
SECOND SUBSTITUTE SENATE BILL 5955

State of Washington

68th Legislature

2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Keiser, Hasegawa, Kauffman, Nguyen, and C. Wilson)

READ FIRST TIME 02/05/24.

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; and creating a new section.

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

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

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

15 Large port districts operating commercial service airports that
16 administer aircraft noise mitigation programming have expressed a
17 desire and intention to repair or replace aircraft noise mitigation
18 equipment that has been found to be no longer working as intended or
19 is reported to have caused additional hazards or structural damage to
20 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 governmental
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 ~~state certified building inspector)~~) may contract with building
24 inspectors or other professionals with experience in sound testing,
25 or window and door installs, or port districts may enter into an
26 interlocal agreement under chapter 39.34 RCW with the county in which
27 the port is located to contract for the provision of building
28 inspectors or professionals with experience in sound testing, or
29 window and door installs to determine whether package failure
30 resulted in additional hazards or structural damage to the property.
31 Any expense incurred by the county related to contracting of a
32 building inspector or professional under this subsection (2)(b) must
33 be reimbursed by the port district. A port district may use funds
34 from the grant program created under section 5 of this act to
35 reimburse the county for expenses incurred for the contracting of a
36 building inspector or other professional.

37 (c) Port districts choosing to exercise their authority under (b)
38 of this subsection may apply to the grant program created under
39 section 5 of this act for resources to facilitate the assessment and
40 inspection of noise mitigation equipment that is no longer working as

1 intended, or is reported to have caused additional hazards or
2 structural damage to the property.

3 (d) If a building inspector or other professional contracted
4 pursuant to (c) of this subsection identifies that a property's noise
5 mitigation equipment is no longer working as intended, then the
6 associated port district must apply to the grant program created
7 under section 5 of this act for resources to repair or replace
8 existing noise mitigation equipment. If an inspection confirms that
9 installation of noise mitigation equipment resulted in additional
10 hazards or structural damage to the property, then a port district
11 must apply to the grant program under section 5 of this act for
12 resources to address those hazards or damages.

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

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

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

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

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

1 (2) The department of commerce shall prepare and publish an
2 annual report on its website detailing grants made under this
3 section. The report must include: (a) The number of inspectors or
4 other professionals contracted; (b) the number of inspections
5 conducted; (c) the number of properties provided with new or improved
6 noise mitigation equipment subsequent to an inspection; (d) the
7 number of properties receiving funds to address hazards or damages
8 proven by an inspection to be associated with the installation of
9 noise mitigation equipment; and (e) the number of inspected
10 properties where no repairs occurred and the reasons why.

11 (3) A qualifying port district receiving funds under this section
12 may commit to matching, from port district funds not subject to
13 federal airport revenue use requirements, at least half of the total
14 funding provided by the legislature under section 6 of this act for
15 the purposes of noise mitigation under RCW 53.54.030(2) (c) and (d)
16 each fiscal year.

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

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

22 (1) The port district equity fund is created in the state
23 treasury. Receipts from the state portion of retail sales and use tax
24 imposed on qualifying construction projects must be deposited into
25 the account, as provided in subsection (4) of this section.
26 Expenditures from the account may only be used to make grants to port
27 districts to supplement noise mitigation programming pursuant to RCW
28 53.54.030(2) (c) and (d). Moneys in the account may only be spent
29 after appropriation.

30 (2) The department of commerce shall provide management services
31 for the port district equity fund. The department shall establish
32 procedures for fund management. The department shall develop the
33 grant criteria, monitor the grant program, and select grant
34 recipients.

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

1 (4) (a) The department of commerce, in consultation with a port
2 district receiving grant funding under section 5 of this act, must
3 maintain a list of retail sales and use tax collected under RCW
4 82.08.020 and 82.12.020 on qualifying construction projects and
5 remitted to the state each prior calendar year. A port district must
6 collect and maintain any documentation deemed necessary by the
7 department of commerce in determining the amount of retail sales and
8 use tax remitted to the state from qualifying construction projects
9 each prior calendar year and provide that information to the
10 department of commerce.

11 (b) The department of commerce must notify the state treasurer of
12 the amount of retail sales and use tax remitted to the state from
13 qualifying construction projects in the prior calendar year. The
14 state treasurer must transfer from the general fund to this account
15 any retail sales and use tax remitted to the state from qualifying
16 construction projects in an amount not to exceed \$10,000,000 each
17 fiscal year.

18 (c) For the purposes of this section, "qualifying construction
19 projects" means any capital construction project at a commercial
20 service airport operating a noise mitigation program pursuant to RCW
21 53.54.030.

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