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SENATE BILL 6453

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State of Washington 57th Legislature

2002 Regular Session

By Senators Keiser, Swecker, Poulsen and Eide

Read first time 01/17/2002. Referred to Committee on Transportation.

1 AN ACT Relating to determining long-term air transportation needs  
2 including airport siting; amending RCW 36.70A.200; adding a new section  
3 to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding  
4 a new chapter to Title 47 RCW; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that airports are  
7 critical to the statewide transportation infrastructure. The 2000  
8 Washington Blue Ribbon Commission on Transportation reported that the  
9 state has no plans in place today that, if implemented, would yield  
10 results that would meet the long-term transportation needs of the  
11 state. The long-standing lack of consensus on how to solve  
12 Washington's transportation problems should be resolved through a  
13 reasonable process. The legislature intends the airport siting council  
14 to site airports that will ensure the long-term air transportation  
15 needs of Washington state are met and are in compliance with applicable  
16 public health, environmental, and land use laws.

17 NEW SECTION. **Sec. 2.** (1) If the transportation commission  
18 declares an impasse under section 3 or 4 of this act, the governor

1 shall appoint an airport siting council. The council will consist of  
2 the following members: (a) The director of the department of  
3 community, trade, and economic development, or a designee; (b) a member  
4 of the transportation commission appointed by the governor, who shall  
5 be the chair of the council; (c) two members of the general public with  
6 special knowledge or background in airport issues, appointed by the  
7 governor; and (d) a member of a growth management hearings board,  
8 selected by the governor.

9 The member of a growth management hearings board must be a member  
10 of the growth management hearings board that hears appeals from actions  
11 taken under the Growth Management Act by counties not located in the  
12 region in which the proposed airport project under consideration is  
13 located or that is subject to the proposed transportation plan under  
14 consideration.

15 (2) The chair of the council may designate another councilmember to  
16 serve as the acting chair in the absence of the chair. The department  
17 of transportation shall provide all administrative and staff support  
18 for the council.

19 (3) The airport siting council appointed in response to a specific  
20 finding of an impasse under section 3 or 4 of this act must be  
21 disbanded once the governor has informed the council of his or her  
22 decision under section 6 of this act regarding the council's airport  
23 siting recommendations concerning the impasse. If, at a later date,  
24 the transportation commission declares another impasse, the governor  
25 shall appoint another airport siting council consistent with subsection  
26 (1) of this section.

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

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

9 NEW SECTION. **Sec. 4.** The transportation commission must declare  
10 an impasse by August 1, 2002, regarding the search for a supplemental  
11 airport in the Puget Sound region or replacement for Seattle-Tacoma  
12 International Airport.

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

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

35 NEW SECTION. **Sec. 6.** (1) The governor must accept or reject the  
36 siting council's recommendation within sixty days. If the governor

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

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

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

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

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

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

35 The legislature declares to be of statewide significance any  
36 airports designated by the department as included in its plan as

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

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

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

17 **Sec. 11.** RCW 36.70A.200 and 2001 2nd sp.s. c 12 s 205 are each  
18 amended to read as follows:

19 (1) The comprehensive plan of each county and city that is planning  
20 under RCW 36.70A.040 shall include a process for identifying and siting  
21 essential public facilities. Essential public facilities include those  
22 facilities that are typically difficult to site, such as airports,  
23 state education facilities and state or regional transportation  
24 facilities as defined in RCW 47.06.140, state and local correctional  
25 facilities, solid waste handling facilities, and in-patient facilities  
26 including substance abuse facilities, mental health facilities, group  
27 homes, and secure community transition facilities as defined in RCW  
28 71.09.020. If the process of siting an airport fails, the airport  
29 shall be sited by the process set forth in chapter 47.-- RCW (sections  
30 1 through 8 of this act).

31 (2) Each county and city planning under RCW 36.70A.040 shall, not  
32 later than the deadline specified in RCW 36.70A.130, establish a  
33 process, or amend its existing process, for identifying and siting  
34 essential public facilities, and adopt or amend its development  
35 regulations as necessary to provide for the siting of secure community  
36 transition facilities consistent with statutory requirements applicable  
37 to these facilities.

1 (3) Any city or county not planning under RCW 36.70A.040 shall, not  
2 later than the deadline specified in RCW 36.70A.130, establish a  
3 process for siting secure community transition facilities and adopt or  
4 amend its development regulations as necessary to provide for the  
5 siting of such facilities consistent with statutory requirements  
6 applicable to these facilities.

7 (4) The office of financial management shall maintain a list of  
8 those essential state public facilities that are required or likely to  
9 be built within the next six years. The office of financial management  
10 may at any time add facilities to the list.

11 (5) No local comprehensive plan or development regulation may  
12 preclude the siting of essential public facilities.

13 NEW SECTION. **Sec. 12.** The sum of five hundred thousand dollars,  
14 or as much thereof as may be necessary, is appropriated for the  
15 biennium ending June 30, 2003, from the multimodal fund to the  
16 department of transportation for the purposes of section 5 of this act.

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

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