

**Introduced by Senator Lowenthal**February 23, 2007

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An act to add and repeal Section 8670.21.1 of the Government Code, relating to oil spills.

## LEGISLATIVE COUNSEL'S DIGEST

SB 965, as introduced, Lowenthal. Oil spills: California Physical Oceanographic Real-Time System (CalPORTS).

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act establishes an administrator for oil spill response and specifies the administrator's powers and duties relating to oil pollution prevention and response and improvements to maritime safety. The act establishes 5 harbor safety committees (Humboldt Bay; San Francisco, San Pablo, and Suisun Bays; Port Hueneme; Los Angeles/Long Beach; and San Diego) to promote navigational safety of vessels.

This bill would establish, until January 1, 2013, the California Physical Oceanographic Real-Time System (CalPORTS). The bill would authorize the administrator, in cooperation with the National Oceanic and Atmospheric Administration/National Ocean Service, port authorities, and harbor safety committees, to establish, operate, and maintain a CalPORTS information network linking existing and proposed information systems, to improve the efficiency and access to critical environmental information affecting safe navigation.

The bill would provide that its provisions shall only be implemented to the extent that funds are available.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that a  
2 California Physical Oceanographic Real-Time System (CalPORTS)  
3 would provide, in part, the following public benefits:

4 (a) By preventing vessel accidents that might result in oil spill  
5 pollution, CalPORTS would further enhance protection of  
6 California coastal and marine resources. Humboldt Bay, San  
7 Francisco Bay, and San Diego Bay contain significant natural  
8 resources of national and state importance, including bird refuge  
9 areas on the Pacific Flyway, wetland habitats, sensitive fish and  
10 marine mammal species, and sensitive shoreline beach habitats.  
11 An oil spill in portions of any of these harbors could have  
12 significant adverse impacts on critical bird, fish, and marine  
13 mammal populations, and sensitive wetland and beach habitats.

14 (b) CalPORTS supports the top priority of the Ocean Protection  
15 Council's Strategic Plan to provide planned national and state  
16 integrated ocean observing systems, including the Central and  
17 Northern California Ocean Observing System and the Southern  
18 California Ocean Observing System, which provide real-time  
19 information on ocean conditions for improved navigation and  
20 resource protection decisionmaking.

21 (c) The existing Physical Oceanographic Real-Time System  
22 (PORTS), critical to San Francisco Bay, almost shut down at the  
23 end of 2005, lacking a dedicated source of funds because of the  
24 broad range of users and beneficiaries, which include commercial  
25 and recreational boaters, academia, and oil spill responders.  
26 Elsewhere in the United States, the Delaware Bay system shut  
27 down for the same reasons—no dedicated funding and a broad  
28 range of users.

29 (d) CalPORTS would build on PORTS, the NOAA/NOS  
30 administered program of integrated sensors placed in the marine  
31 environment, which provide information on tides, currents, wind  
32 velocity, air and water temperature, salinity, and air gap data  
33 between bridge elevation and the water's surface. CalPORTS  
34 would create a statewide system of sensors strategically placed to  
35 improve the safety of navigation in Humboldt Bay, the San  
36 Francisco, San Pablo, and Suisun Bays, Port Hueneme, Los  
37 Angeles/Long Beach, and San Diego Bay.

1 (e) The state-created harbor safety committees voted to support  
2 the creation of CalPORTS and to provide state funding because  
3 of the demonstrated broad benefit to the public.

4 (f) The ports and harbors of California, especially the ports in  
5 San Francisco Bay, Los Angeles, and Long Beach, provide  
6 critically important contributions to the commerce and economies  
7 of California and the United States. CalPORTS provides real-time  
8 oceanographic information that is critical to ship navigation and  
9 safe operation of California harbors.

10 (g) CalPORTS would be a model effort to create the first unified  
11 system in the nation.

12 SEC. 2. Section 8670.21.1 is added to the Government Code,  
13 to read:

14 8670.21.1. (a) For purposes of this section, the following  
15 definitions apply:

16 (1) "NOAA/NOS" means the National Oceanic and Atmospheric  
17 Administration/National Ocean Service.

18 (2) "CalPORTS" means the California Physical Oceanographic  
19 Real-Time System.

20 (3) "PORTS" means the Physical Oceanographic Real-Time  
21 System.

22 (b) The administrator, in cooperation with NOAA/NOS,  
23 respective port authorities, and harbor safety committees, may  
24 enter into contracts necessary for the establishment, improvement,  
25 operation, and maintenance of CalPORTS. CalPORTS shall consist  
26 of existing PORTS components in each of the following harbors:

27 (1) Humboldt Bay.

28 (2) San Francisco, San Pablo, and Suisun Bays.

29 (3) Port Hueneme.

30 (4) Los Angeles/Long Beach.

31 (5) San Diego.

32 (c) The administrator may hire staff and procure equipment  
33 necessary to administer this program.

34 (d) CalPORTS components established, improved, maintained,  
35 and operated under the authority of this section shall meet all  
36 applicable standards set by NOAA/NOS in order to ensure that  
37 the best possible data are generated. CalPORTS data shall be made  
38 available to the general public.

39 (e) On or before November 15, 2012, the administrator shall  
40 report to the Legislature on the first four years of CalPORTS

1 operation. The report shall include a description of CalPORTS as  
2 funded under this program, an accounting of all expenditures, the  
3 current operational status of each of the five harbor PORTS  
4 components within CalPORTS, and a recommendation on whether  
5 or not CalPORTS should be continued.

6 (f) This section shall only be implemented to the extent that  
7 funds are available.

8 (g) Upon repeal of this section, the authority and responsibility  
9 for administering, operating, and maintaining CalPORTS shall be  
10 assumed by the appropriate.

11 (h) This section shall remain in effect only until January 1, 2013,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2013, deletes or extends that date.