DOT&PF
BRU:

Sponsor:
Requestor:

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0
CAPITAL	500.0	14,500.0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	500.0	14,500.0*	0	0	0	0
TOTAL FUNDING:	500.0	14,500.0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)
In FY92, $0.5 million would be appropriated from the oil and hazardous response fund to the Alaska Marine Highway System for preliminary engineering to develop plans for both a new vessel and modifications to one or more vessels currently in the fleet. In FY93, $14.5 million would be appropriated to the AMHS Vessel Replacement Fund to finance new ship construction and/or modifications to one or more vessels of the fleet.
*The actual cost may be less depending on final results of reconnaissance and engineering.

Prepared by: John Halterman — Phone: 465-3900

Division: Alaska Marine Highway System — Date: April 1, 1991

Approved by Commissioner: Frank G. Turpin — Phone: 465-3900

Agency: Department of Transportation and Public Facilities — Date: April 1, 1991

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).

REV 2/7/91

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM April 4, 1991

SUBJECT: Is language in AS 46.08 relating to the establishment of "emergency response depots" sufficient to authorize the development of depots aboard vessels of the Marine Highway System?

TO: Senator Jay Kerttula
ATTN: Kathy Hathaway

FROM: Jack Chenoweth
Legislative Counsel

AS 46.08.120 provides:

> The division [of emergency services, Department of Military and Veterans' Affairs] shall maintain emergency response depots in areas of the state determined in the plans prepared under AS 46.04.200 - 46.04.210 to be potential sites of releases or threatened releases of oil or hazardous substances. The depots shall be equipped and staffed in a manner that ensures prompt response when containment and cleanup actions are necessary.

You have asked whether the requirement authorizes the development of vessels as emergency response depots or the placement of emergency response depots on state vessels.

AS 46.08.190(2) offers a definition of the term "depot," but the definition is not helpful for our purposes.

I understand from Terri Lauterbach, who handled ch. 190, SLA 1990, the source of the language of the first sentence of the quoted material, that the drafting history of the provision sheds no light on whether the legislature contemplated vessel-based depots.

A common dictionary definition of the term "depot" seems to presume a land-based place for storage of material. Webster's New World Dictionary, Second College Edition, in use in our offices, defines "depot" as "a storehouse [or] warehouse; a storage place for supplies." Citing specific cases in which the term is used and defined, Black's Law Dictionary describes a "depot" as "[a] place for the deposit of goods; a warehouse or storehouse," again implying a location on land. (However, one standard reference, Webster's Third New International Dictionary, expands upon the definition to include reference to storage or maintenance of "military or naval supplies," opening the door to use of supply or storage ships for support of marine activities.)

However, the use of the term "depot" in context would seem to preclude the state from developing marine depots aboard one or more vessels of the Marine Highway System without specific statutory authority to do so. The substantive element of the provision quoted requires that the emergency response depots be "in areas of the state determined in the plans prepared . . . to be potential sites of releases or threatened releases of oil or hazardous substances." In mplementing that requirement, the plan developer must take into consideration the factors bearing upon development and implementation of the state master plan in AS 46.04.200. AS 46.04.200(b)(5) directs that the state master plan must "designate the locations where oil and hazardous substance emergency response depots should be established . . . ." The reference in subsection (b)(5) to "the locations" seems to me to contemplate placing depots at fixed shore-based sites rather than aboard marine response vessels that are a part of the Marine Highway System.

JC:gc
91-186.glc

Department of Transportation and Public Facilities

POSITION PAPER

BILL NO: SB 165 APPROVED:

TITLE: Ferries with Oil Spill Response Ability DATE: April 1, 1991

Senate Bill 165 authorizes the Commissioner of the Department of Transportation and Public Facilities, subject to legislative appropriation, to either design and construct a vessel of the Alaska Marine Highway System which is capable of assisting in the clean-up of spills of oil and hazardous substances into the marine waters of the state. Alternatively, the legislation would also allow the modification of existing vessels in the fleet to achieve the same purpose. The discussion below outlines in general terms the operational and spill response capabilities which would be considered in designing a new vessel, or modifying existing vessels, which would meet the needs contemplated in the legislation.

The legislation also authorizes the payment of partial expenses required to keep vessels in operation so as to be available to respond to a release of oil or hazardous substances. It is estimated that the annual operating and overhaul costs of this vessel, chargeable to the fund, would be approximately $500 thousand dollars. These expenses would be for annual training, as well as overhaul of the spill response equipment. The direct expenses incurred in responding to a spill would also be paid by the fund. A new or modified vessel is not expected to be in service until after fiscal year 1997.

General Requirements

All Alaska Marine Highway System vessels must have unrestricted highway vehicle and passenger carrying capacity - as the highway function is the basic mission of the Alaska Marine Highway System. The vessel must provide safe, comfortable accommodations for passengers,

with reasonable priced meals and lodging. The vessel must be family oriented, with special accommodations for children and for the physically challenged. The Alaska Marine Highway System must further provide passengers the benefit of riding a vessel with excellent safety equipment for fire fighting and damage control, including a state of the art sprinkler system throughout the vessel, and an enclosed method of safely evacuating the vessel in case of emergency.

Should a new vessel be constructed, regulatory concerns dictate that it must be American flagged, inspected by the U.S. Coast Guard, and operated by American crews. A vessel must be designed for a 50 or 60 year life, through the use of planned refurbishments. It is not contemplated that all or even 50% of the costs of a new vessel would be allocated to the fund. The State would defray most costs through other means.

Southwest System Specific Requirements

The S.W. System must be serviced by a vessel that is ocean rated and must be able to transit the Gulf of Alaska year round. This vessel must have a vehicle transfer system that will enable it to service docks with no transfer ramps, and have a stern car door. The vessel length is constrained to a length no greater than 400 ft, due to the confined harbors it must serve; preferably the length should be no greater than 380 ft.

Southeast System Specific Requirements

The S.E. Mainline System is optimally served by a vessel with a forward car door, at main deck height. All other S.E. needs are met by the general and S.W. requirements.

Oil Spill Response Requirements

Members of the legislature and the public have identified the importance of the state having an emergency response capability for containing, and cleaning up oil spills as a result of the Exxon Valdez experience. Therefore, a new mainline vessel or modified vessel from the existing fleet should be able to respond to the oil spills in the following capacities:

A. Communication/Command Center
B. Work/Machine Shop for Equipment Repair
C. Room and Board for Spill Response Team
D. Helicopter Support
E. Boom Deployment
F. Loading/Storage Spill Response Material
G. Storage of Liquids, Dispersant/Oil
H. Training Center

New Vessel Description

The list of mission requirements above, and the conceptual design work done for the Tustumena replacement project in 1982, provides enough data to assemble the major characteristics of a mainline vessel that would meet the above requirements.

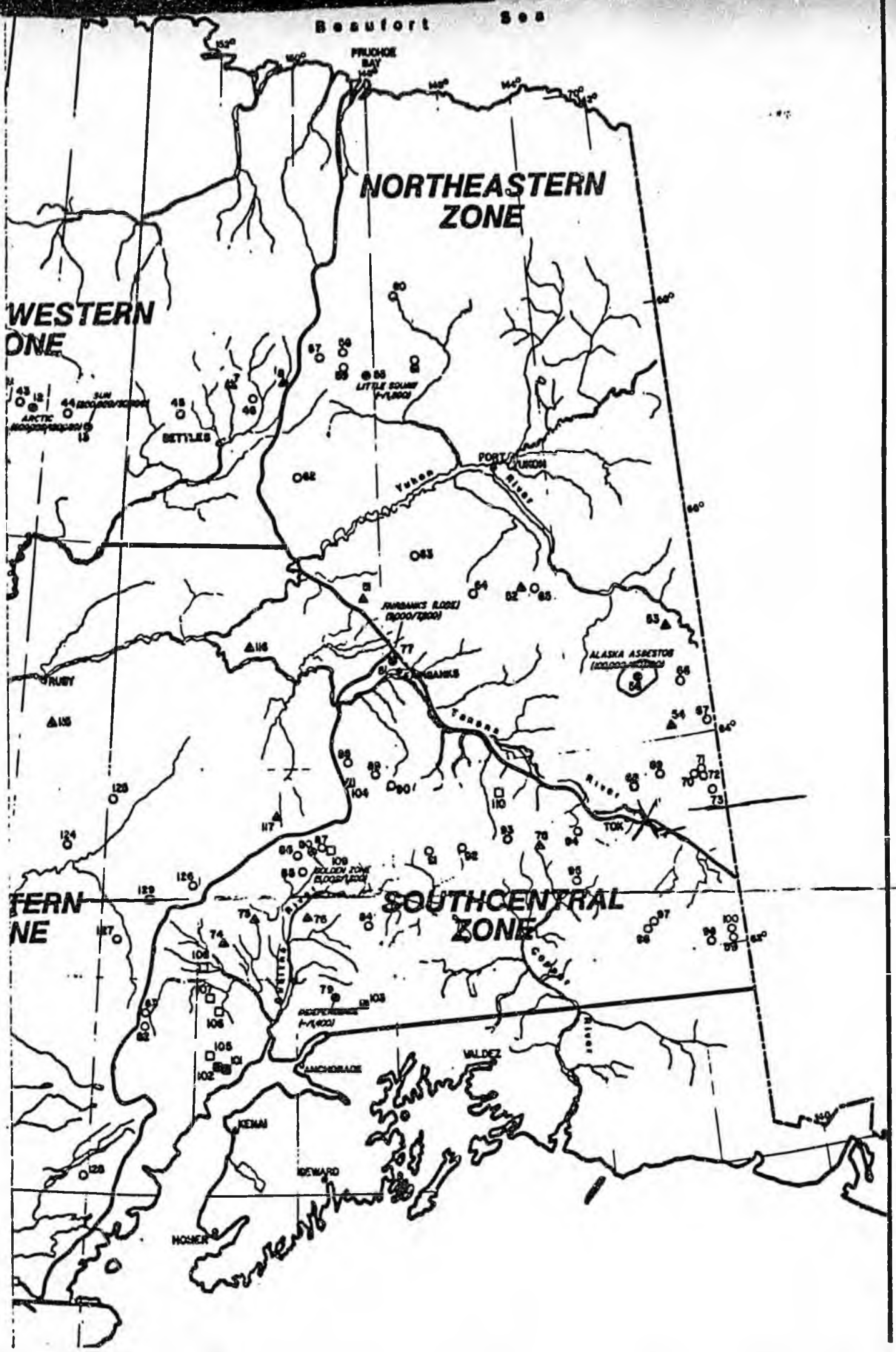
A new vessel would be a steel displacement vessel, 380 feet in length by 65 feet in beam, designed and constructed in the United States. The vessel would carry approximately 450 people, 75 standard vehicles, and 100 berths. The vessel would be diesel- powered with twin controllable pitch propellers. Propulsion machinery would be augmented by the addition of bow thrusters and fin stabilizers. This vessel should have a large vehicle elevator/transfer system located near the stern. This vessel would also have a stern door and stern ramp, and a crane above the stern door for handling the rescue boat and emergency stores or gear. Emergency evacuation would occur through covered lifeboats, boarded from inside the boat deck. The vessel would have a sprinkler system throughout.

A new mainline vessel would be well suited to oil spill response efforts, as it could respond anywhere in the Pacific Ocean in a matter of days. The bridge of the vessel would have the necessary electronic gear to act as a control/command center. The vessel would have the unique ability to travel to any dock and load containerized vans full of response gear, without assistance. The vessel's machine shop, adequate working space, and accommodations would be available for use by the clean-up crew. The aft upper-most deck could support a helicopter pad. The stern ramp would

be easily converted to deploy oil containment booms underway, or act as a small vessel dock when anchored. The crane above the ramp could be used to move gear from the vessel to boats moored off the stern. The vessel would have large integral tanks able to hold spill response chemicals or recovered oil.

Vessel Design and Construction

To obtain a new vessel or perform necessary refurbishments to one or more existing vessels, the Alaska Marine Highway System must go though three design phases: conceptual, preliminary, and construction. Design time would be on the order of 18-24 months for a new vessel and from 6-12 months for modifications to an existing ship. Construction time would be on the order of 30-36 months for new construction and 6-12 months for major modification to an existing ship.


Beaufort Sea
PRUDHOE BAY
NORTHEASTERN ZONE
WESTERN ZONE
SOUTHCENTRAL ZONE
BETTLES
LITTLE SQUAW
PORT
YUKON
RIVER
FAIRBANKS
FAIRBANKS
ALASKA ASBESTOS
RUBY
TANANA
TOK
GOLDEN ZONE
ANCHORAGE
VALDEZ
KENAI
SEWARD
HOMER

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SB165 -- Ferries with Oil Response Capabilities

5/14/91

The Alaska Environmental Lobby supports the concept embodied in SB165.

SB165 enables vessels of the Alaska Marine Highway System to be equipped for oil spill response. In addition to providing the usual freight and passenger services, ferries would have the capability to assist in containment and clean-up of oil and other hazardous materials spilled in marine waters.

In case of a major spill, there must be sufficient oil response equipment available for containment and clean-up. Ferries daily ply the very waters that are at high risk for such a spill, so they are logical candidates to provide timely assistance. During the Exxon *Valdez* clean-up, Alaskan ferries played a supporting role by supplying housing, transportation, and communications facilities. However, the ferries were hampered by their lack of oil response equipment. SB165 ameliorates this deficiency.

Ferry vessels capable of spill containment and clean-up will aid in the timely remediation of marine spills. By operating in the waters of southwest, southeast, and southcentral Alaska, ferries are ideally located to assist swiftly in the event of a spill. It is necessary to acquire and maintain sufficient equipment to be ready to battle a major spill; equipping Alaska's ferries to provide aid in such situations is a reasonable extension of the state's capabilities.

Funding for the construction of new vessels and retrofitting of old vessels would come from the Oil and Hazardous Substance Release Response Fund. Since the purpose of this fund is to supply money for response to oil and hazardous substance spills, we support its use to pay for SB165.

prepared by Mollie TeVrucht

STATE OF ALASKA
THE LEGISLATURE

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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Transportation 5-14-91

House Transportation Committee

DATE: 5/14/91

PLACE: Room 17

SUBJECT OF MEETING:
SB 165
HCR 31

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Mollie TeVrucht	Alaska Environ. Lobby	PO Box 22151 Juneau 99802	99802	3338327	4633766	(Y)	N	SB165
Juanita Hensley	DPS/DMV	Box N Juneau	99811		5-4335	Y	N	HB320/ [illegible]
Kathy Hathaway	Sen Cattula					(Y)	N	SB 165
Phil Holdsworth	AMA	326 4th Street Juneau 99801		586 1393		(Y)	N	HCR 31
Pal Swanson	self	113 5th St Juneau, AK 99801		586-3896		(Y)	N	HCR 31
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

Page ___ of ___