
SENATE BILL 5913

State of Washington

54th Legislature

1995 Regular Session

By Senators Smith, Schow and Heavey

Read first time 02/14/95. Referred to Committee on Transportation.

1 AN ACT Relating to siting a supplemental airport to the Seattle-
2 Tacoma International Airport that will be operating after 2018;
3 amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW;
4 adding a new section to chapter 47.80 RCW; adding a new chapter to
5 Title 47 RCW; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that airports are
8 notoriously difficult to site in populated areas, even when the
9 proposed airport may not be built for twenty or thirty years. Regional
10 governments may recognize the need for a new airport, and perhaps even
11 attempt to plan for it. But as has been demonstrated repeatedly in
12 Washington state and elsewhere, regional and local public officials are
13 unwilling, and sometimes unable, to site controversial, yet essential,
14 airports because of political pressure. The legislature intends the
15 airport siting council to site airports that will ensure the long-term
16 air capacity needs of Washington state. The legislature also intends
17 for the current regional planning process within the Puget Sound region
18 relating to airport capacity to continue.

1 NEW SECTION. **Sec. 2.** (1) The airport siting council is
2 established consisting of the following members: (a) The secretary of
3 the department of transportation, or a designee; (b) the director of
4 the department of community, trade, and economic development, or a
5 designee; (c) a member of the transportation commission appointed by
6 the governor, who shall be the chair of the council; (d) five members
7 of the general public with special knowledge or background in airport
8 issues, appointed by the governor; and (e) a member of a growth
9 management hearings board, selected by the governor and serving in a
10 nonvoting capacity.

11 The five members of the general public who are appointed by the
12 governor may be rejected by the senate. They shall serve for staggered
13 four-year terms of office, calculated from the first day of January in
14 the year in which they are appointed. Staggering of terms of office
15 will be established by the appointment of the initial appointees, three
16 of whom shall be appointed to a four-year term of office and the other
17 two appointed to a two-year term of office.

18 The member of a growth management hearings board must be a member
19 of the growth management hearings board that hears appeals from actions
20 taken under the Growth Management Act by counties not located in the
21 region in which the proposed airport project under consideration is
22 located or that is subject to the proposed transportation plan under
23 consideration.

24 (2) The chair of the council may designate another councilmember to
25 serve as the acting chair in the absence of the chair. The department
26 of transportation shall provide all administrative and staff support
27 for the council.

28 NEW SECTION. **Sec. 3.** If the transportation commission finds that
29 all of the following have occurred, it shall declare an impasse and
30 refer the issue to the airport siting council: (1) A regional
31 transportation plan does not satisfactorily address the state's
32 interest as defined in RCW 47.06.040 with respect to planning for
33 transportation needs through siting of an airport; (2) there has been
34 ample time to address siting of an airport in the regional
35 transportation plan and local comprehensive plans, but either no
36 decision has been reached or the process has resulted in a decision
37 that will not address the state's transportation needs as set forth in
38 RCW 47.06.040; (3) the process prescribed in RCW 36.70A.106 by which

1 the department of transportation reviews and suggests changes to the
2 regional transportation plans and local comprehensive plans with
3 respect to airport siting needs has been exhausted; (4) the
4 transportation commission has notified the local governments and
5 regional bodies responsible for the regional transportation plan of its
6 intent to declare an impasse; and (5) the local governments and
7 regional bodies responsible for the regional transportation plan have
8 failed to show cause within sixty days of such notification that an
9 impasse should not be declared.

10 NEW SECTION. **Sec. 4.** The transportation commission may not
11 declare an impasse before January 1, 2001, regarding the search for a
12 supplemental airport in Washington state or a replacement for Seattle-
13 Tacoma International Airport, or both. The proposed airport may not be
14 built for at least seventeen years after the airport siting council has
15 made its decision.

16 NEW SECTION. **Sec. 5.** (1) The airport siting council shall convene
17 to make a siting decision, including a new supplemental airport,
18 whenever the transportation commission passes a resolution declaring
19 that an impasse exists in the siting of an airport of state-wide
20 significance, as provided in section 3 of this act. The council has
21 three hundred sixty days after the date on which the transportation
22 commission resolution is passed to make a decision regarding the siting
23 of the airport of state-wide significance and to communicate its
24 decision in writing to the governor.

25 (2) The responsibility of the council is to make airport siting
26 decisions that reflect the interest of the entire state and region.
27 Accordingly, the council is not limited to the options examined by the
28 regional or local authority, and may also consider alternative sites
29 outside the region. The council shall consider communities that want
30 a supplemental airport. It must also attempt to minimize the cost and
31 the number of people adversely affected by its siting decision. In
32 forming its decision the council shall review existing information and
33 analyses regarding the siting issue, including both technical data and
34 the decision-making process that failed to produce a resolution. The
35 council may also hire staff for technical evaluation, analysis, and
36 research associated with the preparation of its siting decision. The
37 council may also consider relationships between the proposed facility

1 and other existing or planned transportation facilities of state-wide
2 interest such as airports, rail services, ferry systems, or highways.

3 (3) To the greatest extent possible, the council must provide a
4 fair and open process. It must hold at least two public hearings for
5 each site under consideration to solicit comments from the public. The
6 council must also notify interested persons, groups, and agencies to
7 the greatest extent possible regarding its activities and the sites
8 under consideration.

9 NEW SECTION. **Sec. 6.** (1) The governor may reject the siting
10 council's initial decision within sixty days. If the governor rejects
11 the siting council's initial decision, he or she may request the siting
12 council to provide an alternative decision within thirty days. The
13 governor has another sixty days to reject the siting council's
14 alternative decision. Once the council has made a decision, the
15 council must inform in writing the governor, the transportation
16 commission, the chair(s) of the legislative transportation committee,
17 the county or city affected, and the regional transportation planning
18 organization located in the region in which the airport will be sited.

19 (2) Subject to the conditions set forth in section 8(2) of this
20 act, a decision by the council binds the state and each of its
21 political subdivisions, such as departments, agencies, divisions,
22 bureaus, commissions, boards, counties, cities, towns, ports, and
23 special districts, whether a political subdivision is a member of the
24 council or not, regarding approval of a site and the construction and
25 operation of a proposed airport.

26 NEW SECTION. **Sec. 7.** The legislature may invalidate the council's
27 decision if a majority of each house votes to object to its choice of
28 sites. The legislature must vote by the end of the legislative session
29 convened after the council's decision. This will ensure that the
30 legislature has at least one full legislative session for deliberation.

31 NEW SECTION. **Sec. 8.** (1) This chapter supersedes other laws for
32 establishing the location of airports of state-wide significance or
33 rules adopted under state law for establishing the location of airports
34 of state-wide significance.

35 (2) However, the requirements of this chapter and rules adopted
36 under it do not supersede the State Environmental Policy Act, the State

1 Clean Air Act, the State Clean Water Act, the Shoreline Management Act,
2 the laws relating to solid and hazardous waste management, and all the
3 related portions of the Washington Administrative Code that implement
4 these environmental laws.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.06 RCW
6 to read as follows:

7 The legislature declares to be of state-wide significance any
8 airports designated by the department as included in its plan as
9 determined by its own functional classification system and criteria.
10 The department shall assert leadership and cooperate with regional
11 transportation planning organizations, counties, cities, transit
12 agencies, public ports, and the private sector, by including in the
13 state's multimodal transportation plan improvements to transportation
14 facilities and services of state-wide significance. Improvements to
15 facilities and services of state-wide significance identified in the
16 state-wide multimodal transportation plan developed under RCW
17 47.01.071(3) are considered essential public facilities under RCW
18 36.70A.200.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.80 RCW
20 to read as follows:

21 The regional transportation planning organization must adopt a
22 regional transportation plan that adequately implements the decision of
23 the council to site an airport of state-wide significance, as provided
24 in section 6 of this act.

25 **Sec. 11.** RCW 36.70A.200 and 1991 sp.s. c 32 s 1 are each amended
26 to read as follows:

27 (1) The comprehensive plan of each county and city that is planning
28 under this chapter shall include a process for identifying and siting
29 essential public facilities. Essential public facilities include those
30 facilities that are typically difficult to site, such as airports,
31 state education facilities and state or regional transportation
32 facilities, state and local correctional facilities, solid waste
33 handling facilities, and in-patient facilities including substance
34 abuse facilities, mental health facilities, and group homes. If the
35 process of siting an airport fails, the airport shall be sited by the

1 process set forth in chapter 47.-- RCW (sections 1 through 8 of this
2 act).

3 (2) The office of financial management shall maintain a list of
4 those essential state public facilities that are required or likely to
5 be built within the next six years. The office of financial management
6 may at any time add facilities to the list. No local comprehensive
7 plan or development regulation may preclude the siting of essential
8 public facilities.

9 NEW SECTION. Sec. 12. Sections 1 through 8 of this act constitute
10 a new chapter in Title 47 RCW.

11 NEW SECTION. Sec. 13. This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.

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