

106TH CONGRESS
1ST SESSION

H. R. 2536

To reduce the risk of oil pollution and improve the safety of navigation in San Francisco Bay by removing hazards to navigation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1999

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To reduce the risk of oil pollution and improve the safety of navigation in San Francisco Bay by removing hazards to navigation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “San Francisco Bay
5 Shipping and Fisheries Enhancement Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) San Francisco Bay is a vital environmental,
2 industrial, and recreational resource to the San
3 Francisco Bay area and to the Nation.

4 (2) Over 800 tank vessels enter San Francisco
5 Bay each year, carrying hundreds of millions of gal-
6 lons of oil and other hazardous substances.

7 (3) The small oil spill of October 28, 1996,
8 showed that even small oil spills in San Francisco
9 Bay are both costly to mitigate and harmful to the
10 environment, including fish, mammals, and birds.

11 (4) Because of the bathymetry of San Fran-
12 cisco Bay, the Coast Guard has been unable to make
13 needed improvements in the routing of tankers and
14 other deep draft vessels.

15 (5) The presence of multiple underwater haz-
16 ards less than 40 feet below the surface and in close
17 proximity to shipping lanes, combined with increased
18 traffic of tankers with drafts in excess of 45 feet,
19 significantly increase the likelihood of collisions or
20 groundings that would result in the release of sub-
21 stantial amounts of oil or other hazardous sub-
22 stances, severely damaging both the economy and
23 the environment of the San Francisco Bay area.

24 (6) Removing hazards to navigation to allow
25 greater separation of vessels carrying oil or other

1 hazardous substances is a simple and economical
2 step that can be taken to reduce substantially the
3 risk of oil pollution, improve the safety of naviga-
4 tion, and reduce threats to the fish, wildlife, and en-
5 vironment of San Francisco Bay.

6 **SEC. 3. NAVIGATIONAL IMPROVEMENTS.**

7 (a) IN GENERAL.—The Secretary of the Army shall
8 develop and carry out in accordance with this section a
9 navigation project in San Francisco Bay, California, to re-
10 move underwater hazards to navigation in the vicinity of
11 Alcatraz Island.

12 (b) REROUTING OF VESSEL TRAFFIC.—In consulta-
13 tion with the Commandant of the Coast Guard, the Sec-
14 retary shall design the navigation project under this sec-
15 tion to facilitate the rerouting of vessel traffic in San
16 Francisco Bay to minimize the risk of an oil or hazardous
17 substance spill resulting from collisions between vessels or
18 with an underwater hazard.

19 (c) MINIMIZATION OF IMPACT.—In developing and
20 carrying out the navigation project under this section, the
21 Secretary shall minimize, to the maximum extent prac-
22 ticable, impacts on the environment and on commercial
23 and recreational fisheries.

24 (d) PLAN.—

1 (1) GENERAL REQUIREMENT.—In consultation
2 with appropriate Federal, State, and local govern-
3 ment agencies and in accordance with applicable
4 Federal and State environmental laws, the Secretary
5 shall develop a plan for implementation of the navi-
6 gation project under this section.

7 (2) CONTENTS.—The plan shall include initial
8 design and engineering, underwater hazard removal,
9 and, if needed, environmental mitigation.

10 (3) TARGET DATES.—

11 (A) FEASIBILITY STUDY.—The first phase
12 of the plan shall be completed within 2 years of
13 the date of the enactment of this Act and shall
14 consist of a feasibility study for the project de-
15 scribed in subsection (a). The feasibility study
16 shall include scoping, development of alternative
17 designs for the project, cost-benefit analysis,
18 and selection of final project design. In con-
19 ducting the cost-benefit analysis and selecting a
20 final project design, the Secretary shall consider
21 the economic and environmental benefits of oil
22 spill aversion reasonably to be expected from
23 the completion of the project.

24 (B) IMPLEMENTATION.—The second phase
25 of the plan shall be completed not later than 4

1 years after the date of the enactment of this
2 Act and shall consist of underwater hazard re-
3 moval, transportation, and disposal of the re-
4 moved material in accordance with the final
5 project design.

6 (C) MITIGATION AND MONITORING.—The
7 final phase of the plan shall consist of any miti-
8 gation needed due to environmental impacts,
9 and environmental monitoring of removal, dis-
10 posal, and mitigation sites (if different from the
11 disposal site or sites), shall commence as soon
12 as is practicable after the completion of the im-
13 plementation phase and shall continue for not
14 less than 5 years thereafter.

15 (e) NON-FEDERAL PARTICIPATION.—

16 (1) FEASIBILITY STUDY.—The non-Federal
17 share of the cost of the feasibility study under this
18 section shall be 50 percent.

19 (2) IMPLEMENTATION.—The non-Federal share
20 of the cost of implementation of the project under
21 this section shall be 25 percent.

22 (f) REPORTS TO CONGRESS.—Not later than the last
23 day of each of the time periods referred to in subsection
24 (d)(3), the Secretary shall report to Congress on the

1 progress being made toward development and implementa-
2 tion of the project under this section.

3 **SEC. 4. MODIFICATION OF NAVIGATION LANES.**

4 The Commandant of the Coast Guard shall modify
5 navigation lanes and reroute vessel traffic after the com-
6 pletion of the second phase of the navigation project under
7 section 3 to improve the safety and efficiency of vessel
8 traffic in San Francisco Bay, California. In carrying out
9 this section, the Commandant shall develop a vessel rout-
10 ing program that minimizes the risk of an oil or hazardous
11 substance spill in San Francisco Bay.

12 **SEC. 5. OIL SPILL RISK ASSESSMENT.**

13 (a) SURVEY.—In consultation with the Commandant
14 of the Coast Guard, the Maritime Administrator shall en-
15 sure that operational vessels owned by, or vessels under
16 contract to, the Maritime Administration are surveyed for
17 risks for oil spills or other hazards to human health or
18 the environment.

19 (b) STANDARDS AND PROCEDURES.—In surveying
20 vessels under this section, the Commandant shall use the
21 same standards and procedures as are used in inspecting
22 similarly situated private vessels.

23 (c) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, the Commandant shall sub-
25 mit to Congress and the Administrator of the Federal

1 Maritime Administration a report describing any oil spill
2 risks determined in the survey conducted under this sec-
3 tion and making recommendations for corrective actions
4 for such risks, including estimates of the costs of those
5 actions.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 For fiscal years beginning after September 30, 1999,
8 there are authorized to be appropriated to the Secretary
9 of the Army and the Commandant of the Coast Guard
10 such sums as may be necessary to carry out their respec-
11 tive duties under this Act. Such sums shall remain avail-
12 able until expended.

○