

Regular Session, 2011

SENATE BILL NO. 160

BY SENATORS MICHOT, CHABERT, MORRISH, SMITH AND THOMPSON AND  
REPRESENTATIVES ARNOLD, CORTEZ, DOVE, GUINN, LANDRY  
AND ROBIDEAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS. Provides for safe transportation of offshore oil platform workers. (gov sig)

1 AN ACT  
2 To amend and reenact Part VIII of Chapter 6 of Title 40 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 40:1486.1 and 1486.2, relative to monitoring the  
4 transportation of offshore oil platform workers; to provide for purpose; to provide  
5 for state participation in and promotion of the safe transportation over water of oil  
6 and gas workers and others involved in the offshore oil and gas industry; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VIII of Chapter 6 of Title 40 of the Louisiana Revised Statutes of  
10 1950, to be comprised of R.S. 40:1486.1 and 1486.2 is hereby amended and reenacted to  
11 read as follows:

12 PART VIII. ~~REGULATION~~ MONITORING OF TRANSPORTATION  
13 OF OFFSHORE OIL PLATFORM WORKERS

14 §1486.1. Purpose

15 The legislature finds that the production of oil for the energy needs of the  
16 state and the nation is of vital concern, and the safety of those who work in the  
17 offshore industry and those who transport those workers is also of vital concern;

1 therefore, the legislature ~~imposes certain requirements upon the transportation of~~  
2 ~~offshore workers~~ directs the director of aviation of the aviation section of the  
3 Department of Transportation and Development to participate in education,  
4 communication, and promotion of aviation safety in the offshore oil and gas  
5 industry. The legislature's goal is to reduce to as low as reasonably practicable  
6 the instances of helicopter accidents in the oil and gas industry by promotion of  
7 the adoption of safe practices in such operations. The legislature recognizes  
8 that Congress has delegated the responsibility for regulation of such operators  
9 to the Federal Aviation Administration ("FAA"), which has promulgated  
10 regulations as published in the Code of Federal Regulations to all Part 133 and  
11 Part 135 operators, and which has further, by its issuance of Operations  
12 Specifications to such operators, required them to conduct such operations with  
13 the highest degree of safety in the public interest.

14 §1486.2. ~~Life preserver, life jacket, or life belt; personal locator beacon; required~~

15 State participation in and promotion of transportation of oil and  
16 gas workers over water

17 ~~Notwithstanding any other provision of law to the contrary and prior to~~  
18 ~~January 1, 2011, any aircraft utilized to transport offshore platform workers, to and~~  
19 ~~from the platform, shall provide and carry, so placed as to be readily accessible, at~~  
20 ~~least one life preserver, life jacket, or life belt and a personal locator beacon, for each~~  
21 ~~person on board. The device shall be capable of transmitting a digital coded distress~~  
22 ~~signal and a permanent homing signal. A. The director of aviation ("DA") of the~~  
23 aviation section of the Department of Transportation and Development  
24 ("DOTD") shall request membership to the Helicopter Safety Advisory  
25 Conference ("HSAC"), attend regularly scheduled meetings of HSAC for the  
26 purpose of education, understanding, and dissemination of information  
27 developed for the purpose of the promotion of safety through cooperation, and  
28 encourage all operators who provide over water flight services to the oil and gas  
29 industry to adopt and incorporate the recommended practices of HSAC into

1        their daily operations.

2                B. The DA or his designated representative may attend and secure all  
3        writings in the form of recommended practices that result from HSAC  
4        conferences that relate to safe over water helicopter operations, and disseminate  
5        such writings in such a way that over water flight service providers in the state  
6        or adjacent to its shores are made aware of its content.

7                C. Among considerations for helicopter safety in over water flight  
8        services in the oil and gas industry, the DA or his designated representative may  
9        identify, evaluate, and maintain current knowledge of available feasible  
10       technology for all of the following:

11               (1) Personal locator beacons ("PLBs") capable of transmitting a digital  
12       coded distress signal and a permanent homing signal suitable for use in over  
13       water flight services utilized in the oil and gas industry.

14               (2) Incorporation into the daily operations of all Part 91, Part 133 and  
15       Part 135 operators, a system for satellite tracking of helicopters conducting over  
16       water flights, including maintaining a command center to monitor the status of  
17       such flights.

18               (3) Improvement of flight safety over water services by adoption of  
19       emerging advances in aviation. The DA or his designated representative shall  
20       also promote enhancements of required pre-flight briefings that maximize  
21       passenger awareness of passenger safety, and emergency procedures. Where  
22       appropriate, the DA shall provide information and recommendations to HSAC  
23       for consideration of recommended practices for industry use of such systems  
24       and devices.

25               D. The DA or his designated representative shall maintain familiarity  
26       with all Part 91, Part 133 and Part 135 regulations promulgated by the FAA  
27       pertaining to over water helicopter operations, and may obtain and review all  
28       advisory circulars of the FAA that relate to such over water helicopter  
29       operations in the state or adjacent to its shores, issued under those parts of the

1 Federal Aviation Regulations ("FAR"). Where appropriate, the DA or his  
2 designated representative shall promote the adherence to the regulations and  
3 adoption of the HSAC recommended practices.

4 E. The DA shall facilitate, as he deems necessary, information to the  
5 director of operations of operators who provide over water flight services in the  
6 state or adjacent to its shores, through publication on the Internet through an  
7 identifiable link on the DOTD website, summaries or text of relevant new FAR  
8 and Advisory Circulars published by the FAA or Recommended Practices  
9 published by HSAC.

10 F.(1) The DA shall publish a report to the legislature, directed to the  
11 chairs of the House and Senate committees on transportation, highways and  
12 public works, wherein the DA shall summarize and comment upon all of the  
13 following:

14 (a) The previous year's developments in safe practices for operators who  
15 provide over water flight services in the state or adjacent to its shores, as such  
16 safe practices have evolved over the previous twelve months, through the  
17 federal and industry organizations referenced in this Part.

18 (b) Efforts made by the DA to insure knowledge of all such practices by  
19 operators within the industry.

20 (2) The report shall be delivered to the committees no later than the first  
21 of September, annually. A copy of the report shall also be sent to the director  
22 of operations of each helicopter operator known by the DA to be engaged in  
23 providing over water flight services in the offshore oil and gas industry.

24 Section 2. This Act shall be known and cited as "Jacob's Law".

25 Section 3. This Act shall become effective upon signature by the governor or, if not  
26 signed by the governor, upon expiration of the time for bills to become law without signature  
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
29 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

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#### DIGEST

Michot (SB 160)

Present law provides legislative findings that the production of oil for the energy needs of the state and the nation is of vital concern, and the safety of those who work in the offshore industry and those who transport those workers is also of vital concern.

Present law provides that notwithstanding any other provision of law to the contrary and prior to January 1, 2011, any aircraft utilized to transport offshore platform workers, to and from the platform, must provide and carry, so placed as to be readily accessible, at least one life preserver, life jacket, or life belt and a personal locator beacon, for each person on board. The personal locator beacon must be capable of transmitting a digital coded distress signal and a permanent homing signal.

Proposed law directs the director of aviation ("DA") of the aviation section of the DOTD to participate in education, communication, and promotion of aviation safety in the offshore oil and gas industry, and states that the legislature's goal is to reduce to as low as reasonably practicable the instances of helicopter accidents in the oil and gas industry by promotion of the adoption of safe practices in such operations.

Proposed law requires the DA to request membership into the Helicopter Safety Advisory Conference ("HSAC"), regularly attend scheduled meetings of HSAC for the purpose of education, understanding and dissemination of information developed for the purpose of the promotion of safety through cooperation, and encourage all operators who provide over water flight services to the oil and gas industry to adopt and incorporate the recommended practices of HSAC into their daily operations.

Proposed law provides that the DA may attend and secure all writings in the form of recommended practices that result from HSAC conferences that relate to safe over water helicopter operations, and disseminate such writings in such a way that over water flight service providers in this state.

Proposed law provides that among the considerations for helicopter safety in over water flight services in the oil and gas industry, the DA may identify, evaluate and maintain current knowledge of available feasible technology for all of the following:

1. Personal locator beacons ("PLBs") capable of transmitting a digital coded distress signal and a permanent homing signal suitable for use in over water flight services utilized in the oil and gas industry.
2. Incorporation into the daily operations of all operators a system for satellite tracking of helicopters conducting over water flights, including maintaining a command center to monitor the status of such flights.
3. Improvement of flight safety over water services by adoption of emerging advances in aviation. The DA or his designated representative shall also promote enhancements in required pre-flight briefings to maximize passenger awareness of passenger safety, and emergency procedures. Where appropriate, the DA shall provide information and recommendations to HSAC for consideration of recommended practices for industry use of such systems and devices.

Proposed law requires the DA to maintain familiarity with all applicable federal regulations promulgated by the FAA pertaining to over water helicopter operations, and may also obtain and review all advisory circulars of the FAA that relate to such over water helicopter

operations in this state or adjacent to its shores, issued under those parts of the Federal Aviation Regulations ("FAR"). Where appropriate, the DA shall promote the adherence to the regulations and adoption of the HSAC recommended practices.

Proposed law requires the DA to facilitate, as he deems necessary, information to the directors of operations for operators who provide over water flight services in this state or adjacent to its shores, through publication on the Internet through an identifiable link on the DOTD website, summaries and or text of relevant new FAR and Advisory Circulars published by the FAA or Recommended Practices published by HSAC.

Proposed law requires the DA to publish a report to the legislature, directed to the chairs of the House and Senate committees on transportation, highways and public works, wherein the DA shall summarize and comment upon all of the following:

1. The previous year's developments in safe practices for operators who provide over water flight services in the state or adjacent to its shores, as such safe practices have evolved over the previous 12 months, through the federal and industry organizations referenced above.
2. Efforts made by the DA to insure knowledge of all such practices by operators within the industry.

Proposed law requires that the report be delivered to the committees no later than September 1, annually. A copy of the report shall also be sent to the director of operations of each helicopter operator then known by the DA to be engaged in providing over water flight services in the offshore oil and gas industry.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1486.1 and 1486.2)