

**SENATE BILL REPORT**

**SHB 1915**

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, MARCH 31, 1993**

**Brief Description:** Allowing less restrictive easements concerning aircraft noise.

**SPONSORS:** House Committee on Local Government (originally sponsored by Representatives Patterson, H. Myers, Brough and Valle)

**HOUSE COMMITTEE ON LOCAL GOVERNMENT**

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** Do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

**Staff:** Katie Healy (786-7784)

**Hearing Dates:** March 26, 1993; March 31, 1993

**BACKGROUND:**

A port district that operates an airport serving more than 20 scheduled jet aircraft flights per day may establish a program of aircraft noise abatement. Among other items, the aircraft noise abatement program may include the purchasing of property and soundproofing structures. A property owner must waive all damages and convey a full and unrestricted easement to the port district for the operation of aircraft and associated aircraft noise when a port district soundproofs a structure under this program.

**SUMMARY:**

A property owner whose structure is soundproofed under a port district airport noise abatement program only has to waive damages, instead of all damages, and convey an easement, instead of a full and unrestricted easement, to the port district.

A property owner may be provided benefits more than once under each separate noise abatement program if the property is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

With the potential third runway at SeaTac Airport, neighboring citizens need to be able to come back and get more mitigation if necessary. The present easement is very restrictive. Citizens are reluctant to sign it, as it strips them of any recourse. Studies show that there is a higher incidence of asthma, cancer, hearing loss, and other diseases and conditions for those who live close to an airport. These people have lost property value due to just having the airport present. If the airport increases the operation, it increases its noise. State law requires the unlimited easement, but 80 percent of the mitigation program comes from the federal government. However, the federal government does not require the easement. Neither do many other states. Those that do usually require a limited easement, not an unlimited one. This is an equity issue. Currently, only one treatment is allowed for mitigation for noise. All citizen groups are in support of the measure. This is an opportunity to address an important equity issue. The easement should be revised to address current or past noise.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Representative Patterson, sponsor; Jeanne Moeller, CASE; Hans Aschenbach, planner for City of Des Moines; Henry Yates, Port of Seattle; Earl Munday, Port of Seattle