

# HOUSE BILL REPORT

## ESHB 1791

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### As Passed Legislature

**Title:** An act relating to studying the need for increased commercial aviation services.

**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).

### Brief History:

#### Committee Activity:

Transportation: 2/16/23, 2/23/23 [DPS].

#### Floor Activity:

Passed House: 3/8/23, 88-9.

Senate Amended.

Passed Senate: 4/12/23, 31-17.

House Concurred.

Passed House: 4/18/23, 91-6.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Replaces the Commercial Aviation Coordinating Commission (Commission) with a Commercial Aviation Work Group (Work Group).
- Directs the Work Group to evaluate the commercial aviation needs of Washington within the broader context of state transportation needs and the specific needs of western Washington.
- Requires the Work Group 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 considered.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Hackney, Klicker, Mena, Ramel, Ramos, Schmidt, Taylor, Volz and Wylie.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Robertson, Assistant Ranking Minority Member; Walsh.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Griffey and Orcutt.

**Staff:** Michael Hirsch (786-7195).

### **Background:**

#### Commercial Aviation Coordinating Commission.

In 2019 the Legislature 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 directed 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 in, or 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 of Engrossed Substitute Bill:**

#### 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 directed 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 directed 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 must 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

#### **Staff Summary of Public Testimony:**

(In support) Airport capacity is limiting economic growth in the area. This bill creates a Work Group to evaluate commercial aviation needs in the context of the overall transportation needs of the state. The 2019 Commission legislation was flawed in setting a

deadline and requiring the recommendation of a single site. The Commission did not have adequate resources or time to provide public engagement and information, and gather and analyze information. This bill is a better process and includes environmental and infrastructure considerations. The bill can correct the errors the Commission made in choosing sites in conflict with existing military operations, aquifers, and infrastructure. A site may not be found, but needs to be sought.

The bill should make clear that outreach to federally recognized tribes is not a replacement for government-to-government conversation. The Work Group should include representatives of a variety of business interests and Joint Base Lewis McChord as a voting member. Timberland should also be considered. The city of Yakima is interested in having a primary commercial airport for economic development and should be considered as a potential site. The Seattle-Tacoma International Airport should be relocated.

(Opposed) A new airport is not necessary and flying contributes to climate change. Many people do not support another airport. Economic growth should not be prioritized over the way of life and culture in an area. Greenfield sites are not empty sites. Landowner value should be protected. Trains and other public transit are alternatives. Hydrogen is unknown future technology.

This bill continues the same process the Commission used and does add needed transparency. It does not mention federal environmental protections or best science and relies on industry estimates. The expansion of every existing airport should be considered. The Work Group should study more alternatives including relocating some military operations to Moses Lake.

The Commission site selection process caused harm. The short list of sites did not meet the 2019 law. An airport should not be built at the three sites proposed by the Commission.

(Other) WSDOT needs funding to support the Work Group. The process should be in line with county long-range planning and county comprehensive plans. The process should be based on independent information. The previous process did not provide enough outreach and notice.

**Persons Testifying:** (In support) Representative Jake Fey, prime sponsor; Bill Adamson, South Sound Military and Communities Partnership; Scott Lay; Patricia Byers, City of Yakima; Davor Gjurasic, Nisqually Indian Tribe; David Ortman; and James Halmø.

(Opposed) Melonie Rockwell; Dylan Orion; Laura Orion; Bennett Butters; Ursula Euler; Dawn Sonntag, Stop the Airport; Jean Shaffer; and Kym Anton, Enumclaw Plateau Community Association.

(Other) Mary Cebell; Neil Strege, Washington Roundtable; James Pierson; Mary Kline; and Steven Breaux, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.