

2 SB 5361 - S AMD - 092  
3 By Senators Haugen and Winsley

4 ADOPTED 3/14/95

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 53.54.020 and 1984 c 193 s 1 are each amended to read  
8 as follows:

9 (~~Prior to~~) (1) Before initiating programs as authorized in this  
10 chapter, the port commission shall (~~undertake the investigation and~~  
11 monitoring of) investigate and monitor aircraft noise impacts to  
12 determine the nature and extent of the impacts, and shall develop  
13 aircraft noise exposure maps diagramming the DNL (Day-Night Level)  
14 contour of the noise-impacted areas. Investigation and monitoring must  
15 occur periodically as required under 14 C.F.R. Sec. 150.21(a), and the  
16 investigation and monitoring must conform to the methodologies accepted  
17 and recommended by the Federal Aviation Administration for measuring  
18 noise impacts.

19 (2) The port commission shall adopt a program of noise impact  
20 abatement based upon the investigations and as amended periodically to  
21 conform to needs demonstrated by the monitoring programs (~~PROVIDED,~~  
22 That)). However, in no case may the port district undertake any of the  
23 programs of this chapter (~~in an area which is more than six miles~~  
24 beyond the paved end of any runway or more than one mile from the  
25 centerline of any runway or from an imaginary runway centerline  
26 extending six miles from the paved end of such runway. Such areas as  
27 determined above, shall be known as "impacted areas") outside a noise-  
28 impacted area. For purposes of this chapter, a noise-impacted area is  
29 defined as the approximate area exposed to noise levels of 65 DNL or  
30 greater, or as identified by the Federal Aviation Administration, as  
31 shown on the noise exposure map for the most recent year produced by  
32 the port commission and accepted by the Federal Aviation  
33 Administration.

34 (3) As part of its noise-monitoring activities for the Seattle-  
35 Tacoma International Airport, the port district shall affix and  
36 maintain at least six noise-monitoring devices located within

1 neighborhoods located both inside and outside the area designated 65  
2 DNL on the port's most recent noise exposure map. These devices must  
3 monitor noise levels continuously throughout the year. The port  
4 district shall use data generated by these noise-monitoring devices in  
5 developing required updates to the noise contour maps.

6 **Sec. 2.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to read  
7 as follows:

8 For the purposes of this chapter, in developing a remedial program,  
9 the port commission may ~~((utilize))~~ use one or more of the following  
10 programs:

11 (1) Acquisition of property or property rights within the impacted  
12 area, which shall be deemed necessary to accomplish a port purpose.  
13 The port district may purchase such property or property rights by time  
14 payment notwithstanding the time limitations provided for in RCW  
15 53.08.010. The port district may mortgage or otherwise pledge any such  
16 properties acquired to secure such transactions. The port district may  
17 assume any outstanding mortgages.

18 (2) Transaction assistance programs, including assistance with real  
19 estate fees and mortgage assistance, and other neighborhood remedial  
20 programs as compensation for impacts due to aircraft noise and noise  
21 associated conditions. Any such programs shall be in connection with  
22 properties located within an impacted area and shall be ~~((provided upon~~  
23 ~~terms and conditions as the port district shall determine appropriate))~~  
24 administered in accordance with applicable federal regulations.

25 (3) Programs of soundproofing structures located within an impacted  
26 area. Such programs may be executed without regard to the ownership,  
27 provided the owner waives damages and conveys an easement for the  
28 operation of aircraft, and for noise and noise associated conditions  
29 therewith, to the port district.

30 (a) When conducting noise programs for soundproofing structures  
31 located within the impacted area of the Seattle-Tacoma International  
32 Airport, the port commission shall use the services of a firm  
33 specializing in acoustical insulation to specify the types of  
34 insulation to be provided in the program and to be consulted as to how  
35 the program is to be administered. If the Federal Aviation  
36 Administration does not conduct an audit of the program at least every  
37 two years, the port shall hire a private firm to audit the program to  
38 ensure that it meets the criteria of the applicable federal

1 regulations.

2 (b) The port commission shall not provide insulation for structures  
3 located in areas exposed to noise levels of 75 DNL or greater unless  
4 included in a federally approved program. Noise compatibility programs  
5 must be administered in accordance with applicable state and federal  
6 statutes and regulations.

7 (c) If any habitable structure within the noise impact area cannot  
8 be insulated to reduce the noise level below 45 DNL, the port  
9 commission shall place the property on the list of properties eligible  
10 for acquisition under subsection (1) of this section.

11 (4) Mortgage insurance of private owners of lands or improvements  
12 within such noise impacted area where such private owners are unable to  
13 obtain mortgage insurance solely because of noise impact. In this  
14 regard, the port district may establish reasonable regulations and may  
15 impose reasonable conditions and charges upon the granting of such  
16 mortgage insurance: PROVIDED, That such fees and charges shall at no  
17 time exceed fees established for federal mortgage insurance programs  
18 for like service.

19 (5) An individual property may be provided benefits by the port  
20 district under each of the programs described in subsections (1)  
21 through (4) of this section. However, an individual property may not  
22 be provided benefits under any one of these programs more than once,  
23 unless the property is subjected to increased aircraft noise or  
24 differing aircraft noise impacts that would have afforded different  
25 levels of mitigation, even if the property owner had waived all damages  
26 and conveyed a full and unrestricted easement.

27 (6) Management of all lands, easements, or development rights  
28 acquired, including but not limited to the following:

29 (a) Rental of any or all lands or structures acquired;

30 (b) Redevelopment of any such lands for any economic use consistent  
31 with airport operations, local zoning and the state environmental  
32 policy;

33 (c) Sale of such properties for cash or for time payment and  
34 subjection of such property to mortgage or other security transaction:  
35 PROVIDED, That any such sale shall reserve to the port district by  
36 covenant an unconditional right of easement for the operation of all  
37 aircraft and for all noise or noise conditions associated therewith.

38 (7) A property shall be considered within the impacted area if any  
39 part thereof is within the impacted area.

