
HOUSE BILL 1173

State of Washington

68th Legislature

2023 Regular Session

By Representatives Connors, Klicker, and Rude

Prefiled 01/06/23. Read first time 01/09/23. Referred to Committee on Environment & Energy.

1 AN ACT Relating to reducing light pollution associated with
2 certain energy infrastructure; adding a new section to chapter 80.50
3 RCW; adding a new section to chapter 43.21A RCW; adding a new section
4 to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and
5 adding a new section to chapter 36.01 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.50
8 RCW to read as follows:

9 (1) This section applies to:

10 (a) Applicants for site certification under this chapter
11 proposing a wind energy alternative energy resource facility; and

12 (b) The owners and operators of wind energy alternative energy
13 resource facilities that have received site certification under this
14 chapter prior to the effective date of rules adopted by the
15 department under section 2 of this act.

16 (2)(a) An applicant described in subsection (1) of this section
17 must, as a condition of site certification under this chapter, comply
18 with the light mitigation requirements of this section upon the
19 completion of construction of the facility.

20 (b) An owner or operator described in subsection (1) of this
21 section must ensure that the wind energy alternative energy resource

1 facility complies with the light mitigation requirements of this
2 chapter by January 1, 2026.

3 (3) A wind energy alternative energy resource facility must be
4 equipped with a functioning light mitigation technology system that
5 meets the requirements of the rules adopted pursuant to section 2 of
6 this act.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A
8 RCW to read as follows:

9 (1) By January 1, 2025, the department must adopt rules to
10 establish light mitigation requirements applicable to new and
11 existing wind energy alternative energy resource facilities,
12 consistent with sections 1, 3, 4, and 5 of this act. In adopting
13 rules under this section, the department must consult with the
14 department of transportation and the energy facility site evaluation
15 council and solicit input from counties and cities.

16 (2) The rules adopted by the department under this section must:

17 (a) Be consistent with federal aviation administration
18 regulations, guidelines, circulars, and standards, including
19 C.F.R. Part 77 as it existed as of January 1, 2023, except as
20 provided in (b) of this subsection;

21 (b) Apply to all obstructions associated with the wind energy
22 alternative energy resource facility, including meteorological
23 towers, regardless of height;

24 (c) Include service and maintenance requirements and safety
25 standards; and

26 (d) Require aircraft detection lighting systems.

27 (3) For the purposes of this section, "aircraft detection
28 lighting system" means a sensor-based system designed to detect
29 aircraft as they approach an obstruction or group of obstructions and
30 that automatically activate the appropriate obstruction lights until
31 the lights are no longer needed by the aircraft.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.63
33 RCW to read as follows:

34 (1) This section applies to:

35 (a) Applicants for permits to site a wind energy alternative
36 energy resource facility; and

37 (b) The owners and operators of wind energy alternative energy
38 resource facilities that have received permits prior to the effective

1 date of rules adopted by the department of ecology under section 2 of
2 this act.

3 (2) (a) An applicant described in subsection (1) of this section
4 must comply with the light mitigation requirements of this section
5 upon the completion of construction of the facility.

6 (b) An owner or operator described in subsection (1) of this
7 section must ensure that the wind energy alternative energy resource
8 facility complies with the light mitigation requirements of this
9 chapter by January 1, 2026.

10 (3) A wind energy alternative energy resource facility must be
11 equipped with a functioning light mitigation technology system that
12 meets the requirements of the rules adopted pursuant to section 2 of
13 this act.

14 (4) For the purposes of this section, "alternative energy
15 resource" has the same meaning as defined in RCW 80.50.020.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.63
17 RCW to read as follows:

18 (1) This section applies to:

19 (a) Applicants for permits to site a wind energy alternative
20 energy resource facility; and

21 (b) The owners and operators of wind energy alternative energy
22 resource facilities that have received permits prior to the effective
23 date of rules adopted by the department of ecology under section 2 of
24 this act.

25 (2) (a) An applicant described in subsection (1) of this section
26 must comply with the light mitigation requirements of this section
27 upon the completion of construction of the facility.

28 (b) An owner or operator described in subsection (1) of this
29 section must ensure that the wind energy alternative energy resource
30 facility complies with the light mitigation requirements of this
31 chapter by January 1, 2026.

32 (3) A wind energy alternative energy resource facility must be
33 equipped with a functioning light mitigation technology system that
34 meets the requirements of the rules adopted pursuant to section 2 of
35 this act.

36 (4) For the purposes of this section, "alternative energy
37 resource" has the same meaning as defined in RCW 80.50.020.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.01
2 RCW to read as follows:

3 (1) This section applies to:

4 (a) Applicants for permits to site a wind energy alternative
5 energy resource facility; and

6 (b) The owners and operators of wind energy alternative energy
7 resource facilities that have received permits prior to the effective
8 date of rules adopted by the department of ecology under section 2 of
9 this act.

10 (2)(a) An applicant described in subsection (1) of this section
11 must comply with the light mitigation requirements of this section
12 upon the completion of construction of the facility.

13 (b) An owner or operator described in subsection (1) of this
14 section must ensure that the wind energy alternative energy resource
15 facility complies with the light mitigation requirements of this
16 chapter by January 1, 2026.

17 (3) A wind energy alternative energy resource facility must be
18 equipped with a functioning light mitigation technology system that
19 meets the requirements of the rules adopted pursuant to section 2 of
20 this act.

21 (4) For the purposes of this section, "alternative energy
22 resource" has the same meaning as defined in RCW 80.50.020.

23 NEW SECTION. **Sec. 6.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

--- END ---