

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1820

By: Miller (Ray)

AS INTRODUCED

An Act relating to public safety; creating the Oklahoma Vessel Safety Act of 2005; establishing responsibilities for certain persons; establishing procedures and guidelines for bridge transit; establishing procedures for operator incapacitation; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.41 of Title 47, unless there is created a duplication in numbering, reads as follows:

The provisions of this act shall be known and may be cited as the "Oklahoma Vessel Safety Act of 2005".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.42 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As set forth in this section:

1. The Manager of Vessel Operations is responsible for implementing procedures and ensuring that wheelhouse personnel are aware of the requirements outlined in subsection B of this section;

2. The vessel master is responsible for ensuring that the watch officer follows the requirements described in subsection B of this section;

3. The watch officer is responsible for following the requirements described in subsection B of this section; and

4. The watch officer must be validly licensed by the U.S. Coast Guard for the geographical area of operation and must maintain the license aboard the vessel while navigating.

B. All bridge transit procedures shall be conducted as set forth below:

1. The vessel officer responsible for the transit will assess the prevailing circumstances and determine whether additional crew or an assist boat is required to safely transit a particular bridge. The officer will brief the necessary crew and the crew of an assist boat on the planned transit. Crew members will be thoroughly briefed on their duties and responsibilities for the transit. Estimated time of transit will be calculated and communicated to the affected crew or assist boat;

2. The vessel officer will determine the necessity of assigning a supplemental lookout. If a supplemental lookout is necessary, appropriate means of communication will be established and a radio check with the vessel operator will be conducted before the transit begins;

3. The vessel officer will determine the following before making an approach to the bridge:

- a. vertical clearance of the bridge span and highest point of boat and tow,
- b. direction and strength of current,
- c. the width of the boat or tow combination and any assist boats to allow safe horizontal clearance of the bridge spans,
- d. establish timely communication with the bridge tender of lift and swing bridges to ascertain the bridge lift or swing time and any other traffic affecting the transit,

- e. if an opening of the bridge is required, request the opening of bridge tender in a timely manner that will allow a safe transit,
- f. determine the proper tug or tow configurations for the transit, and
- g. use all available means to ascertain wind conditions near bridges before committing to a transit, especially with empty barges or barges with a large sail area, and make determinations on the effect of the sail area of the tow well before reaching the bridge;

4. If transit is in an area controlled by a Vessel Traffic System, the vessel officer will communicate with the vessel traffic system, as required;

5. During a transit, radar will be operating and adjusted to the most advantageous range as a visual aid;

6. The responsible officer will adjust the speed of the towboat or tow combination according to the prevailing circumstances to ensure a safe transit;

7. The vessel officer will not attempt a transit of a company-designated narrow span bridge in zero visibility conditions. Any exception shall be discussed with an Operations Manager prior to an attempted transit; and

8. Company-designated narrow span bridge transits will not be transited on radar as the single visual aid. A supplemental lookout or lookouts will be used with all other available means. If the vessel officer believes a transit would require operating outside of the procedures set forth in paragraphs 1 through 8 of this subsection, the officer responsible should contact an Operations Manager and discuss the proposed action.

C. If, in the judgment of the vessel officer, the safe transit of a bridge is in doubt, the vessel officer is to stop and assess

the prevailing circumstances. Should the vessel officer decide to stop, the following options are available:

1. Await improved conditions before attempting the transit;

2. Request an assist boat as authorized by management, if one is available. Determination of the suitability of a particular vessel as an assist boat is the responsibility of the officer. The responsible officer must clearly communicate the objectives of the officer to the operator of the assist boat prior to beginning the transit; or

3. Consult with an Operations Manager for additional input.

D. Company-designated narrow span bridge transits are not to be initiated in zero visibility conditions. Reduced visibility transits may proceed when:

1. The responsible officer is able to visually see the bridge span and ascertain the course of the vessel before committing to transit the span; and

2. The vessel officer has a navigating or maneuvering plan that allows ample time to stop.

E. Transit speed will be determined according to all prevailing circumstances at the time and must be based on the judgment of the vessel officer.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.43 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As set forth in this section:

1. The manager of vessel operations is responsible for implementing this procedure and ensuring that vessel personnel are aware of the requirements described in subsection B of this section; and

2. The vessel captain is responsible for ensuring that vessel crewmembers are trained and drilled in this procedure.

B. Absent an operator incapacitation alarm system, the captain shall assign on-duty personnel to make regular checks on the officer on watch to ensure that the captain is alert and in control of the vessel. The checks should be made:

1. At time intervals not to exceed one (1) hour;
2. Before navigating through bridges;
3. At restricted or narrow channels;
4. At known areas of high vessel traffic density; and
5. At other areas that may require timely, critical vessel maneuvers.

C. In the event the wheelman on watch becomes incapacitated, the crewmember that discovers the emergency shall take the following actions:

1. Sound the general alarm;
2. Take control of the vessel;
3. Reduce power and maintain steerage;
4. Attempt to ascertain and avoid any immediate navigational hazards;

5. If needed, administer first aid to the incapacitated crewmember; and

6. When relieved by a licensed officer, assist in administering first aid to the incapacitated crewmember.

D. If there is no other licensed officer on the vessel, the crewmember who discovers the emergency shall, in addition to the actions described in subsection C of this section:

1. Call "Vessel Traffic" on the appropriate local channel or use the emergency channel 16 and advise the U.S. Coast Guard of the emergency situation. After contacting the U.S. Coast Guard, provide the following information:

- a. the name of the motor vessel,
- b. that there is an emergency situation,

- c. the geographic location or position as determined by GPS,
- d. the load of the oil or cargo barge, if any,
- e. the incapacity of the captain,
- f. request the U.S. Coast Guard to advise vessels in the vicinity, and
- g. request immediate assistance from any available vessel;

2. Call 911 or the U.S. Coast Guard for emergency medical services and continue to render first aid as appropriate; and

3. Call the responsible towing company office.

SECTION 4. This act shall become effective November 1, 2005.

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