
SUBSTITUTE SENATE BILL 5955

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Keiser, Hasegawa, Kauffman, Nguyen, and C. Wilson)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to mitigating harm and improving equity in large
2 port districts; amending RCW 53.54.020, 53.54.030, and 53.54.040;
3 adding a new section to chapter 43.330 RCW; adding a new section to
4 chapter 53.20 RCW; creating a new section; and making an
5 appropriation.

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

7 NEW SECTION. **Sec. 1.** Airports are an important part of
8 Washington's economy. Airports enable travel for business or
9 recreation, allow for the transportation of cargo, and provide
10 thousands of jobs for the people of the state.

11 For those living near an airport, there can also be adverse
12 environmental and health impacts from aircraft operations. In King
13 county, the majority of people identifying as Black, Hispanic, Native
14 Hawaiian, or Pacific Islander live within 10 miles of Seattle-Tacoma
15 international airport.

16 Large port districts operating commercial service airports that
17 administer aircraft noise mitigation programming have expressed a
18 desire and intention to repair or replace aircraft noise mitigation
19 equipment that has been found to be no longer working as intended or
20 is reported to have caused additional hazards or structural damage to
21 the property. Large port districts are restricted to use local,

1 nonairport resources to address such equipment due to limitations
2 imposed by federal regulations.

3 Ensuring the efficacy of existing noise mitigation equipment, and
4 the repair or replacement of equipment that has caused hazards or
5 structural damage to the property serves a fundamental public health
6 purpose and thereby provides wider public benefit to the citizens of
7 Washington.

8 The legislature intends to partner with port districts operating
9 large airports in the state and impacted areas to provide resources
10 to repair or replace noise mitigation equipment that has been found
11 to be no longer working as intended, or is found to have caused
12 additional hazards or structural damage to the property, and to
13 address the impacts of aircraft operations that are faced by impacted
14 areas.

15 With this partnership and resources large airports can be more
16 responsive, more effectively and quickly address relevant noise
17 mitigation equipment, and help uphold the values of respect,
18 antiracism, equity, and stewardship.

19 **Sec. 2.** RCW 53.54.020 and 2020 c 105 s 2 are each amended to
20 read as follows:

21 (1) Prior to initiating programs as authorized in this chapter,
22 the port commission shall undertake the investigation and monitoring
23 of aircraft noise impact to determine the nature and extent of the
24 impact. The port commission shall adopt a program of noise impact
25 abatement based upon the investigations and as amended periodically
26 to conform to needs demonstrated by the monitoring programs. In no
27 case may the port district undertake any of the programs prescribed
28 in this chapter in an area that is:

29 (a) More than (~~ten~~) 10 miles beyond the paved north end of any
30 runway;

31 (b) More than (~~thirteen~~) 13 miles beyond the paved south end of
32 any runway; or

33 (c) More than two miles from the centerline of any runway (~~ten~~)
34 10 miles north and (~~thirteen~~) 13 miles south from the paved end of
35 such runway.

36 (2) (~~Such areas as determined in this section,~~) Areas within
37 which a port district may undertake a program authorized in this
38 chapter shall be known as "impacted areas."

1 **Sec. 3.** RCW 53.54.030 and 2021 c 65 s 3 are each amended to read
2 as follows:

3 (1) For the purposes of this chapter, in developing a remedial
4 program, the port commission may take steps as appropriate including,
5 but not limited to, one or more of the following programs:

6 (a) Acquisition of property or property rights within the
7 impacted area, which shall be deemed necessary to accomplish a port
8 purpose. The port district may purchase such property or property
9 rights by time payment notwithstanding the time limitations provided
10 for in RCW 53.08.010. The port district may mortgage or otherwise
11 pledge any such properties acquired to secure such transactions. The
12 port district may assume any outstanding mortgages.

13 (b) Transaction assistance programs, including assistance with
14 real estate fees and mortgage assistance, and other neighborhood
15 remedial programs as compensation for impacts due to aircraft noise
16 and noise associated conditions. Any such programs shall be in
17 connection with properties located within an impacted area and shall
18 be provided upon terms and conditions as the port district shall
19 determine appropriate.

20 (c) Programs of soundproofing structures located within an
21 impacted area. Such programs may be executed without regard to the
22 ownership, provided the owner waives damages and conveys an easement
23 for the operation of aircraft, and for noise and noise associated
24 conditions therewith, to the port district.

25 (d) Mortgage insurance of private owners of lands or improvements
26 within such noise impacted area where such private owners are unable
27 to obtain mortgage insurance solely because of noise impact. In this
28 regard, the port district may establish reasonable regulations and
29 may impose reasonable conditions and charges upon the granting of
30 such mortgage insurance. Such mortgage insurance fees and charges
31 shall at no time exceed fees established for federal mortgage
32 insurance programs for like service.

33 (e) Management of all lands, easements, or development rights
34 acquired, including but not limited to the following:

35 (i) Rental of any or all lands or structures acquired;

36 (ii) Redevelopment of any such lands for any economic use
37 consistent with airport operations, local zoning and the state
38 environmental policy;

39 (iii) Sale of such properties for cash or for time payment and
40 subjection of such property to mortgage or other security

1 transaction: PROVIDED, That any such sale shall reserve to the port
2 district by covenant an unconditional right of easement for the
3 operation of all aircraft and for all noise or noise conditions
4 associated therewith.

5 (2)(a) An individual property may be provided benefits by the
6 port district under each of the programs described in subsection (1)
7 of this section. However, an individual property may not be provided
8 benefits under any one of these programs more than once, unless the
9 property:

10 (i) Is subjected to increased aircraft noise or differing
11 aircraft noise impacts that would have afforded different levels of
12 mitigation, even if the property owner had waived all damages and
13 conveyed a full and unrestricted easement; or

14 (ii) Contains a soundproofing installation, structure, or other
15 type of sound mitigation equipment product or benefit previously
16 installed pursuant to the remedial program under this chapter by the
17 port district that is determined through inspection to be in need of
18 a repair or replacement.

19 (b) Port districts choosing to exercise the authority under
20 (a)(ii) of this subsection are required to conduct inspections of
21 homes where mitigation improvements are no longer working as
22 intended. In those properties, port districts (~~must work with a~~)
23 may enter into an interlocal agreement under chapter 39.34 RCW with
24 the county in which the port is located for the provision of state
25 certified building inspectors to determine whether package failure
26 resulted in additional hazards or structural damage to the property.
27 Any expense incurred by the county for the provision of a qualified
28 building inspector under this subsection (2)(b) must be reimbursed by
29 the port district. A port district may use funds from the grant
30 program created under section 5 of this act to reimburse the county
31 for expenses incurred for the provision of a qualified building
32 inspector.

33 (c) Port districts choosing to exercise their authority under (b)
34 of this subsection may apply to the grant program created under
35 section 5 of this act for resources to facilitate the assessment and
36 inspection of noise mitigation equipment that is no longer working as
37 intended, or is reported to have caused additional hazards or
38 structural damage to the property.

39 (d) If a certified building inspector contracted pursuant to (c)
40 of this subsection identifies that a property's noise mitigation

1 equipment is no longer working as intended, then the associated port
2 district must apply to the grant program created under section 5 of
3 this act for resources to repair or replace existing noise mitigation
4 equipment. If an inspector confirms that installation of noise
5 mitigation equipment resulted in additional hazards or structural
6 damage to the property, then a port district must apply to the grant
7 program under section 5 of this act for resources to address those
8 hazards or damages.

9 (3) A property shall be considered within the impacted area if
10 any part thereof is within the impacted area.

11 **Sec. 4.** RCW 53.54.040 and 1974 ex.s. c 121 s 4 are each amended
12 to read as follows:

13 A port district may establish a fund to be utilized in
14 effectuating the intent of this chapter. The port district may
15 finance such fund by: The proceeds of any grants or loans made by
16 federal agencies; the proceeds of any grants made by the department
17 of commerce pursuant to section 5 of this act; rentals, charges, and
18 other revenues as may be generated by programs authorized by this
19 chapter, airport revenues; and revenue bonds based upon such
20 revenues. The port district may also finance such fund, as necessary,
21 in whole or in part, with the proceeds of general obligation bond
22 issues of not more than one-eighth of one percent of the value of
23 taxable property in the port district: PROVIDED, That any such bond
24 issue shall be in addition to bonds authorized by RCW 53.36.030:
25 PROVIDED FURTHER, That any such general obligation bond issue may be
26 subject to referendum by petition as provided by county charter, the
27 same as if it were a county ordinance.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330
29 RCW to read as follows:

30 (1) Subject to the availability of amounts appropriated for this
31 specific purpose, the department of commerce shall administer a grant
32 program to provide assistance to qualifying port districts for
33 expenses related to noise mitigation pursuant to RCW 53.54.030(2) (c)
34 and (d).

35 (2) The department of commerce shall prepare and publish an
36 annual report on its website detailing grants made under this
37 section. The report must include: (a) The number of inspectors hired
38 or contracted; (b) the number of inspections conducted; (c) the

1 number of properties provided with new or improved noise mitigation
2 equipment subsequent to an inspection; (d) the number of properties
3 receiving funds to address hazards or damages proven by an inspector
4 to be associated with the installation of noise mitigation equipment;
5 and (e) the number of inspected properties where no repairs occurred
6 and the reasons why.

7 (3) A qualifying port district receiving funds under this section
8 may commit to matching, from port district funds, at least half of
9 the total funding provided by the legislature under section 6 of this
10 act for the purposes of noise mitigation under RCW 53.54.030(2) (c)
11 and (d) each fiscal year.

12 (4) For the purposes of this section, "qualifying port district"
13 means a port district authorized to undertake programs for the
14 abatement of aircraft noise under RCW 53.54.010.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.20
16 RCW to read as follows:

17 (1) The port district equity fund is created in the state
18 treasury. Receipts from the retail sales tax imposed on eligible
19 projects must be deposited into the account, as provided in
20 subsection (4) of this section. Moneys in the fund may be spent only
21 after appropriation. Moneys in the fund shall be used to make grants
22 to port districts to supplement noise mitigation programming pursuant
23 to RCW 53.54.030(2) (c) and (d).

24 (2) The department of commerce shall provide management services
25 for the port district equity fund. The department shall establish
26 procedures for fund management. The department shall develop the
27 grant criteria, monitor the grant program, and select grant
28 recipients.

29 (3) The department of commerce shall prepare and publish an
30 annual report on its website detailing grants made under this
31 section, the uses to which the grants have been put, and the benefits
32 that have been realized.

33 (4)(a) Beginning February 15, 2025, and each February 15th
34 thereafter, the department of revenue, in consultation with the
35 department of commerce, must notify the economic and revenue forecast
36 council of the total amount received under RCW 82.08.020 and
37 82.14.525 from eligible projects during the prior calendar year.

38 (b) Beginning in fiscal year 2026, and each fiscal year
39 thereafter, the legislature must appropriate from the general fund to

1 this account the amount received under RCW 82.08.020 and 82.14.525
2 from eligible projects up to \$10,000,000 each fiscal year.

3 (c) For the purposes of this subsection, "eligible projects"
4 means any capital construction project at a commercial service
5 airport operating a noise mitigation program under RCW 53.54.030.

6 NEW SECTION. **Sec. 7.** The sum of \$10,000,000, or as much thereof
7 as may be necessary, is appropriated for the fiscal year ending June
8 30, 2025, from the general fund to the port district equity fund for
9 the purposes of this act.

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