
HOUSE BILL 1439

State of Washington 56th Legislature 1999 Regular Session

By Representatives Keiser, G. Chandler, Poulsen, Mitchell,
Schual-Berke, Constantine and Kessler

Read first time . Referred to Committee on .

1 AN ACT Relating to airport siting; amending RCW 36.70A.200; adding
2 a new section to chapter 47.06 RCW; adding a new section to chapter
3 47.80 RCW; adding a new chapter to Title 47 RCW; making an
4 appropriation; and declaring an emergency.

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

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

16 NEW SECTION. **Sec. 2.** (1) The airport siting council is
17 established consisting of the following members: (a) The secretary of
18 the department of transportation, or a designee; (b) the director of

1 the department of community, trade, and economic development, or a
2 designee; (c) a member of the transportation commission appointed by
3 the governor, who shall be the chair of the council; (d) two members of
4 the general public with special knowledge or background in airport
5 issues, appointed by the governor; and (e) a member of a growth
6 management hearings board, selected by the governor and serving in a
7 nonvoting capacity.

8 The two members of the general public who are appointed by the
9 governor shall serve for staggered four-year terms of office,
10 calculated from the first day of January in the year in which they are
11 appointed. Staggering of terms of office will be established by the
12 appointment of the initial appointees, one of whom shall be appointed
13 to a four-year term of office and the other appointed to a two-year
14 term of office.

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

21 (2) The chair of the council may designate another councilmember to
22 serve as the acting chair in the absence of the chair. The department
23 of transportation shall provide all administrative and staff support
24 for the council.

25 NEW SECTION. **Sec. 3.** If the transportation commission finds that
26 all of the following have occurred, it may declare an impasse and refer
27 the issue to the airport siting council: (1) A regional transportation
28 plan does not satisfactorily address the state's interest as defined in
29 RCW 47.06.040 with respect to planning for transportation needs through
30 siting of an airport; (2) there has been ample time to address siting
31 of an airport in the regional transportation plan and local
32 comprehensive plans, but either no decision has been reached or the
33 process has resulted in a decision that will not address the state's
34 transportation needs as set forth in RCW 47.06.040; (3) the process
35 prescribed in RCW 36.70A.106 by which the department of transportation
36 reviews and suggests changes to the regional transportation plans and
37 local comprehensive plans with respect to airport siting needs has been
38 exhausted; (4) the department of transportation has sought by all

1 reasonable means to encourage local governments and regional bodies to
2 cooperate in a planning and decision-making process that addresses in
3 a timely manner state-wide airport siting needs; (5) the transportation
4 commission has notified the local governments and regional bodies
5 responsible for the regional transportation plan of its intent to
6 declare an impasse; and (6) the local governments and regional bodies
7 responsible for the regional transportation plan have failed to show
8 cause within sixty days of such notification that an impasse should not
9 be declared.

10 NEW SECTION. **Sec. 4.** The transportation commission must declare
11 an impasse by July 1, 2000, regarding the search for a supplemental
12 airport in the Puget Sound region or replacement for Seattle-Tacoma
13 International Airport.

14 NEW SECTION. **Sec. 5.** (1) The airport siting council shall convene
15 to make recommendations to the governor whenever the transportation
16 commission passes a resolution declaring that an impasse exists in the
17 siting of an airport of state-wide significance, as provided in section
18 3 of this act. The council has one hundred eighty days after the date
19 on which the transportation commission resolution is passed to make a
20 recommendation regarding the siting of the airport of state-wide
21 significance and to communicate its recommendation in writing to the
22 governor.

23 (2) The responsibility of the council is to make airport siting
24 recommendations that reflect the interest of the entire state.
25 Accordingly, the council is not limited to the options examined by the
26 regional or local authority, and may also consider alternative sites
27 outside the region. In forming its recommendation the council shall
28 review existing information and analyses regarding the siting issue,
29 including both technical data and the decision-making process that
30 failed to produce a resolution. The council may also hire staff for
31 technical evaluation, analysis, and research associated with the
32 preparation of its siting recommendation. The council may also
33 consider relationships between the proposed facility and other existing
34 or planned transportation facilities of state-wide interest such as
35 airports, rail services, ferry systems, or highways.

1 NEW SECTION. **Sec. 6.** (1) The governor must accept or reject the
2 siting council's recommendation within sixty days. If the governor
3 rejects the siting council's recommendation, he or she may request the
4 siting council to provide an alternative recommendation within thirty
5 days. The governor has another sixty days to accept or reject the
6 siting council's alternative recommendation. Once the governor has
7 made a decision, the governor must inform in writing the members of the
8 airport siting council, the transportation commission, the chair(s) of
9 the legislative transportation committee, the county or city affected,
10 and the regional transportation planning organization located in the
11 region in which the transportation project will be sited.

12 (2) Subject to the conditions set forth in section 8(2) of this
13 act, a decision by the governor binds the state and each of its
14 political subdivisions, such as departments, agencies, divisions,
15 bureaus, commissions, boards, counties, cities, towns, ports, and
16 special districts, whether a political subdivision is a member of the
17 council or not, regarding approval of a site and the construction and
18 operation of a proposed airport.

19 NEW SECTION. **Sec. 7.** The legislature may invalidate the
20 governor's decision if two-thirds of each house votes to object to his
21 or her choice of sites. The legislature must vote by the end of the
22 legislative session convened after the governor's decision. This will
23 ensure that the legislature has at least one full legislative session
24 for deliberation.

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

29 (2) However, the requirements of this chapter and rules adopted
30 under it do not supersede the State Environmental Policy Act, the State
31 Clean Air Act, the State Clean Water Act, the Shoreline Management Act,
32 the laws relating to solid and hazardous waste management, and all the
33 related portions of the Washington Administrative Code that implement
34 these environmental laws.

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

1 The legislature declares to be of state-wide significance any
2 airports designated by the department as included in its plan as
3 determined by its own functional classification system and criteria.
4 The department shall assert leadership and cooperate with regional
5 transportation planning organizations, counties, cities, transit
6 agencies, public ports, and the private sector, by including in the
7 state's multimodal transportation plan improvements to transportation
8 facilities and services of state-wide significance. Improvements to
9 facilities and services of state-wide significance identified in the
10 state-wide multimodal transportation plan developed under RCW
11 47.01.071(3) are considered essential public facilities under RCW
12 36.70A.200.

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

15 The regional transportation planning organization must adopt a
16 regional transportation plan that adequately implements the decision of
17 the governor to site an airport of state-wide significance, as provided
18 in section 6 of this act.

19 **Sec. 11.** RCW 36.70A.200 and 1998 c 171 s 3 are each amended to
20 read as follows:

21 (1) The comprehensive plan of each county and city that is planning
22 under this chapter shall include a process for identifying and siting
23 essential public facilities. Essential public facilities include those
24 facilities that are typically difficult to site, such as airports,
25 state education facilities and state or regional transportation
26 facilities as defined in RCW 47.06.140, state and local correctional
27 facilities, solid waste handling facilities, and in-patient facilities
28 including substance abuse facilities, mental health facilities, and
29 group homes. If the process of siting an airport fails, the airport
30 shall be sited by the process set forth in chapter 47.-- RCW (sections
31 1 through 8 of this act).

32 (2) The office of financial management shall maintain a list of
33 those essential state public facilities that are required or likely to
34 be built within the next six years. The office of financial management
35 may at any time add facilities to the list. No local comprehensive
36 plan or development regulation may preclude the siting of essential
37 public facilities.

1 NEW SECTION. **Sec. 12.** The sum of five hundred thousand dollars,
2 or as much thereof as may be necessary, is appropriated for the
3 biennium ending June 30, 2001, from the transportation fund to the
4 department of transportation for the purposes of section 5 of this act.

5 NEW SECTION. **Sec. 13.** Sections 1 through 8 of this act constitute
6 a new chapter in Title 47 RCW.

7 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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