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ENGROSSED SENATE BILL 5361

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State of Washington

54th Legislature

1995 Regular Session

By Senators Smith and Heavey

Read first time 01/20/95. Referred to Committee on Government Operations.

1 AN ACT Relating to areas impacted by aircraft noise; amending RCW  
2 53.54.020 and 53.54.030; and adding a new section to chapter 53.54 RCW.

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

4 **Sec. 1.** RCW 53.54.020 and 1984 c 193 s 1 are each amended to read  
5 as follows:

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

16 (2) The port commission shall adopt a program of noise impact  
17 abatement based upon the investigations and as amended periodically to  
18 conform to needs demonstrated by the monitoring programs~~((: PROVIDED,~~  
19 ~~That))~~. However, in no case may the port district undertake any of the

1 programs of this chapter (~~((in an area which is more than six miles~~  
2 ~~beyond the paved end of any runway or more than one mile from the~~  
3 ~~centerline of any runway or from an imaginary runway centerline~~  
4 ~~extending six miles from the paved end of such runway. Such areas as~~  
5 ~~determined above, shall be known as "impacted areas")) outside a noise-  
6 impacted area. For purposes of this chapter, a noise-impacted area is  
7 defined as the approximate area exposed to noise levels of 65 DNL or  
8 greater, or as identified by the Federal Aviation Administration, as  
9 shown on the noise exposure map for the most recent year produced by  
10 the port commission and accepted by the Federal Aviation  
11 Administration.~~

12 (3) As part of its noise-monitoring activities for the Seattle-  
13 Tacoma International Airport, the port district shall affix and  
14 maintain at least six noise-monitoring devices located within  
15 neighborhoods located both inside and outside the area designated 65  
16 DNL on the port's most recent noise exposure map. These devices must  
17 monitor noise levels continuously throughout the year. The port  
18 district shall use data generated by these noise-monitoring devices in  
19 developing required updates to the noise contour maps.

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

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

25 (1) Acquisition of property or property rights within the impacted  
26 area, which shall be deemed necessary to accomplish a port purpose.  
27 The port district may purchase such property or property rights by time  
28 payment notwithstanding the time limitations provided for in RCW  
29 53.08.010. The port district may mortgage or otherwise pledge any such  
30 properties acquired to secure such transactions. The port district may  
31 assume any outstanding mortgages.

32 (2) Transaction assistance programs, including assistance with real  
33 estate fees and mortgage assistance, and other neighborhood remedial  
34 programs as compensation for impacts due to aircraft noise and noise  
35 associated conditions. Any such programs shall be in connection with  
36 properties located within an impacted area and shall be (~~(provided upon~~  
37 ~~terms and conditions as the port district shall determine appropriate))~~  
38 administered in accordance with applicable federal regulations.

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

6 (a) When conducting noise programs for soundproofing structures  
7 located within the impacted area of the Seattle-Tacoma International  
8 Airport, the port commission shall use the services of a firm  
9 specializing in acoustical insulation to specify the types of  
10 insulation to be provided in the program and to be consulted as to how  
11 the program is to be administered. If the Federal Aviation  
12 Administration does not conduct an audit of the program at least every  
13 two years, the port shall hire a private firm to audit the program to  
14 ensure that it meets the criteria of the applicable federal  
15 regulations.

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

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

25 (4) Mortgage insurance of private owners of lands or improvements  
26 within such noise impacted area where such private owners are unable to  
27 obtain mortgage insurance solely because of noise impact. In this  
28 regard, the port district may establish reasonable regulations and may  
29 impose reasonable conditions and charges upon the granting of such  
30 mortgage insurance: PROVIDED, That such fees and charges shall at no  
31 time exceed fees established for federal mortgage insurance programs  
32 for like service.

33 (5) An individual property may be provided benefits by the port  
34 district under each of the programs described in subsections (1)  
35 through (4) of this section. However, an individual property may not  
36 be provided benefits under any one of these programs more than once,  
37 unless the property is subjected to increased aircraft noise or  
38 differing aircraft noise impacts that would have afforded different

1 levels of mitigation, even if the property owner had waived all damages  
2 and conveyed a full and unrestricted easement.

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

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

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

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

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

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.54 RCW  
17 to read as follows:

18 When conducting appraisals of noise-impacted properties in  
19 conjunction with transaction assistance programs, the port commission  
20 shall use comparable properties located outside the impacted area when  
21 determining the fair market value of the subject property.

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