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**SUBSTITUTE SENATE BILL 5362**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Smith and Heavey)

Read first time 03/06/95.

1 AN ACT Relating to siting a supplemental airport to the Seattle-  
2 Tacoma International Airport that will be operating after 2018;  
3 amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW;  
4 adding a new section to chapter 47.80 RCW; adding a new chapter to  
5 Title 47 RCW; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that airports are  
8 notoriously difficult to site in populated areas, even when the  
9 proposed airport may not be built for twenty or thirty years. Regional  
10 governments may recognize the need for a new airport, and perhaps even  
11 attempt to plan for it. But as has been demonstrated repeatedly in  
12 Washington state and elsewhere, regional and local public officials are  
13 unwilling, and sometimes unable, to site controversial, yet essential,  
14 airports because of political pressure. The legislature intends the  
15 airport siting council to site airports that will ensure the long-term  
16 air capacity needs of Washington state. The legislature also intends  
17 for the current regional planning process within the Puget Sound region  
18 relating to airport capacity to continue. Therefore, the airport  
19 siting council may not make a decision that interferes with the

1 construction of the third runway at the Seattle-Tacoma International  
2 Airport.

3 NEW SECTION. **Sec. 2.** (1) The airport siting council is  
4 established consisting of the following members: (a) The secretary of  
5 the department of transportation, or a designee; (b) the director of  
6 the department of community, trade, and economic development, or a  
7 designee; (c) a member of the transportation commission appointed by  
8 the governor, who shall be the chair of the council; (d) five members  
9 of the general public with special knowledge or background in airport  
10 issues, appointed by the governor; and (e) a member of a growth  
11 management hearings board, selected by the governor and serving in a  
12 nonvoting capacity.

13 The five members of the general public who are appointed by the  
14 governor may be rejected by the senate. They shall serve for staggered  
15 four-year terms of office, calculated from the first day of January in  
16 the year in which they are appointed. Staggering of terms of office  
17 will be established by the appointment of the initial appointees, three  
18 of whom shall be appointed to a four-year term of office and the other  
19 two appointed to a two-year term of office.

20 The member of a growth management hearings board must be a member  
21 of the growth management hearings board that hears appeals from actions  
22 taken under the Growth Management Act by counties not located in the  
23 region in which the proposed airport project under consideration is  
24 located or that is subject to the proposed transportation plan under  
25 consideration.

26 (2) The chair of the council may designate another councilmember to  
27 serve as the acting chair in the absence of the chair. The department  
28 of transportation shall provide all administrative and staff support  
29 for the council.

30 NEW SECTION. **Sec. 3.** If the transportation commission finds that  
31 all of the following have occurred, it shall declare an impasse and  
32 refer the issue to the airport siting council: (1) A regional  
33 transportation plan does not satisfactorily address the state's  
34 interest as defined in RCW 47.06.040 with respect to planning for  
35 transportation needs through siting of an airport; (2) there has been  
36 ample time to address siting of an airport in the regional  
37 transportation plan and local comprehensive plans, but either no

1 decision has been reached or the process has resulted in a decision  
2 that will not address the state's transportation needs as set forth in  
3 RCW 47.06.040; (3) the process prescribed in RCW 36.70A.106 by which  
4 the department of transportation reviews and suggests changes to the  
5 regional transportation plans and local comprehensive plans with  
6 respect to airport siting needs has been exhausted; (4) the  
7 transportation commission has notified the local governments and  
8 regional bodies responsible for the regional transportation plan of its  
9 intent to declare an impasse; and (5) the local governments and  
10 regional bodies responsible for the regional transportation plan have  
11 failed to show cause within sixty days of such notification that an  
12 impasse should not be declared.

13 NEW SECTION. **Sec. 4.** The transportation commission may not  
14 declare an impasse before January 1, 2001, regarding the search for a  
15 supplemental airport in Washington state or a replacement for Seattle-  
16 Tacoma International Airport, or both. The proposed airport may not be  
17 built for at least seventeen years after the airport siting council has  
18 made its decision.

19 NEW SECTION. **Sec. 5.** (1) The airport siting council shall convene  
20 to make a siting decision, including a new supplemental airport,  
21 whenever the transportation commission passes a resolution declaring  
22 that an impasse exists in the siting of an airport of state-wide  
23 significance, as provided in section 3 of this act. The council has  
24 three hundred sixty days after the date on which the transportation  
25 commission resolution is passed to make a decision regarding the siting  
26 of the airport of state-wide significance and to communicate its  
27 decision in writing to the governor.

28 (2) The responsibility of the council is to make airport siting  
29 decisions that reflect the interest of the entire state and region.  
30 Accordingly, the council is not limited to the options examined by the  
31 regional or local authority, and may also consider alternative sites  
32 outside the region. The council shall consider communities that want  
33 a supplemental airport. It must also attempt to minimize the cost and  
34 the number of people adversely affected by its siting decision. In  
35 forming its decision the council shall review existing information and  
36 analyses regarding the siting issue, including both technical data and  
37 the decision-making process that failed to produce a resolution. The

1 council may also hire staff for technical evaluation, analysis, and  
2 research associated with the preparation of its siting decision. The  
3 council may also consider relationships between the proposed facility  
4 and other existing or planned transportation facilities of state-wide  
5 interest such as airports, rail services, ferry systems, or highways.

6 (3) To the greatest extent possible, the council must provide a  
7 fair and open process. It must hold at least two public hearings for  
8 each site under consideration to solicit comments from the public. The  
9 council must also notify interested persons, groups, and agencies to  
10 the greatest extent possible regarding its activities and the sites  
11 under consideration.

12 (4) The council may not make a decision that interferes with the  
13 construction of the third runway at the Seattle-Tacoma International  
14 Airport.

15 NEW SECTION. **Sec. 6.** (1) The governor may reject the siting  
16 council's initial decision within sixty days. If the governor rejects  
17 the siting council's initial decision, he or she may request the siting  
18 council to provide an alternative decision within thirty days. The  
19 governor has another sixty days to reject the siting council's  
20 alternative decision. Once the council has made a decision, the  
21 council must inform in writing the governor, the transportation  
22 commission, the chair(s) of the legislative transportation committee,  
23 the county or city affected, and the regional transportation planning  
24 organization located in the region in which the airport will be sited.

25 (2) Subject to the conditions set forth in section 8(2) of this  
26 act, a decision by the council binds the state and each of its  
27 political subdivisions, such as departments, agencies, divisions,  
28 bureaus, commissions, boards, counties, cities, towns, ports, and  
29 special districts, whether a political subdivision is a member of the  
30 council or not, regarding approval of a site and the construction and  
31 operation of a proposed airport.

32 NEW SECTION. **Sec. 7.** The legislature may invalidate the council's  
33 decision if a majority of each house votes to object to its choice of  
34 sites. The legislature must vote by the end of the legislative session  
35 convened after the council's decision. This will ensure that the  
36 legislature has at least one full legislative session for deliberation.

1        NEW SECTION.    **Sec. 8.**    (1) This chapter supersedes other laws for  
2 establishing the location of airports of state-wide significance or  
3 rules adopted under state law for establishing the location of airports  
4 of state-wide significance.

5        (2) However, the requirements of this chapter and rules adopted  
6 under it do not supersede the State Environmental Policy Act, the State  
7 Clean Air Act, the State Clean Water Act, the Shoreline Management Act,  
8 the laws relating to solid and hazardous waste management, and all the  
9 related portions of the Washington Administrative Code that implement  
10 these environmental laws.

11        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 47.06 RCW  
12 to read as follows:

13        The legislature declares to be of state-wide significance any  
14 airports designated by the department as included in its plan as  
15 determined by its own functional classification system and criteria.  
16 The department shall assert leadership and cooperate with regional  
17 transportation planning organizations, counties, cities, transit  
18 agencies, public ports, and the private sector, by including in the  
19 state's multimodal transportation plan improvements to transportation  
20 facilities and services of state-wide significance. Improvements to  
21 facilities and services of state-wide significance identified in the  
22 state-wide multimodal transportation plan developed under RCW  
23 47.01.071(3) are considered essential public facilities under RCW  
24 36.70A.200.

25        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 47.80 RCW  
26 to read as follows:

27        The regional transportation planning organization must adopt a  
28 regional transportation plan that adequately implements the decision of  
29 the council to site an airport of state-wide significance, as provided  
30 in section 6 of this act.

31        **Sec. 11.**    RCW 36.70A.200 and 1991 sp.s. c 32 s 1 are each amended  
32 to read as follows:

33        (1) The comprehensive plan of each county and city that is planning  
34 under this chapter shall include a process for identifying and siting  
35 essential public facilities. Essential public facilities include those  
36 facilities that are typically difficult to site, such as airports,

1 state education facilities and state or regional transportation  
2 facilities, state and local correctional facilities, solid waste  
3 handling facilities, and in-patient facilities including substance  
4 abuse facilities, mental health facilities, and group homes. If the  
5 process of siting an airport fails, the airport shall be sited by the  
6 process set forth in chapter 47.-- RCW (sections 1 through 8 of this  
7 act).

8 (2) The office of financial management shall maintain a list of  
9 those essential state public facilities that are required or likely to  
10 be built within the next six years. The office of financial management  
11 may at any time add facilities to the list. No local comprehensive  
12 plan or development regulation may preclude the siting of essential  
13 public facilities.

14 NEW SECTION. Sec. 12. Sections 1 through 8 of this act constitute  
15 a new chapter in Title 47 RCW.

16 NEW SECTION. Sec. 13. This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and shall take  
19 effect immediately.

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