

SENATE BILL REPORT

SSB 5370

As Amended by House, April 16, 2019

Title: An act relating to creating a state commercial aviation coordinating commission.

Brief Description: Creating a state commercial aviation coordinating commission.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Keiser, Warnick, Saldaña, Hasegawa, Wilson, C. and Honeyford).

Brief History:

Committee Activity: Transportation: 2/04/19, 2/18/19 [DPS].

Floor Activity:

Passed Senate: 3/11/19, 45-1.

Passed House: 4/16/19, 96-0.

<p style="text-align: center;">Brief Summary of First Substitute Bill</p> <ul style="list-style-type: none">• Creates a Commercial Aviation Coordinating Commission tasked with identifying a location for a new primary commercial aviation facility.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Staff: Hayley Gamble (786-7452)

Background: Past Studies. In 1990, SB 6480 created the Air Transportation Commission (AIRTRAC) with a broad mandate to study the state's air transportation needs. AIRTRAC concluded the addition of a third runway at Sea-Tac was the only viable solution to meeting regional air service needs. In 1994, the Legislature dissolved AIRTRAC and a moratorium on Puget Sound airport expansion correspondingly expired.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A Joint Transportation Committee (JTC) air cargo study completed in December 2018 concluded that while airside capacity is adequate, landside capacity—such as cargo buildings—is inadequate to meet the cargo needs of the main air cargo airports in the state, particularly at Sea-Tac. The landside capacity deficit could be worsened by the rapid growth of passenger demand at Sea-Tac. The JTC study further concluded access to the two Seattle airports is restricted due to congestion and increasing costs to shippers and trucking companies. The study recommended a number of strategies to address air cargo congestion in Washington, including developing non-hub airports into regional logistics centers, establishing an air cargo development program, and marking Washington air cargo.

Current Studies. Sea-Tac is the ninth busiest airport in the nation when measured by passenger boardings—22.6 million in 2017—and nineteenth in air cargo volume in North America—425,000 metric tons in 2017. The airport offers daily, non-stop service to 90 domestic and 25 international destinations. Both passenger and cargo traffic are forecast to continue to grow. Sea-Tac airport is currently in the environmental review phase of a master plan to address growth at the airport.

In 2018 the Federal Aviation Administration (FAA) funded the Puget Sound Regional Council (PSRC) to complete a regional aviation baseline study. The study will build on individual airport master plans and set a regional stage for future aviation planning. The PSRC study is not a siting study, but will provide a comprehensive view of the regional aviation system and inform follow-up actions by policymakers.

Summary of First Substitute Bill: An intent section states the Legislature seeks to identify a location for a new primary commercial aviation facility in Washington.

The state Commercial Aviation Coordinating Commission (Commission) is created.

Commission's Role. The Commission must initiate a broad review of potential aviation facility sites, review existing data, and conduct research as necessary. A shortlist of six sites must be recommended by January 1, 2020, narrowed to two sites by September 1, 2020, and a single preferred location for a new commercial aviation facility must be identified by January 1, 2021. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility. The Commission must project a timeline for developing an additional commercial aviation facility that is completed and functional by 2040. The Commission must also make recommendations on future Washington State long-range commercial facility needs.

Commission's Membership. The Commission is made up of 13 voting and two nonvoting positions. Nonvoting representatives are from the FAA and the Washington State Aviation Alliance. The Governor may appoint additional nonvoting members as deemed appropriate.

The Commission is made up of the following members:

- one member from the Department of Commerce;
- one member from the DOT Aeronautics Division;
- the Governor, or designee;
- one member from the Freight Mobility Strategic Investment Board;
- one member from a ports association, appointed by the Governor;

- one member from a port located in a county with a population of 2 million or more, appointed by the Governor;
- one member from a port in eastern Washington with an airport runway of at least 13,500 feet;
- one member from a port, appointed by the Governor;
- three members from the private sector and the airline industry, appointed by the Governor;
- one member from a eastern Washington metropolitan planning organization, appointed by the Governor; and
- one member from a western Washington metropolitan planning organization, appointed by the Governor.

Commission Administration. DOT staff must provide staff support as necessary. The Governor, or designee must convene the initial meeting as soon as practicable. Commission members are not entitled to reimbursement for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. The Commission must select a chair from among its membership. The Commission ends July 1, 2021.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: There have been many studies on this topic. We just finished the air cargo study. The Puget Sound Regional Council is also doing a study, the LATS study was completed in 2009 and nothing has changed. The growth at SeaTac has been phenomenal, which has a very small footprint. We have a finite amount of airspace. The intent of this bill is to set forth a process to solve a problem. The city of SeaTac supports this Commission and the siting of a new facility. The timelines are realistic. The city of Des Moines supports this bill and it is good public policy. The Port of Seattle looks forward to working on this bill. This bill should not encumber or delay any SeaTac planning processes. The Port of Moses Lake has an excess of space.

OTHER: Section 2(2)(a) of the bill provides that ports may sit on the commission. Not all airports are ports, some are municipal airports. DOT is ready to participate on this bill. The timeline of June 2021 could be extended out to take advantage of information from the PSRC study.

Persons Testifying: PRO: Senator Karen Keiser, Prime Sponsor; Bruce Beckett, Port of Moses Lake; Trent House, Port of Seattle; Eric Johnson, Washington Public Ports Association; Peter Kwon, Councilmember, City of Seatac; Clyde Hill, Councilmember, City of Seatac; JC Harris, Seatac Noise Info; Robert Back, Council Member, City of Des Moines.

OTHER: Cliff Webster, Spokane International Airport; David Fleckenstein, DOT Aviation Division.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S): Commission Membership. Total voting members are increased to 16. One of the four port/airport members is identified specifically as an Eastern Washington airport in a county with a population of 400,000 or more. Currently that would apply only to Spokane County. Two citizen representatives are added. Voting members representing the FAA, the trucking industry, and the freight forwarding industry are also added. Members representing the Governor and the Freight Mobility Strategic Investment Board are removed. The following additional non-voting members are invited:

- Department of Defense;
- two members of the Senate, one from each of the largest caucuses;
- two members of the House, one from each of the largest caucuses;
- a statewide environmental organization;
- an organization concerned with land and water use or both in the state;
- congressional staff; and
- WSDOT aviation staff.

The FAA may request additional non-voting members. DOT is authorized to hire a consultant.

Role of Commission. The Commission "will" rather than "shall" review data and select an airport site. The review must look at feasibility of its potential environmental, community, and economic impacts. Recommendations shall include additional facilities or expansion of current facilities, excluding King County. Recommendations may not be incompatible with military mission requirements. Requires recommendations and the single preferred aviation facility vote to be decided based on a 60 percent majority vote. The process must allow for a minority report if requested by a voting member of the Commission. Recommendations must be submitted a year later, by January 1, 2022.

The requirement for recommendations to be consistent with the DOT Long Term Air Transportation Study is removed.