
HOUSE BILL 2621

State of Washington

53rd Legislature

1994 Regular Session

By Representatives R. Fisher, Brough, Eide, G. Fisher, Patterson, J. Kohl, Cothorn, Dorn, Leonard, Voloria, Schoesler, Quall, L. Johnson, Shin, H. Myers, Karahalios, Brown, Finkbeiner, Valle, Heavey, Lemmon, Johanson, Ogden and Van Luven

Read first time 01/19/94. Referred to Committee on Transportation.

1 AN ACT Relating to air transportation planning; amending RCW
2 36.70A.070, 36.70A.106, 36.70A.200, 47.68.010, 47.68.070, 47.80.030,
3 and 43.21C.030; adding a new section to chapter 14.08 RCW; adding a new
4 section to chapter 47.68 RCW; adding a new section to chapter 19.27
5 RCW; adding a new section to chapter 28A.335 RCW; adding a new section
6 to chapter 64.04 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) Air transportation is becoming increasingly critical to the
10 state's economy and the well-being of its citizens;

11 (2) An efficient air transportation system is important to the
12 state's continued competitive success in the national and global
13 economies;

14 (3) Air transportation infrastructure is a crucial element of the
15 state's air transportation system;

16 (4) Cooperation among and appropriate involvement by individuals,
17 organizations, and agencies affected by the state's air transportation
18 system is crucial to its efficient, effective, and equitable planning,
19 implementation, and operation;

1 (5) Incompatible land uses around airports represent barriers to
2 efficient and equitable operation of the state airport system;

3 (6) Concurrent mitigation of environmental impacts resulting from
4 airport development, expansion, and operations should be a significant
5 element of air transportation planning;

6 (7) An efficient, balanced multimodal transportation system is
7 critical to maintaining a high quality of life in the state;

8 (8) Current planning and implementation of the air transportation
9 system in the state rely heavily on federal and local government
10 initiative and responsibility, resulting in uncertain identification
11 and satisfaction of the state's interests;

12 (9) The federal role in the state's air transportation system is
13 diminishing, further threatening its effective, efficient, and
14 equitable planning and implementation.

15 Therefore, an expanded state role and increased responsibilities
16 for state, local, and regional governments are required to foster the
17 integration of air and surface transportation and ensure state
18 leadership in assuring that the air transportation system meets the
19 future needs of the state's citizens for a healthy economy and a
20 positive quality of life.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 14.08 RCW
22 to read as follows:

23 An airport or other air navigation facilities of state-wide
24 significance shall (1) prepare a long-range plan to ensure that future
25 capacity needs can be met; (2) prepare mitigation plans to ensure that
26 negative environmental impacts are addressed adequately within a
27 reasonable time frame; (3) actively participate in the regional
28 transportation planning and programming process; (4) participate in
29 developing guidelines for land use compatibility elements; (5) assist
30 in the development of a functional classification system for airports;
31 (6) participate in developing the environmental mitigation concurrency
32 guidelines required by RCW 47.68.070.

33 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
34 amended to read as follows:

35 The comprehensive plan of a county or city that is required or
36 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
37 and descriptive text covering objectives, principles, and standards

1 used to develop the comprehensive plan. The plan shall be an
2 internally consistent document and all elements shall be consistent
3 with the future land use map. A comprehensive plan shall be adopted
4 and amended with public participation as provided in RCW 36.70A.140.

5 Each comprehensive plan shall include a plan, scheme, or design for
6 each of the following:

7 (1) A land use element designating the proposed general
8 distribution and general location and extent of the uses of land, where
9 appropriate, for agriculture, timber production, housing, commerce,
10 industry, recreation, open spaces, public utilities, public facilities,
11 and other land uses. The land use element shall include population
12 densities, building intensities, and estimates of future population
13 growth. The land use element shall provide for protection of the
14 quality and quantity of ground water used for public water supplies.
15 Where applicable, the land use element shall review drainage, flooding,
16 and storm water run-off in the area and nearby jurisdictions and
17 provide guidance for corrective actions to mitigate or cleanse those
18 discharges that pollute waters of the state, including Puget Sound or
19 waters entering Puget Sound.

20 (2) A housing element recognizing the vitality and character of
21 established residential neighborhoods that: (a) Includes an inventory
22 and analysis of existing and projected housing needs; (b) includes a
23 statement of goals, policies, and objectives for the preservation,
24 improvement, and development of housing; (c) identifies sufficient land
25 for housing, including, but not limited to, government-assisted
26 housing, housing for low-income families, manufactured housing,
27 multifamily housing, and group homes and foster care facilities; and
28 (d) makes adequate provisions for existing and projected needs of all
29 economic segments of the community.

30 (3) A capital facilities plan element consisting of: (a) An
31 inventory of existing capital facilities owned by public entities,
32 showing the locations and capacities of the capital facilities; (b) a
33 forecast of the future needs for such capital facilities; (c) the
34 proposed locations and capacities of expanded or new capital
35 facilities; (d) at least a six-year plan that will finance such capital
36 facilities within projected funding capacities and clearly identifies
37 sources of public money for such purposes; and (e) a requirement to
38 reassess the land use element if probable funding falls short of
39 meeting existing needs and to ensure that the land use element, capital

1 facilities plan element, and financing plan within the capital
2 facilities plan element are coordinated and consistent.

3 (4) A utilities element consisting of the general location,
4 proposed location, and capacity of all existing and proposed utilities,
5 including, but not limited to, electrical lines, telecommunication
6 lines, and natural gas lines.

7 (5) Counties shall include a rural element including lands that are
8 not designated for urban growth, agriculture, forest, or mineral
9 resources. The rural element shall permit land uses that are
10 compatible with the rural character of such lands and provide for a
11 variety of rural densities.

12 (6) A transportation element that implements, and is consistent
13 with, the land use element. The transportation element shall include
14 the following subelements:

15 (a) Land use assumptions used in estimating travel;

16 (b) Facilities and services needs, including:

17 (i) An inventory of air, water, and land transportation facilities
18 and services, including transit alignments, to define existing capital
19 facilities and travel levels as a basis for future planning;

20 (ii) Level of service standards for all arterials and transit
21 routes to serve as a gauge to judge performance of the system. These
22 standards should be regionally coordinated;

23 (iii) Specific actions and requirements for bringing into
24 compliance any facilities or services that are below an established
25 level of service standard;

26 (iv) Forecasts of traffic for at least ten years based on the
27 adopted land use plan to provide information on the location, timing,
28 and capacity needs of future growth;

29 (v) Identification of system expansion needs and transportation
30 system management needs to meet current and future demands;

31 (c) Finance, including:

32 (i) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (ii) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required by
37 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems;

1 (iii) If probable funding falls short of meeting identified needs,
2 a discussion of how additional funding will be raised, or how land use
3 assumptions will be reassessed to ensure that level of service
4 standards will be met;

5 (d) Intergovernmental coordination efforts, including an assessment
6 of the impacts of the transportation plan and land use assumptions on
7 the transportation systems of adjacent jurisdictions;

8 (e) Demand-management strategies;

9 (f) A subelement that prevents future incompatible land uses around
10 airports. The subelement must be based upon guidelines developed by
11 the department of transportation that equitably reflect the rights and
12 obligations of all parties, including both airports and affected
13 communities. Local jurisdictions must coordinate with relevant
14 regional transportation planning organizations when planning for land
15 use around airports.

16 After adoption of the comprehensive plan by jurisdictions required
17 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
18 must adopt and enforce ordinances which prohibit development approval
19 if the development causes the level of service on a transportation
20 facility to decline below the standards adopted in the transportation
21 element of the comprehensive plan, unless transportation improvements
22 or strategies to accommodate the impacts of development are made
23 concurrent with the development. These strategies may include
24 increased public transportation service, ride sharing programs, demand
25 management, and other transportation systems management strategies.
26 For the purposes of this subsection (6) "concurrent with the
27 development" shall mean that improvements or strategies are in place at
28 the time of development, or that a financial commitment is in place to
29 complete the improvements or strategies within six years.

30 The transportation element described in this subsection, and the
31 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
32 counties, and RCW 35.58.2795 for public transportation systems, must be
33 consistent.

34 **Sec. 4.** RCW 36.70A.106 and 1991 sp.s. c 32 s 8 are each amended to
35 read as follows:

36 (1) Each county and city proposing adoption of a comprehensive plan
37 or development regulations under this chapter shall notify the
38 department of its intent to adopt such plan or regulations at least

1 sixty days prior to final adoption. State agencies including the
2 department may provide comments to the county or city on the proposed
3 comprehensive plan, or proposed development regulations, during the
4 public review process prior to adoption. Before adopting any such plan
5 or regulation each local jurisdiction must receive certification from
6 the secretary of transportation that any comments on such plans or
7 regulations by the secretary relating to the jurisdiction's land use
8 compatibility subelement have been sufficiently addressed to satisfy
9 the state's interest as defined in the state airport system plan.

10 (2) Each county and city planning under this chapter shall transmit
11 a complete and accurate copy of its comprehensive plan or development
12 regulations to the department within ten days after final adoption.

13 (3) Any amendments for permanent changes to a comprehensive plan or
14 development regulation that are proposed by a county or city to its
15 adopted plan or regulations shall be submitted to the department in the
16 same manner as initial plans and development regulations under this
17 section. Any amendments to a comprehensive plan or development
18 regulations that are adopted by a county or city shall be transmitted
19 to the department in the same manner as the initial plans and
20 regulations under this section.

21 (4) If the department of transportation determines that local plans
22 do not provide for compatible land uses around airports and the local
23 government does not implement the department's comments about
24 compatibility, the department may require the local government to
25 modify its plans by incorporating the department's recommendations.
26 The department may exercise this authority after it has (a) clearly
27 advised local governments of the legal standards it will employ in its
28 review and of the department's guidelines for the land use
29 compatibility elements; and (b) worked with local governments to
30 provide timely guidance and technical assistance in the preparation of
31 their land use compatibility elements.

32 **Sec. 5.** RCW 36.70A.200 and 1991 sp.s. c 32 s 1 are each amended to
33 read as follows:

34 (1) The comprehensive plan of each county and city that is planning
35 under this chapter shall include a process for identifying and siting
36 essential public facilities. Essential public facilities include those
37 facilities that are typically difficult to site, such as airports,
38 state education facilities and state or regional transportation

1 facilities, state and local correctional facilities, solid waste
2 handling facilities, and in-patient facilities including substance
3 abuse facilities, mental health facilities, and group homes.

4 (2) The office of financial management shall maintain a list of
5 those essential state public facilities that are required or likely to
6 be built within at least the next six years. The list must include new
7 or expanded airports of state-wide significance as defined by the
8 department of transportation. "State-wide significance" for this and
9 all other purposes, includes all transportation systems, projects, and
10 facilities regardless of ownership that serve the function of
11 transporting people and goods in substantial volume between two or more
12 counties, regions, states, or countries. The office of financial
13 management may at any time add facilities to the list. No local
14 comprehensive plan or development regulation may preclude the siting of
15 essential public facilities.

16 **Sec. 6.** RCW 47.68.010 and 1947 c 165 s 2 are each amended to read
17 as follows:

18 (~~It is hereby declared that~~) The purpose of this chapter is to
19 further the public interest (~~and aeronautical progress~~) through the
20 development of a safe, effective, equitable, and efficient air
21 transportation system that supports the state's economy and promotes a
22 positive quality of life by providing for the protection and promotion
23 of safety in aeronautics; by cooperating in effecting uniformity of the
24 laws and regulations relating to the development and regulation of
25 aeronautics in the several states consistent with federal aeronautics
26 laws and regulations; by granting to a state agency such powers and
27 imposing upon it such duties that the state may properly perform its
28 functions relative to aeronautics and effectively exercise its
29 jurisdiction over persons and property within such jurisdiction,
30 (~~assist~~) including assisting in the development of a state-wide
31 system of airports, (~~cooperate~~) guided by a state-wide aviation plan
32 developed in cooperation with affected parties; by cooperating with and
33 (~~assist~~) assisting the municipalities of this state and others
34 engaged in aeronautics(~~, and encourage and develop aeronautics~~) and
35 encouraging cooperation among airports within Washington state and
36 between airports in this state and those of other states and provinces
37 where it is in the best interest of the citizens of Washington state;
38 by ensuring that necessary existing airport capacity is preserved and

1 necessary new capacity needs are met; by ensuring that needed
2 environmental mitigation, including noise mitigation, is carried out
3 concurrently with airport expansion projects undertaken by
4 municipalities of this state; by developing guidelines for land use
5 compatibility around airports and ensuring that these guidelines are
6 reflected in local comprehensive plans; by establishing only such
7 regulations as are essential in order that persons engaged in
8 aeronautics of every character may so engage with the least possible
9 restriction, consistent with the safety and the rights of others; and
10 by providing for cooperation with the federal authorities in the
11 development of a national system of civil aviation and for coordination
12 of the aeronautical activities of those authorities and the authorities
13 of this state.

14 **Sec. 7.** RCW 47.68.070 and 1984 c 7 s 344 are each amended to read
15 as follows:

16 ~~((The department has general supervision over aeronautics within~~
17 ~~this state. It is empowered and directed to encourage, foster, and~~
18 ~~assist in the development of aeronautics in this state and to encourage~~
19 ~~the establishment of airports and air navigation facilities. It shall~~
20 ~~cooperate with and assist the federal government, the municipalities of~~
21 ~~this state, and other persons in the development of aeronautics, and~~
22 ~~shall seek to coordinate the aeronautical activities of these bodies~~
23 ~~and persons. Municipalities are authorized to cooperate with the~~
24 ~~department in the development of aeronautics and aeronautical~~
25 ~~facilities in this state.)) The secretary must provide state leadership
26 and action to ensure that the planning, siting, and expansion of
27 airports address state-wide and regional capacity needs. The secretary
28 of transportation or the secretary's designees may plan and implement
29 actively and cost-effectively, in cooperation with airport owners and
30 appropriate local and regional jurisdictions (1) a state-wide air
31 transportation system that makes flexible use of existing facilities,
32 responds efficiently and equitably to various demands within the state
33 and adjoining states and provinces, and minimizes additional public
34 investments; (2) policies that define and assign functions and roles of
35 individual airports to maximize their efficient and effective
36 contribution to the air transportation system; (3) concurrency between
37 airport expansion plans and impact mitigation plans; (4) programs that
38 support mitigation in communities impacted by airports; (5) programs~~

1 that make convenient and efficient linkages between transportation
2 modes and permit travelers to choose between or among alternative
3 modes, including teleconferencing and telecommuting; (6) expansion of
4 existing airports; (7) siting, funding, sponsorship, and governance of
5 new airports; (8) land banking, acquisition, and, if necessary,
6 operation of airports; (9) funding and revenue transfers within the
7 system, administering federal block grants, assessing fees, and
8 employing transportation funds, revenue bonds, or general obligation
9 bonds as necessary to exercise the general powers of this section
10 without relying upon the state general fund.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 47.68 RCW
12 to read as follows:

13 The secretary shall establish an advisory body to consult regularly
14 with respect to the implementation of the powers granted in RCW
15 47.68.070. The body shall at a minimum include representation from
16 major airport operators, airlines, general aviation, local governments,
17 communities impacted by airports, and the private sector from eastern
18 and western Washington. This body should be attentive to relevant
19 technological developments and collect and disseminate information to
20 the units of the system.

21 The department shall develop and maintain a state airport system
22 plan, in cooperation with representatives of major airport operators,
23 airlines, general aviation, local governments, communities impacted by
24 airports, the private sector from western and eastern Washington, and
25 the federal aviation administration, that establishes necessary
26 criteria and a functional classification system to designate airports
27 of state-wide significance; assesses future air transportation demand
28 and defines air transportation capacity needs state-wide; addresses
29 issues related to commercial air service; assesses performance of
30 surface transportation connections to airport facilities; and
31 establishes a framework for targeting the allocation of state funds.

32 The department shall establish the criteria and designate existing
33 and planned airports of state-wide significance and an air
34 transportation system of state-wide significance. The department shall
35 collect and maintain the necessary information to support the
36 designations and shall propose designations.

37 The department shall establish policy guidance through service
38 objectives, concentrating on airports of state-wide significance and an

1 air transportation system of state-wide significance, to assess the
2 future air transportation demand and air transportation capacity needs;
3 issues related to commercial air service; and performance of surface
4 transportation connections to airport facilities.

5 The guidelines must address the preservation of necessary existing
6 airports, the potential for necessary airport expansion, and the siting
7 of necessary new facilities. The guidelines must also consider noise
8 impacts within an appropriate Level day night (Ldn) contour of existing
9 airports, their planned expansions, and new airport sites.

10 If, as part of preparing the state airport system plan the need for
11 a new airport of state interest is identified, the plan shall identify
12 the proposed airport as an essential public facility of state-wide
13 significance. The department may evaluate alternative sites and
14 possible sponsors and operators. If a sponsor or operator cannot be
15 identified, the department may sponsor, construct, and if necessary,
16 operate the new airport.

17 The department shall review regional transportation plans and local
18 comprehensive plans for consistency with the state airport system plan
19 and planning guidelines. The department shall provide, if necessary,
20 written comments and require specific changes to regional
21 transportation plans and local comprehensive plans to conform to the
22 state airport system plan and guidelines.

23 **Sec. 9.** RCW 47.80.030 and 1990 1st ex.s. c 17 s 55 are each
24 amended to read as follows:

25 (1) Each regional transportation planning organization shall:

26 (a) Certify that the transportation elements of comprehensive plans
27 adopted by counties, cities, and towns within the region conform with
28 the requirements of RCW 36.70A.070, and are consistent with regional
29 transportation plans as provided for in (b) of this subsection;

30 (b) Develop and adopt a regional transportation plan that is
31 consistent with county, city, and town comprehensive plans and state
32 transportation plans. Regional transportation planning organizations
33 are encouraged to use county, city, and town comprehensive plans that
34 existed prior to July 1, 1990, as the basis of its regional
35 transportation plan whenever possible. Such plans shall address
36 existing or planned transportation facilities and services that exhibit
37 one or more of the following characteristics:

38 (i) Physically crosses member county lines;

1 (ii) Is or will be used by a significant number of people who live
2 or work outside the county in which the facility, service, or project
3 is located;

4 (iii) Significant impacts are expected to be felt in more than one
5 county;

6 (iv) Potentially adverse impacts of the facility, service, or
7 project can be better avoided or mitigated through adherence to
8 regional policies;

9 (v) Transportation needs addressed by a project have been
10 identified by the regional transportation planning process and the
11 remedy is deemed to have regional significance;

12 (c) In coordination with the department of transportation, local
13 jurisdictions, and airport operators define air transportation needs in
14 their regional transportation plans to preserve and enhance airports to
15 maintain necessary existing capacity and provide for necessary new
16 capacity;

17 (d) In coordination with the department of transportation, local
18 jurisdictions, and airport operators integrate surface modes with air
19 transportation, with the intention of providing a seamless
20 transportation system and enhancing surface access to airports;

21 (e) Designate a lead planning agency to coordinate preparation of
22 the regional transportation plan. The lead planning agency may be a
23 regional council, a county, city, or town agency, or a Washington state
24 department of transportation district;

25 (~~(d)~~) (f) Review the regional transportation plan biennially for
26 currency; and

27 (~~(e)~~) (g) Forward the adopted plan, and documentation of the
28 biennial review of it, to the state department of transportation.

29 (2) All transportation projects within the region that have an
30 impact upon regional facilities or services must be consistent with the
31 plan.

32 (3) In order to ensure state-wide consistency in the regional
33 transportation planning process, the state department of transportation
34 shall:

35 (a) In cooperation with regional transportation planning
36 organizations, establish minimum standards for development of a
37 regional transportation plan;

38 (b) Facilitate coordination between regional transportation
39 planning organizations; and

1 (c) Through the regional transportation planning process, and
2 through state planning efforts as required by RCW 47.01.071, identify
3 and jointly plan improvements and strategies within those corridors
4 important to moving people and goods on a regional or state-wide basis.

5 NEW SECTION. **Sec. 10.** A new section is added to chapter 19.27 RCW
6 to read as follows:

7 By December 31, 1994, the state building code council shall adopt
8 rules to ensure that new construction occurring within noise-impacted
9 areas have sufficient noise insulation or other methods of mitigating
10 noise. The council may adopt noise mitigation standards that vary
11 depending upon the intended use of the structure. For purposes of this
12 section, "noise-impacted area" means an area having a Level day night
13 (Ldn) contour of sixty-five or greater.

14 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.335
15 RCW to read as follows:

16 No public school facilities built, purchased, rented, or leased
17 after the effective date of this act may be located in severely noise-
18 impacted areas. For purposes of this section, a severely noise-
19 impacted area is an area within the sixty-five Level day night (Ldn)
20 contour.

21 **Sec. 12.** RCW 43.21C.030 and 1971 ex.s. c 109 s 3 are each amended
22 to read as follows:

23 The legislature authorizes and directs that, to the fullest extent
24 possible: (1) The policies, regulations, and laws of the state of
25 Washington shall be interpreted and administered in accordance with the
26 policies set forth in this chapter, and (2) all branches of government
27 of this state, including state agencies, municipal and public
28 corporations, and counties shall:

29 (a) Utilize a systematic, interdisciplinary approach which will
30 insure the integrated use of the natural and social sciences and the
31 environmental design arts in planning and in decision making which may
32 have an impact on man's environment;

33 (b) Identify and develop methods and procedures, in consultation
34 with the department of ecology and the ecological commission, which
35 will insure that presently unquantified environmental amenities and

1 values will be given appropriate consideration in decision making along
2 with economic and technical considerations;

3 (c) Include in every recommendation or report on proposals for
4 legislation and other major actions significantly affecting the quality
5 of the environment or that would be significantly affected by a
6 proposed or existing airport facility, a detailed statement by the
7 responsible official on:

8 (i) The environmental impact of the proposed action;

9 (ii) Any adverse environmental effects which cannot be avoided
10 should the proposal be implemented;

11 (iii) Alternatives to the proposed action;

12 (iv) The relationship between local short-term uses of man's
13 environment and the maintenance and enhancement of long-term
14 productivity; ((and))

15 (v) Any irreversible and irretrievable commitments of resources
16 which would be involved in the proposed action should it be
17 implemented; and

18 (vi) For developments proposed within fifty-five Level day night
19 (Ldn) contour of an existing airport facility, or within a five-mile
20 radius of a planned airport facility, the statement must specifically
21 consider the noise impacts upon the proposed development caused by
22 existing or planned airport facilities, and must consider and discuss
23 reasonable measures that can be incorporated into the project design
24 that would significantly mitigate the noise impacts upon the
25 development caused by the planned or existing airport facility;

26 (d) Prior to making any detailed statement, the responsible
27 official shall consult with and obtain the comments of any public
28 agency which has jurisdiction by law or special expertise with respect
29 to any environmental impact involved. Copies of such statement and the
30 comments and views of the appropriate federal, province, state, and
31 local agencies, which are authorized to develop and enforce
32 environmental standards, shall be made available to the governor, the
33 department of ecology, the ecological commission, and the public, and
34 shall accompany the proposal through the existing agency review
35 processes;

36 (e) Study, develop, and describe appropriate alternatives to
37 recommended courses of action in any proposal which involves unresolved
38 conflicts concerning alternative uses of available resources;

1 (f) Recognize the world-wide and long-range character of
2 environmental problems and, where consistent with state policy, lend
3 appropriate support to initiatives, resolutions, and programs designed
4 to maximize international cooperation in anticipating and preventing a
5 decline in the quality of mankind's world environment;

6 (g) Make available to the federal government, other states,
7 provinces of Canada, municipalities, institutions, and individuals,
8 advice and information useful in restoring, maintaining, and enhancing
9 the quality of the environment;

10 (h) Initiate and utilize ecological information in the planning and
11 development of natural resource-oriented projects.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 64.04 RCW
13 to read as follows:

14 (1) Before closing, the seller of real property or the seller's
15 broker or salesperson must disclose, if applicable, that the real
16 property is located within a noise-impact area having a Level day night
17 (Ldn) contour of fifty-five or greater.

18 (2) Disclosure must be made on a form adopted in rule and provided
19 by the director of licensing.

20 (3) The legislature finds that the practices covered by this
21 section are matters vitally affecting the public interest for the
22 purpose of applying the Consumer Protection Act, chapter 19.86 RCW.
23 Violations of this section are not reasonable in relation to the
24 development and preservation of business. A violation of this section
25 is an unfair or deceptive act in trade or commerce and an unfair method
26 of competition for the purpose of applying the Consumer Protection Act,
27 chapter 19.86 RCW.

--- END ---