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HOUSE BILL 1596

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives O'Brien, Hankins and Anderson

Read first time 01/28/2005. Referred to Committee on Transportation.

1            AN ACT Relating to consolidated rental car facilities at airports;  
2 and amending RCW 14.08.120.

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

4            **Sec. 1.** RCW 14.08.120 and 1990 c 215 s 1 are each amended to read  
5 as follows:

6            In addition to the general powers conferred in this chapter, and  
7 without limitation thereof, a municipality that has established or may  
8 hereafter establish airports, restricted landing areas, or other air  
9 navigation facilities, or that has acquired or set apart or may  
10 hereafter acquire or set apart real property for that purpose or  
11 purposes is authorized:

12            (1) To vest authority for the construction, enlargement,  
13 improvement, maintenance, equipment, operation, and regulation thereof  
14 in an officer, a board, or body of the municipality by ordinance or  
15 resolution that prescribes the powers and duties of the officer, board,  
16 or body; and the municipality may also vest authority for industrial  
17 and commercial development in a municipal airport commission consisting  
18 of at least five resident taxpayers of the municipality to be appointed  
19 by the governing board of the municipality by an ordinance or

1 resolution that includes (a) the terms of office, which may not exceed  
2 six years and which shall be staggered so that not more than three  
3 terms will expire in the same year, (b) the method of appointment and  
4 filling vacancies, (c) a provision that there shall be no compensation  
5 but may provide for a per diem of not to exceed twenty-five dollars per  
6 day plus travel expenses for time spent on commission business, (d) the  
7 powers and duties of the commission, and (e) any other matters  
8 necessary to the exercise of the powers relating to industrial and  
9 commercial development. The expense of the construction, enlargement,  
10 improvement, maintenance, equipment, industrial and commercial  
11 development, operation, and regulation are the responsibility of the  
12 municipality.

13 (2) To adopt and amend all needed rules, regulations, and  
14 ordinances for the management, government, and use of any properties  
15 under its control, whether within or outside the territorial limits of  
16 the municipality; to provide fire protection for the airport, including  
17 the acquisition and operation of fire protection equipment and  
18 facilities, and the right to contract with any private body or  
19 political subdivision of the state for the furnishing of such fire  
20 protection; to appoint airport guards or police, with full police  
21 powers; to fix by ordinance or resolution, as may be appropriate,  
22 penalties for the violation of the rules, regulations, and ordinances,  
23 and enforce those penalties in the same manner in which penalties  
24 prescribed by other rules, regulations, and ordinances of the  
25 municipality are enforced. For the purposes of such management and  
26 government and direction of public use, that part of all highways,  
27 roads, streets, avenues, boulevards, and territory that adjoins the  
28 limits of any airport or restricted landing area acquired or maintained  
29 under the provisions of this chapter is under like control and  
30 management of the municipality. It may also adopt and enact rules,  
31 regulations, and ordinances designed to safeguard the public upon or  
32 beyond the limits of private airports or landing strips within the  
33 municipality or its police jurisdiction against the perils and hazards  
34 of instrumentalities used in aerial navigation. Rules, regulations,  
35 and ordinances shall be published as provided by general law or the  
36 charter of the municipality for the publication of similar rules,  
37 regulations, and ordinances. They shall conform to and be consistent  
38 with the laws of this state and the rules of the state department of

1 transportation and shall be kept in conformity, as nearly as may be,  
2 with the then current federal legislation governing aeronautics and the  
3 regulations duly promulgated thereunder and the rules and standards  
4 issued from time to time pursuant thereto.

5 (3) To create a special airport fund, and provide that all receipts  
6 from the operation of the airport be deposited in the fund, which fund  
7 shall remain intact from year to year and may be pledged to the payment  
8 of aviation bonds, or kept for future maintenance, construction, or  
9 operation of airports or airport facilities.

10 (4) To lease airports or other air navigation facilities, or real  
11 property acquired or set apart for airport purposes, to private  
12 parties, any municipal or state government or the national government,  
13 or any department thereof, for operation; to lease or assign to private  
14 parties, any municipal or state government or the national government,  
15 or any department thereof, for operation or use consistent with the  
16 purposes of this chapter, space, area, improvements, or equipment of  
17 such airports; to authorize its lessees to construct, alter, repair, or  
18 improve the leased premises at the cost of the lessee and to reimburse  
19 its lessees for such cost, provided the cost is paid solely out of  
20 funds fully collected from the airport's tenants; to sell any part of  
21 such airports, other air navigation facilities or real property to any  
22 municipal or state government, or to the United States or any  
23 department or instrumentality thereof, for aeronautical purposes or  
24 purposes incidental thereto, and to confer the privileges of  
25 concessions of supplying upon its airports goods, commodities, things,  
26 services, and facilities: PROVIDED, That in each case in so doing the  
27 public is not deprived of its rightful, equal, and uniform use thereof.

28 (5) Acting through its governing body, to sell or lease any  
29 property, real or personal, acquired for airport purposes and belonging  
30 to the municipality, which, in the judgment of its governing body, may  
31 not be required for aircraft landings, aircraft takeoffs or related  
32 aeronautic purposes, in accordance with the laws of this state, or the  
33 provisions of the charter of the municipality, governing the sale or  
34 leasing of similar municipally owned property. The municipal airport  
35 commission, if one has been organized and appointed under subsection  
36 (1) of this section, may lease any airport property for aircraft  
37 landings, aircraft takeoffs, or related aeronautic purposes. If there  
38 is a finding by the governing body of the municipality that any airport

1 property, real or personal, is not required for aircraft landings,  
2 aircraft takeoffs, or related aeronautic purposes, then the municipal  
3 airport commission may lease such space, land, area, or improvements,  
4 or construct improvements, or take leases back for financing purposes,  
5 grant concessions on such space, land, area, or improvements, all for  
6 industrial or commercial purposes, by private negotiation and under  
7 such terms and conditions that seem just and proper to the municipal  
8 airport commission. Any such lease of real property for aircraft  
9 manufacturing or aircraft industrial purposes or to any manufacturer of  
10 aircraft or aircraft parts or for any other business, manufacturing, or  
11 industrial purpose or operation relating to, identified with, or in any  
12 way dependent upon the use, operation, or maintenance of the airport,  
13 or for any commercial or industrial purpose may be made for any period  
14 not to exceed seventy-five years, but any such lease of real property  
15 made for a longer period than ten years shall contain provisions  
16 requiring the municipality and the lessee to permit the rentals for  
17 each five-year period thereafter, to be readjusted at the commencement  
18 of each such period if written request for readjustment is given by  
19 either party to the other at least thirty days before the commencement  
20 of the five-year period for which the readjustment is requested. If  
21 the parties cannot agree upon the rentals for the five-year period,  
22 they shall submit to have the disputed rentals for the period adjusted  
23 by arbitration. The lessee shall pick one arbitrator, and the  
24 governing body of the municipality shall pick one, and the two so  
25 chosen shall select a third. After a review of all pertinent facts the  
26 board of arbitrators may increase or decrease such rentals or continue  
27 the previous rate thereof.

28 The proceeds of the sale of any property the purchase price of  
29 which was obtained by the sale of bonds shall be deposited in the bond  
30 sinking fund. If all the proceeds of the sale are not needed to pay  
31 the principal of bonds remaining unpaid, the remainder shall be paid  
32 into the airport fund of the municipality. The proceeds of sales of  
33 property the purchase price of which was paid from appropriations of  
34 tax funds shall be paid into the airport fund of the municipality.

35 (6) To determine the charges or rental for the use of any  
36 properties under its control and the charges for any services or  
37 accommodations, and the terms and conditions under which such  
38 properties may be used: PROVIDED, That in all cases the public is not

1 deprived of its rightful, equal, and uniform use of the property.  
2 Charges shall be reasonable and uniform for the same class of service  
3 and established with due regard to the property and improvements used  
4 and the expense of operation to the municipality. The municipality  
5 shall have and may enforce liens, as provided by law for liens and  
6 enforcement thereof, for repairs to or improvement or storage or care  
7 of any personal property, to enforce the payment of any such charges.

8 (7) To impose a customer facility charge upon customers of rental  
9 car companies accessing the airport for the purposes of financing,  
10 designing, constructing, operating, and maintaining consolidated rental  
11 car facilities and common use transportation equipment and facilities  
12 which are used to transport the customer between the consolidated car  
13 rental facilities and other airport facilities. The airport operator  
14 may require the rental car companies to collect the facility charges,  
15 and any facility charges so collected shall be deposited in a trust  
16 account for the benefit of the airport operator and remitted at the  
17 direction of the airport operator, but no more often than once per  
18 month. The charge shall be calculated on a per-transaction or per-day  
19 basis. Facility charges may not exceed the reasonable costs of  
20 financing, designing, constructing, operating, and maintaining the  
21 consolidated car rental facilities and common use transportation  
22 equipment and facilities and may not be used for any other purpose.

23 (8) To exercise all powers necessarily incidental to the exercise  
24 of the general and special powers granted in this section.

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