

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1791

68th Legislature
2023 Regular Session

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

**Speaker of the House of
Representatives**

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

President of the Senate

Approved

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.

Chief Clerk

FILED

**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.

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**

12	Aeronautics Account—State Appropriation.	\$8,127,000
13	Aeronautics Account—Federal Appropriation.	\$3,916,000
14	Aeronautics Account—Private/Local Appropriation.	\$60,000
15	Multimodal Transportation Account—State	
16	Appropriation.	\$150,000
17	TOTAL APPROPRIATION.	\$12,253,000

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~~
37 ~~provide a single preferred location for a new primary commercial~~

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

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

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

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

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

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

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

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

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

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

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

33 (1) 2021 c 333 s 718 (uncodified);

34 (2) 2021 c 333 s 719 (uncodified); and

35 (3) 2022 c 186 s 707 (uncodified).

36 NEW SECTION. Sec. 8. This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

(End of Bill)

DEPARTMENT OF TRANSPORTATION

AVIATION—PROGRAM F. 6

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