

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1791**

Chapter 463, Laws of 2023  
(partial veto)

68th Legislature  
2023 Regular Session

COMMERCIAL AVIATION WORK GROUP

EFFECTIVE DATE: July 23, 2023

Passed by the House April 18, 2023  
Yeas 91 Nays 6

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 12, 2023  
Yeas 31 Nays 17

DENNY HECK

**President of the Senate**

Approved May 15, 2023 3:07 PM with  
the exception of sections 3, 5, 7,  
and 8, which are vetoed.

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1791** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 16, 2023

**Secretary of State  
State of Washington**

---

**ENGROSSED SUBSTITUTE HOUSE BILL 1791**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fey, Dent, Morgan, Barkis, Mena, Couture, Griffey, Bronoske, Ybarra, Christian, Timmons, Donaghy, Berg, and Doglio)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to studying the need for increased commercial  
2 aviation services; amending 2022 c 186 s 213 (uncodified); adding a  
3 new chapter to Title 14 RCW; repealing 2021 c 333 ss 718 and 719 and  
4 2022 c 186 s 707 (uncodified); and declaring an emergency.

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

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

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

11 (b) That planning for the future of aviation must take a  
12 comprehensive coordinated look at the transportation system as a  
13 whole;

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

17 (d) The creation of a new primary commercial aviation facility  
18 has the potential for environmental, health, social, and economic  
19 impacts on the surrounding communities, and the legislature  
20 recognizes any preferred location will require substantial

1 environmental, land use, governance, and funding decisions from  
2 federal, state, and local governments;

3 (e) There is expected growth in commercial aviation, general  
4 aviation, and air cargo operations; the Puget Sound regional council  
5 May 2021 regional aviation baseline study final report estimates that  
6 by 2050 capacity restrictions in the central Puget Sound will create  
7 a gap between the demand for aviation activities and the capacity for  
8 those activities; and

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

13 (2) The legislature, therefore, intends to replace the commercial  
14 aviation coordinating commission with the commercial aviation work  
15 group and direct the work group to provide a comprehensive  
16 investigation of airport capacity in the state and the best way to  
17 address aviation needs in the context of overall state transportation  
18 needs in the next 20 years using independent verifiable data.

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

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

24 (a) Four as representatives of commercial service airports and  
25 ports, one of whom shall represent a port located in a county with a  
26 population of 2,000,000 or more, one of whom shall represent a port  
27 in eastern Washington with an airport runway of at least 13,500 feet  
28 in length, one of whom shall represent a commercial service airport  
29 in eastern Washington located in a county with a population of  
30 400,000 or more, and one representing an association of ports;

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

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

34 (d) Seven citizen representatives with at least two appointed  
35 from eastern Washington and at least two appointed from western  
36 Washington. The citizen appointees must:

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

1 (ii) Understand the impacts of a large commercial aviation  
2 facility on a community;

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

4 (f) A representative from the trucking industry;

5 (g) A representative from a community organization that  
6 understands the impacts of a large commercial aviation facility on a  
7 community; and

8 (h) Two representatives from statewide environmental  
9 organizations.

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

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

12 (b) Two members from the senate, with one member from each of the  
13 two largest caucuses in the senate, appointed by legislative  
14 leadership;

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

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

19 (e) A representative from the division of aeronautics of the  
20 department of transportation;

21 (f) A representative from an eastern Washington metropolitan  
22 planning organization;

23 (g) A representative from a western Washington metropolitan  
24 planning organization;

25 (h) A representative from an eastern Washington regional airport;  
26 and

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

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

31 (5) Legislative members of the work group are reimbursed for  
32 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
33 members are not entitled to be reimbursed for travel expenses if they  
34 are elected officials or are participating on behalf of an employer,  
35 governmental entity, or other organization. Any reimbursement for  
36 other nonlegislative members is subject to chapter 43.03 RCW. The  
37 work group has all powers necessary to carry out its duties as  
38 prescribed by section 3 of this act.

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

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

7 **\*NEW SECTION.** Sec. 3. (1) *The state commercial aviation work*  
8 *group shall comprehensively evaluate the long-range commercial*  
9 *aviation needs of Washington within the broader context of state*  
10 *transportation needs and the specific needs of western Washington.*  
11 *The work group shall review existing data and conduct research to*  
12 *determine Washington's long-range commercial aviation facility needs*  
13 *while considering alternatives to additional airport capacity.*

14 (2) (a) *Except as provided in subsection (3) of this section, the*  
15 *work group shall investigate the expansion of existing aviation*  
16 *facilities and possible siting locations for a new greenfield*  
17 *aviation facilities, with the expected outcome to be a report that*  
18 *compares the strengths and weaknesses of each site considered. In*  
19 *this investigation, the work group shall consider both new sites and*  
20 *those previously identified in previous aviation planning documents.*  
21 *The work group must consider all impacts that, whether by the*  
22 *expansion of a current facility or the location of a new greenfield*  
23 *site, the creation of a new primary commercial aviation facility may*  
24 *have, including impacts on:*

25 (i) *Community members and quality of life;*

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

29 (iii) *County master plans and other local planning and zoning,*  
30 *including development regulations and comprehensive plans adopted*  
31 *under chapter 36.70A RCW; and*

32 (iv) *Current airspace operations.*

33 (b) *The work group shall:*

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

35 (A) *Applicable federal agencies including the federal aviation*  
36 *administration, the United States environmental protection agency,*  
37 *the United States department of defense, and the United States*  
38 *department of energy;*

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

6 (C) The environmental community;

7 (D) Local communities;

8 (E) Economic development agencies;

9 (ii) Identify potential site infrastructure shortfalls and make  
10 recommendations as to how they could be most suitably addressed,  
11 including the feasibility of the specific transportation  
12 infrastructure required to move people to the potential site. This  
13 process includes the delivery of an adequate supply of aircraft fuel  
14 and supporting infrastructure along with facilities needed to  
15 transition to the use of sustainable aviation fuels;

16 (iii) Consider the cost of construction of a facility and  
17 supporting infrastructure;

18 (iv) In cooperation with the federal aviation administration,  
19 analyze:

20 (A) Airspace requirements and airspace restrictions of potential  
21 sites;

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

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

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

27 (3) The work group shall not consider:

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

30 (b) The expansion of an existing airport or the siting of a new  
31 airport that would be incompatible with the operations of a military  
32 installation.

33 (4) In addition, the work group shall provide information to the  
34 transportation committees of the legislature on the future of  
35 aviation growth in the state, including potential commercial  
36 aviation, general aviation, and air cargo demands, with consideration  
37 of new technologies, alternative transportation modes, and the  
38 airport of the future.

39 (5) Nothing in this section shall be construed to endorse, limit,  
40 or otherwise alter existing or future plans for capital development

1 **and capacity enhancement at existing commercial airports in**  
2 **Washington.**

*\*Sec. 3 was vetoed. See message at end of chapter.*

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

9 *\*Sec. 5. 2022 c 186 s 213 (uncodified) is amended to read as*  
10 *follows:*

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

<b>Aeronautics Account—State Appropriation. . . . .</b>	<b>\$8,127,000</b>
<b>Aeronautics Account—Federal Appropriation. . . . .</b>	<b>\$3,916,000</b>
<b>Aeronautics Account—Private/Local Appropriation. . . . .</b>	<b>\$60,000</b>
<b>Multimodal Transportation Account—State</b>	
<b>Appropriation. . . . .</b>	<b>\$150,000</b>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$12,253,000</b>

18 **The appropriations in this section are subject to the following**  
19 **conditions and limitations:**

20 (1) **\$2,888,000 of the aeronautics account—state appropriation is**  
21 **provided solely for the airport aid grant program, which provides**  
22 **competitive grants to public use airports for pavement, safety,**  
23 **maintenance, planning, and security.**

24 (2) **\$257,000 of the aeronautics account—state appropriation is**  
25 **provided solely for supporting the commercial aviation ((~~coordinating~~**  
26 **~~commission~~)) work group, pursuant to section ((~~718, chapter 333, Laws~~**  
27 **~~of 2021~~)) 3 of this act.**

28 (3) **\$280,000 of the aeronautics account—state appropriation is**  
29 **provided solely for the implementation of chapter 131, Laws of 2021**  
30 **(unpiloted aircraft system state coordinator). If chapter 131, Laws**  
31 **of 2021 is not enacted by June 30, 2021, the amount provided in this**  
32 **subsection lapses.**

33 (4) (a) **\$150,000 of the multimodal transportation account—state**  
34 **appropriation is provided solely for the aviation program to continue**  
35 **the community engagement associated with the work of the commercial**  
36 **aviation ((~~coordinating commission to increase aviation capacity and~~**

1 ~~provide a single preferred location for a new primary commercial~~  
2 ~~aviation facility by June 15, 2023))~~ work group. The work of the  
3 ~~((commission))~~ work group shall include, but is not limited to,  
4 recommendations to the legislature on future Washington state long-  
5 range commercial aviation facility needs including possible  
6 additional aviation facilities or expansion of current aviation  
7 facilities.

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

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

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

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

18 ~~((Providing opportunities for members of the public to~~  
19 ~~provide direct input to the commission during the pandemic that~~  
20 ~~limits opportunities for direct social contact;~~

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

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

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

\*Sec. 5 was vetoed. See message at end of chapter.

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

32 \*NEW SECTION. Sec. 7. The following acts or parts of acts are  
33 each repealed:

34 (1) 2021 c 333 s 718 (uncodified);

35 (2) 2021 c 333 s 719 (uncodified); and

36 (3) 2022 c 186 s 707 (uncodified).

\*Sec. 7 was vetoed. See message at end of chapter.

1           **\*NEW SECTION. Sec. 8. This act is necessary for the immediate**  
2 **preservation of the public peace, health, or safety, or support of**  
3 **the state government and its existing public institutions, and takes**  
4 **effect immediately.**

**\*Sec. 8 was vetoed. See message at end of chapter.**

Passed by the House April 18, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 15, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 entitled:

"AN ACT Relating to studying the need for increased commercial aviation services."

Engrossed Substitute House Bill 1791 bill creates a new State Commercial Aviation Work Group and directs them to study the need for additional airport capacity in Washington, including siting a new airport. Section 3 directs the Work Group to simultaneously consider expanding capacity at existing airports and siting a new airport. However, it is important for the state to first fully consider increasing capacity at existing airports throughout the state, excluding SeaTac, before it considers siting a new airport.

Section 5 amends the 2022 supplemental transportation budget and redirects funds that have already been spent.

Section 7 repeals three uncodified sections from the 2021 - 2023 budgets that would reinstate an expiration date for the current workgroup of July 1, 2022. Since the current workgroup has been conducting the activities authorized by law subsequent to that date, the authority to carry out those activities cannot be retroactively removed.

Section 8 is an emergency clause. The current Commercial Aviation Coordinating Commission will expire June 30, 2023. The existing Commission is required to report a single site to the legislature by June 15 and that report should reflect the findings of the Commission that they do not have a single site recommendation at this time. Therefore, an emergency clause is not needed.

For these reasons I have vetoed Sections 3, 5, 7 and 8 of Engrossed Substitute House Bill No. 1791.

With the exception of Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 is approved."

--- END ---