
HOUSE BILL 1341

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Romero, Wolfe, Shin, Chappell and Holm

Read first time 01/25/93. Referred to Committee on Local Government.

1 AN ACT Relating to port district airports; amending RCW 14.07.010,
2 14.08.030, 14.08.070, and 14.08.190; and adding a new section to
3 chapter 53.08 RCW.

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

5 **Sec. 1.** RCW 14.07.010 and 1941 c 21 s 1 are each amended to read
6 as follows:

7 Any city, town, (~~port district~~) or county is hereby authorized
8 and empowered by and through their appropriate corporate authorities to
9 acquire, maintain and operate, within or without (~~the~~) its boundaries
10 (~~of the counties in which such city, town or port district is~~
11 ~~situated~~), sites and other facilities for landings, terminals,
12 housing, repair and care of dirigibles, airplanes, and seaplanes, and
13 seaplanes for the aerial transportation of persons, property and mail
14 or for use of military and naval aircraft(~~, either~~). Any port
15 district may acquire, maintain, and operate those types of facilities
16 within its borders.

17 Any city, town, port district, or county may provide those types of
18 facilities jointly with another city, town, port district, county, the

1 state of Washington, or the United States of America or severally((
2 and the same)).

3 The provision of airport facilities is hereby declared to be a
4 municipal purpose and a public use.

5 **Sec. 2.** RCW 14.08.030 and 1945 c 182 s 2 are each amended to read
6 as follows:

7 (1) Every municipality, other than a port district, is hereby
8 authorized, through its governing body, to acquire property, real or
9 personal, for the purpose of establishing, constructing, and enlarging
10 airports and other air navigation facilities and to acquire, establish,
11 construct, enlarge, improve, maintain, equip, operate, and regulate
12 such airports and other air navigation facilities and structures and
13 other property incidental to their operation, either within or without
14 the territorial limits of such municipality and within or without this
15 state((+)). Any port district is authorized, through its governing
16 body, to acquire and provide those types of facilities and structures
17 within its borders.

18 Every municipality is authorized to make, prior to any such
19 acquisition, investigations, surveys, and plans; to construct, install
20 and maintain airport facilities for the servicing of aircraft and for
21 the comfort and accommodation of air travelers; and to purchase and
22 sell equipment and supplies as an incident to the operation of its
23 airport properties. It may not, however, acquire or take over any
24 airport or other air navigation facility owned or controlled by any
25 other municipality of the state without the consent of such
26 municipality. It may use for airport purposes any available property
27 that is now or may at any time hereafter be owned or controlled by it.
28 Such air navigation facilities as are established on airports shall be
29 supplementary to and coordinated in design and operation with those
30 established and operated by the federal and state governments.

31 (2) Property needed by a municipality for an airport or restricted
32 landing area, or for the enlargement of either, or for other airport
33 purposes, may be acquired by purchase, gift, devise, lease or other
34 means if such municipality is able to agree with the owners of said
35 property on the terms of such acquisition, and otherwise by
36 condemnation in the manner provided by the law under which such
37 municipality is authorized to acquire like property for public
38 purposes, full power to exercise the right of eminent domain for such

1 purposes being hereby granted every municipality both within and
2 without its territorial limits. If but one municipality is involved
3 and the charter of such municipality prescribes a method of acquiring
4 property by condemnation, proceedings shall be had pursuant to the
5 provisions of such charter and may be followed as to property within or
6 without its territorial limits. Any title to real property so acquired
7 shall be in fee simple, absolute and unqualified in any way. The fact
8 that the property needed has been acquired by the owner under power of
9 eminent domain, shall not prevent its acquisition by the municipality
10 by the exercise of the right of eminent domain herein conferred.

11 (3) Where necessary, in order to provide unobstructed air space for
12 the landing and taking off of aircraft utilizing airports or restricted
13 landing areas acquired or operated under the provisions of this
14 chapter, every municipality is authorized to acquire, in the same
15 manner as is provided for the acquisition of property for airport
16 purposes, easements through or other interests in air spaces over land
17 or water, interests in airport hazards outside the boundaries of the
18 airports or restricted landing areas and such other airport protection
19 privileges as are necessary to insure safe approaches to the landing
20 areas of said airports or restricted landing areas and the safe and
21 efficient operation thereof. It is also hereby authorized to acquire,
22 in the same manner, the right or easement, for a term of years or
23 perpetually, to place or maintain suitable marks for the daytime
24 marking and suitable lights for the nighttime marking of airport
25 hazards, including the right of ingress and egress to or from such
26 airport hazards, for the purpose of maintaining and repairing such
27 lights and marks. This authority shall not be so construed as to limit
28 any right, power or authority to zone property adjacent to airports and
29 restricted landing areas under the provisions of any law of this state.

30 (4) It shall be unlawful for anyone to build, rebuild, create, or
31 cause to be built, rebuilt, or created any object, or plant, cause to
32 be planted or permit to grow higher any tree or trees or other
33 vegetation, which shall encroach upon any airport protection privileges
34 acquired pursuant to the provisions of this section. Any such
35 encroachment is declared to be a public nuisance and may be abated in
36 the manner prescribed by law for the abatement of public nuisances, or
37 the municipality in charge of the airport or restricted landing area
38 for which airport protection privileges have been acquired as in this

1 section provided may go upon the land of others and remove any such
2 encroachment without being liable for damages in so doing.

3 **Sec. 3.** RCW 14.08.070 and 1945 c 182 s 4 are each amended to read
4 as follows:

5 Any acquisition of property within or without the limits of any
6 municipality other than a port district, and within the limits of any
7 port district, for airports and other air navigation facilities, or of
8 airport protection privileges, heretofore made by any such municipality
9 in any manner, together with the conveyance and acceptance thereof, is
10 hereby legalized and made valid and effective.

11 **Sec. 4.** RCW 14.08.190 and 1945 c 182 s 10 are each amended to read
12 as follows:

13 (1) The powers herein granted to a municipality other than a port
14 district to establish and maintain airports shall include the power to
15 establish and maintain such airports in, over and upon any public
16 waters of this state within the limits or jurisdiction of or bordering
17 on the municipality, any submerged land under such public waters, and
18 any artificial or reclaimed land which before the artificial making or
19 reclamation thereof constituted a portion of the submerged land under
20 such public waters, and as well the power to construct and maintain
21 terminal buildings, landing floats, causeways, roadways and bridges for
22 approaches to or connecting with the airport, and landing floats and
23 breakwaters for the protection of any such airport. The powers granted
24 to a port district only include the authority to provide airports over
25 and upon any waters and submerged lands located within its borders.

26 (2) All the other powers herein granted municipalities with
27 reference to airports on land are granted to them with reference to
28 such airports in, over and upon public waters, submerged land under
29 public waters, and artificial or reclaimed land.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 53.08 RCW
31 to read as follows:

32 A port district may not provide, own, lease, or operate airport
33 facilities beyond its borders.

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