
HOUSE BILL 2745

State of Washington

57th Legislature

2002 Regular Session

By Representatives Schual-Berke, McDermott, Miloscia, Upthegrove, Lysen, Veloria, Kessler, Chase and Santos

Read first time 01/25/2002. Referred to Committee on Transportation.

1 AN ACT Relating to creating the Washington state public facilities
2 siting council; amending RCW 36.70A.200; adding a new chapter to Title
3 43 RCW; and making an appropriation.

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

5 NEW SECTION. **Sec. 1.** (1) The Washington state public facilities
6 siting council is created and members are to be appointed by the
7 governor as follows:

8 (a) The director of community, trade, and economic development, or
9 a designee;

10 (b) A member of the transportation commission, who shall be chair;

11 (c) Two members of the general public with knowledge or expertise
12 in airport issues; and

13 (d) A member of the growth management hearings board.

14 The chair of the council may designate another councilmember to
15 serve as the acting chair in the absence of the chair. The department
16 of transportation shall provide administrative and staff support for
17 the council.

18 The public facilities siting council is created when the criteria
19 of section 3 of this act are met.

1 (2) The Washington state public facilities siting council appointed
2 in response to a specific finding of an impasse under section 2 of this
3 act must be disbanded once the governor has informed the council of his
4 or her decision under section 4 of this act regarding the council's
5 airport siting recommendations concerning the impasse. If, at a later
6 date, the transportation commission declares another impasse the
7 governor shall appoint another siting council consistent with
8 subsection (1) of this section.

9 NEW SECTION. **Sec. 2.** If the state transportation commission finds
10 that all of either subsection (1) or (2) of this section have occurred,
11 it shall declare an impasse and refer the issue to the Washington state
12 public facilities siting council:

13 (1)(a) A regional transportation plan does not satisfactorily
14 address the state's interest as defined in RCW 47.06.040 with respect
15 to planning for transportation needs through siting of an airport; (b)
16 there has been ample time to address siting of an airport in the
17 regional transportation plan and local comprehensive plans, but either
18 no decision has been reached or the process has resulted in a decision
19 that will not address the state's transportation needs as set forth in
20 RCW 47.06.040; (c) the department of transportation has sought by all
21 reasonable means to encourage local governments and regional bodies to
22 cooperate in the planning and decision-making process defined under RCW
23 36.70A.200 that addresses in a timely manner statewide airport siting
24 needs; (d) the transportation commission has notified the local
25 governments and regional bodies responsible for the regional
26 transportation plan of its intent to declare an impasse; and (e) the
27 local governments and regional bodies responsible for the regional
28 transportation plan have failed to show cause within thirty days of
29 such notification that an impasse should not be declared; or

30 (2) No supplemental airport of statewide significance to Seattle-
31 Tacoma International Airport has been sited by August 1, 2002.

32 NEW SECTION. **Sec. 3.** (1) The Washington state public facilities
33 siting council shall convene to make recommendations to the governor
34 whenever the transportation commission passes a resolution declaring
35 that an impasse exists in the siting of an airport of statewide
36 significance, as provided in section 2 of this act. The council has
37 eighteen months after the date on which the transportation commission

1 resolution is passed to make a recommendation regarding the specific
2 siting of the airport of statewide significance and to communicate its
3 recommendation in writing to the governor.

4 (2) The responsibility of the council is to make airport siting
5 recommendations that reflect the interest of the entire state.
6 Accordingly, the council is not limited to the options examined by the
7 regional or local authority, and may also consider alternative sites
8 outside the region. In forming its recommendation the council shall
9 review existing information and analyses regarding the siting issue,
10 including both technical data and the decision-making process that
11 failed to produce a resolution. The council may also hire staff for
12 technical evaluation, analysis, and research associated with the
13 preparation of its siting recommendations. The council may also
14 consider relationships between the proposed facility and other existing
15 or planned transportation facilities of statewide interest such as
16 airports, rail services, ferry systems, or highways.

17 NEW SECTION. **Sec. 4.** (1) The governor must accept or reject the
18 siting council's recommendation within sixty days. If the governor
19 rejects the siting council's recommendation, the governor may request
20 the siting council to provide an alternative recommendation within
21 thirty days. The governor has another sixty days to accept or reject
22 the siting council's alternative recommendation. Once the governor has
23 made a decision, the governor must inform in writing the members of the
24 siting council, the transportation commission, the chair or chairs of
25 the legislative transportation committee, the county or city affected,
26 and the regional transportation planning organization located in the
27 region in which the transportation project will be sited.

28 (2) Subject to the conditions set forth in section 6(2) of this
29 act, a decision by the governor binds the state and each of the
30 political subdivisions in the county where the project will be sited,
31 regarding the approval of a site and the construction and operation of
32 a proposed airport.

33 NEW SECTION. **Sec. 5.** The legislature may invalidate the
34 governor's decision if two-thirds of each house votes to object to the
35 governor's choice of sites. If the legislature does not act to
36 invalidate by the end of the legislative session convened after the
37 governor's decision, the decision shall be deemed valid.

1 NEW SECTION. **Sec. 6.** (1) This chapter supersedes other laws for
2 establishing the location of airports of statewide significance or
3 rules adopted under state law for establishing the location of airports
4 of statewide 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. 7.** The regional transportation planning
12 organization planning under chapter 47.80 RCW must adopt a regional
13 transportation plan that adequately implements the decision of the
14 governor to site an airport of statewide significance, as provided in
15 section 5 of this act.

16 NEW SECTION. **Sec. 8.** The legislature declares to be of statewide
17 significance any airports designated by the department of
18 transportation as included in its plan under RCW 47.06.040 as
19 determined by its own functional classification system and criteria.
20 The department of transportation shall assert leadership and cooperate
21 with regional transportation planning organizations, counties, cities,
22 transit agencies, public ports, and the private sector, by including in
23 the state's multimodal transportation plan improvements to
24 transportation facilities and services of statewide significance.
25 Improvements to facilities and services of statewide significance
26 identified in the statewide multimodal transportation plan developed
27 under RCW 47.01.071(3) are considered essential public facilities under
28 RCW 36.70A.200.

29 **Sec. 9.** RCW 36.70A.200 and 2001 2nd sp.s. c 12 s 205 are each
30 amended to read as follows:

31 (1) The comprehensive plan of each county and city that is planning
32 under RCW 36.70A.040 shall include a process for identifying and siting
33 essential public facilities. Essential public facilities include those
34 facilities that are typically difficult to site, such as airports,
35 state education facilities and state or regional transportation
36 facilities as defined in RCW 47.06.140, state and local correctional

1 facilities, solid waste handling facilities, and in-patient facilities
2 including substance abuse facilities, mental health facilities, group
3 homes, and secure community transition facilities as defined in RCW
4 71.09.020. If the process for siting an airport of statewide
5 significance fails, the airport must be sited by the process set forth
6 in sections 1 through 8 and 11 of this act.

7 (2) Each county and city planning under RCW 36.70A.040 shall, not
8 later than the deadline specified in RCW 36.70A.130, establish a
9 process, or amend its existing process, for identifying and siting
10 essential public facilities, and adopt or amend its development
11 regulations as necessary to provide for the siting of secure community
12 transition facilities consistent with statutory requirements applicable
13 to these facilities.

14 (3) Any city or county not planning under RCW 36.70A.040 shall, not
15 later than the deadline specified in RCW 36.70A.130, establish a
16 process for siting secure community transition facilities and adopt or
17 amend its development regulations as necessary to provide for the
18 siting of such facilities consistent with statutory requirements
19 applicable to these facilities.

20 (4) The office of financial management shall maintain a list of
21 those essential state public facilities that are required or likely to
22 be built within the next six years. The office of financial management
23 may at any time add facilities to the list.

24 (5) No local comprehensive plan or development regulation may
25 preclude the siting of essential public facilities.

26 NEW SECTION. Sec. 10. The sum of five hundred thousand dollars,
27 or as much thereof as may be necessary, is appropriated for the
28 biennium ending June 30, 2003, from the multimodal fund to the
29 department of transportation for the purposes of section 3 of this act.

30 NEW SECTION. Sec. 11. This chapter may be known and cited as the
31 Washington state public facilities siting act.

32 NEW SECTION. Sec. 12. Sections 1 through 8 and 11 of this act
33 constitute a new chapter in Title 43 RCW.

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