CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE HOUSE BILL 1791**

Chapter 463, Laws of 2023

(partial veto)

68th Legislature

2023 Regular Session

COMMERCIAL AVIATION WORK GROUP

EFFECTIVE DATE: July 23, 2023

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| Passed by the House April 18, 2023  Yeas 91 Nays 6  LAURIE JINKINS  **Speaker of the House of Representatives**  Passed by the Senate April 12, 2023  Yeas 31 Nays 17  DENNY HECK  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1791** as passed by the House of Representatives and the Senate on the dates hereon set forth.  BERNARD DEAN  Chief Clerk |
| Approved May 15, 2023 3:07 PM with the exception of sections 3, 5, 7, and 8, which are vetoed. | May 16, 2023 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SUBSTITUTE HOUSE BILL 1791**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

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

AN ACT Relating to studying the need for increased commercial aviation services; amending 2022 c 186 s 213 (uncodified); adding a new chapter to Title 14 RCW; repealing 2021 c 333 ss 718 and 719 and 2022 c 186 s 707 (uncodified); and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The legislature finds:

(a) The state's transportation needs are growing and it is imperative that the state plan comprehensively to meet the needs of its citizens, particularly in the fastest growing regions of the state;

(b) That planning for the future of aviation must take a comprehensive coordinated look at the transportation system as a whole;

(c) The pandemic interfered with the ability of the commercial aviation coordinating commission to perform a thorough and complete study of the possibility of a new commercial airport;

(d) The creation of a new primary commercial aviation facility has the potential for environmental, health, social, and economic impacts on the surrounding communities, and the legislature recognizes any preferred location will require substantial environmental, land use, governance, and funding decisions from federal, state, and local governments;

(e) There is expected growth in commercial aviation, general aviation, and air cargo operations; the Puget Sound regional council May 2021 regional aviation baseline study final report estimates that by 2050 capacity restrictions in the central Puget Sound will create a gap between the demand for aviation activities and the capacity for those activities; and

(f) The exploration of alternatives to Seattle-Tacoma international airport is critical to address this anticipated demand through a variety of transportation strategies that may include the creation or expansion of other airports.

(2) The legislature, therefore, intends to replace the commercial aviation coordinating commission with the commercial aviation work group and direct the work group to provide a comprehensive investigation of airport capacity in the state and the best way to address aviation needs in the context of overall state transportation needs in the next 20 years using independent verifiable data.

NEW SECTION. **Sec.**  (1) The state commercial aviation work group is created to carry out the functions of section 3 of this act. The work group shall consist of 19 voting members.

(2) The governor shall appoint 19 voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of 2,000,000 or more, one of whom shall represent a port in eastern Washington with an airport runway of at least 13,500 feet in length, one of whom shall represent a commercial service airport in eastern Washington located in a county with a population of 400,000 or more, and one representing an association of ports;

(b) Two as representatives from the airline industry or businesses dependent upon air service;

(c) One representative from a statewide business association;

(d) Seven citizen representatives with at least two appointed from eastern Washington and at least two appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the work group's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community;

(e) A representative from the freight forwarding industry;

(f) A representative from the trucking industry;

(g) A representative from a community organization that understands the impacts of a large commercial aviation facility on a community; and

(h) Two representatives from statewide environmental organizations.

(3) The work group shall invite the following nonvoting members:

(a) A representative from the Washington state aviation alliance;

(b) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by legislative leadership;

(c) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by legislative leadership;

(d) A representative from the department of commerce;

(e) A representative from the division of aeronautics of the department of transportation;

(f) A representative from an eastern Washington metropolitan planning organization;

(g) A representative from a western Washington metropolitan planning organization;

(h) A representative from an eastern Washington regional airport; and

(i) A representative from a western Washington regional airport.

(4) The work group shall select a chair from among its voting membership and shall adopt rules related to its powers and duties under section 3 of this act.

(5) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. The work group has all powers necessary to carry out its duties as prescribed by section 3 of this act.

(6) The department of transportation shall provide staff support for coordinating and administering the work group and technical assistance as requested by work group members.

(7) At the direction of the work group, and as resources allow, the department of transportation is authorized to hire consultants to assist with the review and research efforts of the work group.

NEW SECTION. **Sec.**  (1) The state commercial aviation work group shall 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 shall review existing data and conduct research to determine Washington's long-range commercial aviation facility needs while considering alternatives to additional airport capacity.

(2)(a) Except as provided in subsection (3) of this section, the work group shall investigate the expansion of existing aviation facilities and possible siting locations for a new greenfield aviation facilities, with the expected outcome to be a report that compares the strengths and weaknesses of each site considered. In this investigation, the work group shall consider both new sites and those previously identified in previous aviation planning documents. The work group must consider all impacts that, whether by the expansion of a current facility or the location of a new greenfield site, the creation of a new primary commercial aviation facility may have, including impacts on:

(i) Community members and quality of life;

(ii) The environment, including the impacts of a facility on water quality and the ability of the state to meet the greenhouse gas emissions limits established in RCW 70A.45.020;

(iii) County master plans and other local planning and zoning, including development regulations and comprehensive plans adopted under chapter 36.70A RCW; and

(iv) Current airspace operations.

(b) The work group shall:

(i) Perform outreach to and make efforts to collaborate with:

(A) Applicable federal agencies including the federal aviation administration, the United States environmental protection agency, the United States department of defense, and the United States department of energy;

(B) Indian tribes, as defined in RCW 43.376.010, though outreach and collaboration by the work group under this subsection does not constitute or substitute for formal government-to-government consultation under the 1989 State-Tribal Relations/Centennial Accord and chapter 43.376 RCW;

(C) The environmental community;

(D) Local communities;

(E) Economic development agencies;

(ii) Identify potential site infrastructure shortfalls and make recommendations as to how they could be most suitably addressed, including the feasibility of the specific transportation infrastructure required to move people to the potential site. This process includes the delivery of an adequate supply of aircraft fuel and supporting infrastructure along with facilities needed to transition to the use of sustainable aviation fuels;

(iii) Consider the cost of construction of a facility and supporting infrastructure;

(iv) In cooperation with the federal aviation administration, analyze:

(A) Airspace requirements and airspace restrictions of potential sites;

(B) Any possible terrain and man-made obstacles that could possibly create a hazard to aircraft;

(C) Local weather patterns and microclimates to determine if they will create issues for the operation of large aircraft; and

(v) Carry out other duties as assigned by the legislature.

(3) The work group shall not consider:

(a) Expansion opportunities for a port or county run airport located in a county with a population of 2,000,000 or more; or

(b) The expansion of an existing airport or the siting of a new airport that would be incompatible with the operations of a military installation.

(4) In addition, the work group shall provide information to the transportation committees of the legislature on the future of aviation growth in the state, including potential commercial aviation, general aviation, and air cargo demands, with consideration of new technologies, alternative transportation modes, and the airport of the future.

(5) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

NEW SECTION. **Sec.**  The state commercial aviation work group shall submit a progress report to the governor and the transportation committees of the legislature by July 1, 2024, and annually thereafter. The first report of the work group shall include a list of areas that will not have further review as the areas are in conflict with the operations of a military installation.

**Sec.**  2022 c 186 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation $8,127,000

Aeronautics Account—Federal Appropriation $3,916,000

Aeronautics Account—Private/Local Appropriation $60,000

Multimodal Transportation Account—State

Appropriation $150,000

TOTAL APPROPRIATION $12,253,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) $257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation ((~~coordinating commission~~)) work group, pursuant to section ((~~718, chapter 333, Laws of 2021~~)) 3 of this act.

(3) $280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) $150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation ((~~coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023~~)) work group. The work of the ((~~commission~~)) work group shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts ((~~may~~)) shall include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the ((~~commission~~)) work group;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the ((~~commission's~~)) work group's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) ((~~Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;~~

~~(v)~~)) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

((~~(vi)~~)) (v) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 14 RCW.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1) 2021 c 333 s 718 (uncodified);

(2) 2021 c 333 s 719 (uncodified); and

(3) 2022 c 186 s 707 (uncodified).

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

**--- END ---**

Passed by the House April 18, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 15, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 entitled:

"AN ACT Relating to studying the need for increased commercial aviation services."

Engrossed Substitute House Bill 1791 bill creates a new State Commercial Aviation Work Group and directs them to study the need for additional airport capacity in Washington, including siting a new airport. Section 3 directs the Work Group to simultaneously consider expanding capacity at existing airports and siting a new airport. However, it is important for the state to first fully consider increasing capacity at existing airports throughout the state, excluding SeaTac, before it considers siting a new airport.

Section 5 amends the 2022 supplemental transportation budget and redirects funds that have already been spent.

Section 7 repeals three uncodified sections from the 2021 - 2023 budgets that would reinstate an expiration date for the current workgroup of July 1, 2022. Since the current workgroup has been conducting the activities authorized by law subsequent to that date, the authority to carry out those activities cannot be retroactively removed.

Section 8 is an emergency clause. The current Commercial Aviation Coordinating Commission will expire June 30, 2023. The existing Commission is required to report a single site to the legislature by June 15 and that report should reflect the findings of the Commission that they do not have a single site recommendation at this time. Therefore, an emergency clause is not needed.

For these reasons I have vetoed Sections 3, 5, 7 and 8 of Engrossed Substitute House Bill No. 1791.

With the exception of Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 is approved."