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HOUSE BILL 2214

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State of Washington

61st Legislature

2009 Regular Session

By Representative Simpson

Read first time 02/13/09. Referred to Committee on Transportation.

1 AN ACT Relating to the reasonable costs of financing consolidated  
2 rental car facilities and common use transportation equipment and  
3 facilities; and amending RCW 14.08.120.

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

5 **Sec. 1.** RCW 14.08.120 and 2005 c 76 s 1 are each amended to read  
6 as follows:

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

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

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

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

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

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

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

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

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

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

36 (6) To determine the charges or rental for the use of any  
37 properties under its control and the charges for any services or  
38 accommodations, and the terms and conditions under which such

1 properties may be used: PROVIDED, That in all cases the public is not  
2 deprived of its rightful, equal, and uniform use of the property.  
3 Charges shall be reasonable and uniform for the same class of service  
4 and established with due regard to the property and improvements used  
5 and the expense of operation to the municipality. The municipality  
6 shall have and may enforce liens, as provided by law for liens and  
7 enforcement thereof, for repairs to or improvement or storage or care  
8 of any personal property, to enforce the payment of any such charges.

9 (7) To impose a customer facility charge upon customers of rental  
10 car companies accessing the airport for the purposes of financing,  
11 designing, constructing, operating, and maintaining consolidated rental  
12 car facilities and common use transportation equipment and facilities  
13 which are used to transport the customer between the consolidated car  
14 rental facilities and other airport facilities. The airport operator  
15 may require the rental car companies to collect the facility charges,  
16 and any facility charges so collected shall be deposited in a trust  
17 account for the benefit of the airport operator and remitted at the  
18 direction of the airport operator, but no more often than once per  
19 month. The charge shall be calculated on a per-day basis. Facility  
20 charges may not exceed the reasonable costs of financing, designing,  
21 constructing, operating, and maintaining the consolidated car rental  
22 facilities and common use transportation equipment and facilities and  
23 may not be used for any other purpose. For the purposes of this  
24 subsection (7), if an airport operator makes use of its own funds to  
25 finance the consolidated car rental facilities and common use  
26 transportation equipment and facilities, the airport operator is  
27 entitled to a reasonable rate of return on such funds, provided that  
28 the rate and terms are not materially less favorable than those  
29 prevailing, at the time the airport operator commits its own funds, in  
30 that segment of the capital markets that the airport operator would  
31 otherwise need to resort for such financing.

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

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