
HOUSE BILL 1458

State of Washington

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1999 Regular Session

By Representatives Schual-Berke, Talcott, Keiser, Mitchell, Mulliken, Quall, Cairnes, D. Schmidt, Scott, Santos, Poulsen, Kenney and Kagi

Read first time 01/26/1999. Referred to Committee on Education.

1 AN ACT Relating to aircraft noise abatement in school facilities;
2 amending RCW 53.54.030; and adding a new section to chapter 53.08 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 53.08 RCW
5 to read as follows:

6 A port district may expend money to assist school districts in
7 constructing, improving, or repairing school facilities.

8 **Sec. 2.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to read
9 as follows:

10 For the purposes of this chapter, in developing a remedial program,
11 the port commission may utilize one or more of the following programs:

12 (1) Acquisition of property or property rights within the impacted
13 area, which shall be deemed necessary to accomplish a port purpose.
14 The port district may purchase such property or property rights by time
15 payment notwithstanding the time limitations provided for in RCW
16 53.08.010. The port district may mortgage or otherwise pledge any such
17 properties acquired to secure such transactions. The port district may
18 assume any outstanding mortgages.

1 (2) Transaction assistance programs, including assistance with real
2 estate fees and mortgage assistance, and other neighborhood remedial
3 programs as compensation for impacts due to aircraft noise and noise
4 associated conditions. Any such programs shall be in connection with
5 properties located within an impacted area and shall be provided upon
6 terms and conditions as the port district shall determine appropriate.

7 (3) Programs of soundproofing structures located within an impacted
8 area. Such programs may be executed without regard to the ownership,
9 provided the owner waives damages and conveys an easement for the
10 operation of aircraft, and for noise and noise associated conditions
11 therewith, to the port district.

12 (4) A program to assist school districts with soundproofing
13 structures located within an impacted area and improving indoor air
14 quality in those structures that have been soundproofed. Any
15 construction, improvement, or repair to school structures to abate
16 aircraft noise or correct indoor air quality shall be completed to a
17 standard equivalent to the noise and air quality levels at similar
18 structures operated by the same school district outside the impacted
19 area. The program shall include costs associated with monitoring noise
20 and air quality levels in the structures and maintaining the
21 soundproofing and air quality systems in the structures to the level of
22 performance at the time of installation.

23 (5) Mortgage insurance of private owners of lands or improvements
24 within such noise impacted area where such private owners are unable to
25 obtain mortgage insurance solely because of noise impact. In this
26 regard, the port district may establish reasonable regulations and may
27 impose reasonable conditions and charges upon the granting of such
28 mortgage insurance: PROVIDED, That such fees and charges shall at no
29 time exceed fees established for federal mortgage insurance programs
30 for like service.

31 ~~((+5))~~ (6) An individual property may be provided benefits by the
32 port district under each of the programs described in subsections (1)
33 through ~~((+4))~~ (3) and (5) of this section. However, an individual
34 property may not be provided benefits under any one of these programs
35 more than once, unless the property is subjected to increased aircraft
36 noise or differing aircraft noise impacts that would have afforded
37 different levels of mitigation, even if the property owner had waived
38 all damages and conveyed a full and unrestricted easement.

1 (~~(6)~~) (7) Management of all lands, easements, or development
2 rights acquired, including but not limited to the following:

3 (a) Rental of any or all lands or structures acquired;

4 (b) Redevelopment of any such lands for any economic use consistent
5 with airport operations, local zoning and the state environmental
6 policy;

7 (c) Sale of such properties for cash or for time payment and
8 subjection of such property to mortgage or other security transaction:
9 PROVIDED, That any such sale shall reserve to the port district by
10 covenant an unconditional right of easement for the operation of all
11 aircraft and for all noise or noise conditions associated therewith.

12 (~~(7)~~) (8) A property shall be considered within the impacted area
13 if any part thereof is within the impacted area.

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