

# FINAL BILL REPORT

## ESHB 1791

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### PARTIAL VETO

C 463 L 23

Synopsis as Enacted

**Brief Description:** Studying the need for increased commercial aviation services.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Fey, Dent, Morgan, Barkis, Mena, Couture, Griffey, Bronoske, Ybarra, Christian, Timmons, Donaghy, Berg and Doglio).

**House Committee on Transportation**

**Senate Committee on Transportation**

### **Background:**

#### Commercial Aviation Coordinating Commission.

In 2019 legislation was enacted that created the Commercial Aviation Coordinating Commission (Commission) to initiate a broad review of potential aviation facility sites, review existing data, and conduct research as necessary; the Commission's authority was to expire on July 1, 2022. The 2021 and 2022 Transportation Budgets extended the authority of the Commission to June 30, 2023, and provided additional funding and direction

The Commission is required to consider a new primary commercial aviation facility in Washington, either by the expansion of existing airport facilities, or the addition of new aviation facilities to meet anticipated commercial aviation, general aviation, and air cargo demands. The Commission must project a timeline for developing an additional commercial aviation facility that would be completed and functional by 2040. The Commission must also make recommendations on Washington's future long-range commercial facility needs.

The Commission must identify a single preferred location for a new primary commercial aviation facility by June 15, 2023. Options may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission. The Commission may not recommend additional aviation facilities, or

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the expansion of current facilities, in a county with a population of 2 million or more residents.

#### Commission Members.

The Commission is made up of 15 voting and 11 nonvoting members. In addition to representatives from the Washington State Department of Transportation (WSDOT) Aeronautics Division and the Department of Commerce (Commerce), there are 13 voting members appointed by the Governor to represent several stakeholder groups associated with the aeronautics industry, including: the airline industry, commercial service airports, ports representing all geographic areas of the state, an environmental organization, the trucking and freight forwarding industries, and three citizen representatives.

Nonvoting members include representatives of the WSDOT Aeronautics Division, the Washington State Aviation Alliance, the Department of Defense, metropolitan planning organizations, and regional airports, as well as members of the Legislature. The Governor may appoint additional nonvoting members as deemed appropriate.

The WSDOT must provide staff support as necessary. The WSDOT, at the direction of the Commission, may hire a consultant to assist the Commission. The Governor, or designee, must convene the initial meeting as soon as practicable. Legislative members of the Commission are reimbursed for travel expenses, and nonlegislative Commission members are not entitled to reimbursement for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. The Commission must select a chair from among its membership.

#### **Summary:**

##### Commercial Aviation Work Group.

The Commission is replaced with the Commercial Aviation Work Group (Work Group). The Work Group is required to comprehensively evaluate the long-range commercial aviation needs of Washington within the broader context of state transportation needs and the specific needs of Western Washington. The Work Group must consider alternatives to additional aviation capacity.

The Work Group is required to investigate the expansion of existing aviation facilities and possible siting locations for new greenfield aviation facilities and report on the strengths and weaknesses of each site. The Work Group is required to consider all impacts of a new facility including the impacts to water quality, state-established greenhouse gas emission goals, and local planning related to the Growth Management Act. The Work Group must consider both sites previously identified by aviation planning documents and new sites. The Work Group may not consider the expansion opportunities for a port- or county-run airport located in a county with a population of 2 million or more residents or the expansion of an existing airport, or the siting of a new airport, that would be incompatible with the operations of a military installation.

The Work Group is required to:

- make efforts to collaborate with federal agencies, federally recognized tribes, the environmental community, local communities, and economic development agencies;
- consider site infrastructure, including transportation infrastructure; and
- analyze, in cooperation with the Federal Aviation Administration, the airspace requirements and restrictions, terrain and man-made obstacles, and weather patterns of potential sites.

The Work Group must also provide information to the Transportation Committees of the Legislature on the future of aviation and possible changes to air transportation within Washington.

The Work Group must submit a progress report to the Governor and the Transportation Committees of the Legislature by July 1 of each year. The first report of the Work Group must include a list of areas which will not have further review as the areas are in conflict with the operations of a military installation.

Work Group Members.

The Work Group is made up of 19 voting members appointed by the Governor to represent several stakeholder groups including: the airline industry or businesses dependent on air service; statewide business interests; commercial service airports; ports representing all geographic areas of the state; environmental organizations; the trucking and freight forwarding industries; and eight citizen representatives.

The Work Group is required to invite 11 nonvoting members to represent the WSDOT Aeronautics Division, Commerce, the Washington State Aviation Alliance, metropolitan planning organizations, regional airports, and members of the Legislature.

The WSDOT must provide staff support as necessary. The WSDOT, at the direction of the Work Group, may hire consultants to assist the Work Group. Legislative members of the Work Group are reimbursed for travel expenses, and nonlegislative Work Group members are not entitled to reimbursement for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. The Work Group must select a chair from among its voting membership.

The funds appropriated in support of the Commission are directed to support the Work Group.

**Votes on Final Passage:**

House	88	9	
Senate	31	17	(Senate amended)
House	91	6	(House concurred)

**Effective:** July 23, 2023

**Partial Veto Summary:** The Governor vetoed:

- the section of the bill giving direction to and imposing requirements on the Commercial Aviation Work Group (Work Group);
- the sections of the bill which replace the Commercial Aviation Coordinating Commission, set to expire at the end of fiscal year 2023, with the Work Group in the current biennium; and
- the emergency clause which would have the bill take effect immediately.