

ESHB 1791 - S COMM AMD

By Committee on Transportation

ADOPTED 04/12/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds:

4 (a) The state's transportation needs are growing and it is
5 imperative that the state plan comprehensively to meet the needs of
6 its citizens, particularly in the fastest growing regions of the
7 state;

8 (b) That planning for the future of aviation must take a
9 comprehensive coordinated look at the transportation system as a
10 whole;

11 (c) The pandemic interfered with the ability of the commercial
12 aviation coordinating commission to perform a thorough and complete
13 study of the possibility of a new commercial airport;

14 (d) The creation of a new primary commercial aviation facility
15 has the potential for environmental, health, social, and economic
16 impacts on the surrounding communities, and the legislature
17 recognizes any preferred location will require substantial
18 environmental, land use, governance, and funding decisions from
19 federal, state, and local governments;

20 (e) There is expected growth in commercial aviation, general
21 aviation, and air cargo operations; the Puget Sound regional council
22 May 2021 regional aviation baseline study final report estimates that
23 by 2050 capacity restrictions in the central Puget Sound will create
24 a gap between the demand for aviation activities and the capacity for
25 those activities; and

26 (f) The exploration of alternatives to Seattle-Tacoma
27 international airport is critical to address this anticipated demand
28 through a variety of transportation strategies that may include the
29 creation or expansion of other airports.

30 (2) The legislature, therefore, intends to replace the commercial
31 aviation coordinating commission with the commercial aviation work
32 group and direct the work group to provide a comprehensive

1 investigation of airport capacity in the state and the best way to
2 address aviation needs in the context of overall state transportation
3 needs in the next 20 years using independent verifiable data.

4 NEW SECTION. **Sec. 2.** (1) The state commercial aviation work
5 group is created to carry out the functions of section 3 of this act.
6 The work group shall consist of 19 voting members.

7 (2) The governor shall appoint 19 voting members to represent the
8 following interests:

9 (a) Four as representatives of commercial service airports and
10 ports, one of whom shall represent a port located in a county with a
11 population of 2,000,000 or more, one of whom shall represent a port
12 in eastern Washington with an airport runway of at least 13,500 feet
13 in length, one of whom shall represent a commercial service airport
14 in eastern Washington located in a county with a population of
15 400,000 or more, and one representing an association of ports;

16 (b) Two as representatives from the airline industry or
17 businesses dependent upon air service;

18 (c) One representative from a statewide business association;

19 (d) Seven citizen representatives with at least two appointed
20 from eastern Washington and at least two appointed from western
21 Washington. The citizen appointees must:

22 (i) Represent the public interests in the communities that are
23 included in the work group's site research; and

24 (ii) Understand the impacts of a large commercial aviation
25 facility on a community;

26 (e) A representative from the freight forwarding industry;

27 (f) A representative from the trucking industry;

28 (g) A representative from a community organization that
29 understands the impacts of a large commercial aviation facility on a
30 community; and

31 (h) Two representatives from statewide environmental
32 organizations.

33 (3) The work group shall invite the following nonvoting members:

34 (a) A representative from the Washington state aviation alliance;

35 (b) Two members from the senate, with one member from each of the
36 two largest caucuses in the senate, appointed by legislative
37 leadership;

1 (c) Two members from the house of representatives, with one
2 member from each of the two largest caucuses in the house of
3 representatives, appointed by legislative leadership;

4 (d) A representative from the department of commerce;

5 (e) A representative from the division of aeronautics of the
6 department of transportation;

7 (f) A representative from an eastern Washington metropolitan
8 planning organization;

9 (g) A representative from a western Washington metropolitan
10 planning organization;

11 (h) A representative from an eastern Washington regional airport;
12 and

13 (i) A representative from a western Washington regional airport.

14 (4) The work group shall select a chair from among its voting
15 membership and shall adopt rules related to its powers and duties
16 under section 3 of this act.

17 (5) Legislative members of the work group are reimbursed for
18 travel expenses in accordance with RCW 44.04.120. Nonlegislative
19 members are not entitled to be reimbursed for travel expenses if they
20 are elected officials or are participating on behalf of an employer,
21 governmental entity, or other organization. Any reimbursement for
22 other nonlegislative members is subject to chapter 43.03 RCW. The
23 work group has all powers necessary to carry out its duties as
24 prescribed by section 3 of this act.

25 (6) The department of transportation shall provide staff support
26 for coordinating and administering the work group and technical
27 assistance as requested by work group members.

28 (7) At the direction of the work group, and as resources allow,
29 the department of transportation is authorized to hire consultants to
30 assist with the review and research efforts of the work group.

31 NEW SECTION. **Sec. 3.** (1) The state commercial aviation work
32 group shall comprehensively evaluate the long-range commercial
33 aviation needs of Washington within the broader context of state
34 transportation needs and the specific needs of western Washington.
35 The work group shall review existing data and conduct research to
36 determine Washington's long-range commercial aviation facility needs
37 while considering alternatives to additional airport capacity.

38 (2) (a) Except as provided in subsection (3) of this section, the
39 work group shall investigate the expansion of existing aviation

1 facilities and possible siting locations for a new greenfield
2 aviation facilities, with the expected outcome to be a report that
3 compares the strengths and weaknesses of each site considered. In
4 this investigation, the work group shall consider both new sites and
5 those previously identified in previous aviation planning documents.
6 The work group must consider all impacts that, whether by the
7 expansion of a current facility or the location of a new greenfield
8 site, the creation of a new primary commercial aviation facility may
9 have, including impacts on:

10 (i) Community members and quality of life;

11 (ii) The environment, including the impacts of a facility on
12 water quality and the ability of the state to meet the greenhouse gas
13 emissions limits established in RCW 70A.45.020;

14 (iii) County master plans and other local planning and zoning,
15 including development regulations and comprehensive plans adopted
16 under chapter 36.70A RCW; and

17 (iv) Current airspace operations.

18 (b) The work group shall:

19 (i) Perform outreach to and make efforts to collaborate with:

20 (A) Applicable federal agencies including the federal aviation
21 administration, the United States environmental protection agency,
22 the United States department of defense, and the United States
23 department of energy;

24 (B) Indian tribes, as defined in RCW 43.376.010, though outreach
25 and collaboration by the work group under this subsection does not
26 constitute or substitute for formal government-to-government
27 consultation under the 1989 State-Tribal Relations/Centennial Accord
28 and chapter 43.376 RCW;

29 (C) The environmental community;

30 (D) Local communities;

31 (E) Economic development agencies;

32 (ii) Identify potential site infrastructure shortfalls and make
33 recommendations as to how they could be most suitably addressed,
34 including the feasibility of the specific transportation
35 infrastructure required to move people to the potential site. This
36 process includes the delivery of an adequate supply of aircraft fuel
37 and supporting infrastructure along with facilities needed to
38 transition to the use of sustainable aviation fuels;

39 (iii) Consider the cost of construction of a facility and
40 supporting infrastructure;

1 (iv) In cooperation with the federal aviation administration,
2 analyze:

3 (A) Airspace requirements and airspace restrictions of potential
4 sites;

5 (B) Any possible terrain and man-made obstacles that could
6 possibly create a hazard to aircraft;

7 (C) Local weather patterns and microclimates to determine if they
8 will create issues for the operation of large aircraft; and

9 (v) Carry out other duties as assigned by the legislature.

10 (3) The work group shall not consider:

11 (a) Expansion opportunities for a port or county run airport
12 located in a county with a population of 2,000,000 or more; or

13 (b) The expansion of an existing airport or the siting of a new
14 airport that would be incompatible with the operations of a military
15 installation.

16 (4) In addition, the work group shall provide information to the
17 transportation committees of the legislature on the future of
18 aviation growth in the state, including potential commercial
19 aviation, general aviation, and air cargo demands, with consideration
20 of new technologies, alternative transportation modes, and the
21 airport of the future.

22 (5) Nothing in this section shall be construed to endorse, limit,
23 or otherwise alter existing or future plans for capital development
24 and capacity enhancement at existing commercial airports in
25 Washington.

26 NEW SECTION. **Sec. 4.** The state commercial aviation work group
27 shall submit a progress report to the governor and the transportation
28 committees of the legislature by July 1, 2024, and annually
29 thereafter. The first report of the work group shall include a list
30 of areas that will not have further review as the areas are in
31 conflict with the operations of a military installation.

32 **Sec. 5.** 2022 c 186 s 213 (uncodified) is amended to read as
33 follows:

34 **FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

35 Aeronautics Account—State Appropriation.	\$8,127,000
36 Aeronautics Account—Federal Appropriation.	\$3,916,000
37 Aeronautics Account—Private/Local Appropriation.	\$60,000

1	Multimodal Transportation Account—State	
2	Appropriation.	\$150,000
3	TOTAL APPROPRIATION.	\$12,253,000

4 The appropriations in this section are subject to the following
5 conditions and limitations:

6 (1) \$2,888,000 of the aeronautics account—state appropriation is
7 provided solely for the airport aid grant program, which provides
8 competitive grants to public use airports for pavement, safety,
9 maintenance, planning, and security.

10 (2) \$257,000 of the aeronautics account—state appropriation is
11 provided solely for supporting the commercial aviation (~~coordinating~~
12 ~~commission~~) work group, pursuant to section (~~718, chapter 333, Laws~~
13 ~~of 2021~~) 3 of this act.

14 (3) \$280,000 of the aeronautics account—state appropriation is
15 provided solely for the implementation of chapter 131, Laws of 2021
16 (unpiloted aircraft system state coordinator). If chapter 131, Laws
17 of 2021 is not enacted by June 30, 2021, the amount provided in this
18 subsection lapses.

19 (4)(a) \$150,000 of the multimodal transportation account—state
20 appropriation is provided solely for the aviation program to continue
21 the community engagement associated with the work of the commercial
22 aviation (~~coordinating commission to increase aviation capacity and~~
23 ~~provide a single preferred location for a new primary commercial~~
24 ~~aviation facility by June 15, 2023~~) work group. The work of the
25 (~~commission~~) work group shall include, but is not limited to,
26 recommendations to the legislature on future Washington state long-
27 range commercial aviation facility needs including possible
28 additional aviation facilities or expansion of current aviation
29 facilities.

30 (b) Community engagement efforts (~~may~~) shall include:

31 (i) Raising awareness among aviation stakeholders and the public
32 on the complex issues that must be addressed by the (~~commission~~)
33 work group;

34 (ii) Obtaining input from a representative cross section of the
35 public on the construction of a new airport and the expansion of
36 existing airports to meet future aviation demand;

37 (iii) Keeping people informed as the (~~commission's~~) work
38 group's work progresses, including diverse communities that are often
39 underrepresented in processes to inform decision making;

1 (iv) (~~Providing opportunities for members of the public to~~
2 ~~provide direct input to the commission during the pandemic that~~
3 ~~limits opportunities for direct social contact;~~

4 ~~(v))~~) Using surveys, open houses, focus groups, translation
5 services, informational handouts, advertisements, social media, and
6 other appropriate means of communicating with the public; and

7 ~~((vi))~~) (v) Providing a focus on the demographics or people in
8 the geographical areas most impacted by expanding aviation capacity
9 or developing a new aviation facility.

10 (c) The department may use a communications consultant or
11 community-based organizations to assist with community engagement
12 efforts in (b) of this subsection.

13 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act
14 constitute a new chapter in Title 14 RCW.

15 NEW SECTION. **Sec. 7.** The following acts or parts of acts are
16 each repealed:

- 17 (1) 2021 c 333 s 718 (uncodified);
18 (2) 2021 c 333 s 719 (uncodified); and
19 (3) 2022 c 186 s 707 (uncodified).

20 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately."

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24 On page 1, line 2 of the title, after "services;" strike the
25 remainder of the title and insert "amending 2022 c 186 s 213
26 (uncodified); adding a new chapter to Title 14 RCW; repealing 2021 c
27 333 ss 718 and 719 and 2022 c 186 s 707 (uncodified); and declaring
28 an emergency."

EFFECT: Changes the number of representatives from the airline
industry or businesses dependent upon air service from three to two.

Adds a representative from a statewide business association. Updates progress report from January to July 1, 2024.

(End of Bill)

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