

REPORT TO SPEAKER'S OFFICE

(Confidential - Please Deliver in Envelope)

BILL NO. HB 1328 BY Representatives Douthwaite, Ceccarelli, Chatalas and others

BRIEF TITLE Providing means for port districts to undertake abatement of airport noise

REPORTED BY: Committee on Local Government (20)

COMMITTEE RECOMMENDATION: Do Pass as Amended (11)  
(Indicate number signing report)

A. EXISTING LAW: None

B. PURPOSE OF BILL AND EFFECT ON EXISTING LAW:

Authorizes certain port districts (defined to limit it to the Port of Seattle) to provide jet aircraft noise abatement programs for surrounding areas. Defines impact areas. Provides that on its program, the port may: (1) purchase property or property rights, (2) establish a soundproofing program, (3) provide mortgage insurance for those unable to obtain it because of noise impact, and (4) manage all lands and rights acquired. Provides a fund, funded from various sources including proceeds from general obligation bonds not to exceed 1/8 of one percent of the value of taxable property within the port district.

C. EFFECT OF AMENDMENT(S):

1. increases size of impact area
2. removes eminent domain powers
3. expands the permissible time for time payments on property purchased by the port in impacted areas
4. clarifying

FISCAL IMPACT:

BILL SUBSTANTIALLY SIMILAR: (if any)

No. \_\_\_\_\_

Joe D. Haussler  
Chairman

DRAFTER: Code Reviser: John Mathews

Other: \_\_\_\_\_

PRINCIPAL PROPONENTS: (Individuals and Organizations)

Mike Ryhard and Lew Holcomb, Wash. Public Ports Assoc.

PRINCIPAL OPPONENTS: (Individuals and Organizations)

None

PRINCIPAL ARGUMENTS:

FOR: Pilot program of noise abatement program. To ease the burdens of home owners residing within the impact area.

AGAINST:

House Committee Amendment to House Bill No. 1328

By Committee on Local Government

On page 1, section 2, line 23, after "runaway" insert  
":PROVIDED FURTHER, That the area within 2500 feet of  
the center of the end point of any runway may be in-  
cluded"

House Committee Amendments to House Bill No. 1328

By Committee on Local Government

On page 2, section 3, line 1, after "Acquisition" strike  
all of the matter down to and including "area" on line 3  
and insert "of property or property rights within the im-  
pacted area, which shall be deemed necessary to accom-  
plish a port purpose"

On page 2, section 3, line 4, after "payment" insert "not  
withstanding the time limitations provided for in RCW  
53.08.010"

On page 2, section 3, immediately following line 32 in-  
sert the following:

"(5) A property shall be considered within the im-  
pacted area if any part thereof is within the impacted  
area."

House Committee Amendments to House Bill No. 1328

By Committee on Local Government

On page 3, section 4, line 8, after "property" strike  
"of" and insert "in"

On page 3, section 4, line 11, beginning with "nothing"  
strike all of the matter down to and including "issue"  
on line 13, and insert "any such general obligation bond  
issue may be subject to referendum by petition as pro-  
vided by county charter, the same as if it were a county  
ordinance"

House Committee Amendment to House Bill No. 1328  
By Committee on Local Government

On page 2, section 3, line 3, after "area" insert ": PROVIDED, That the owner or owners of property acquired by a court district pursuant to this chapter, shall, for a period of five years from the sale of the land to the port district, have the first right of refusal if the port district desires to sell the property previously owned by the owner or owners to a third party: PROVIDED FURTHER, That this right of first refusal shall not be delegable, assignable, transferable or inheritable"

On page 2, section 3, line 21, after "(4)" insert "Payment of damages for air pollution to owners of real property within the impacted area.

(5)"

A handwritten signature in cursive script, likely of a legislator, positioned at the top center of the page.

Amendment to HB 1328

Page 1, line 23, after "runway", insert: "PROVIDED FURTHER: That the area within 2500 feet of the center of the end point of any runway may be included"

Amendments to HB 1328

Page 2, line 1, after "Acquisition" strike all the material down to the period in line 3 and insert "of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose"

Page 3, line 8, after "taxable property", strike "of" and insert "in"

BILL DIGEST FORM

By Representatives Douthwaite, Ceccarelli, Chatalas and others Bill No. HB 1328

Brief Title: Providing means for port districts to undertake abatement of airport noise

Reported By: Committee on Local Government (20)

Committee Recommendation: Do Pass as Amended (11)  
(Indicate number signing report)

Authorizes port districts operating jet airports to provide jet aircraft noise abatement programs for surrounding areas.

Requires investigation and monitoring of aircraft noise impact before promulgating the noise abatement programs.

Defines "impacted areas" and limits noise control programs to these areas.

Provides that in establishing noise control programs, port commissions may:

1. Acquire property or property rights within the impacted area by purchase or eminent domain.
2. Establish a program for soundproofing structures located within an impacted area.
3. Provide mortgage insurance for owners of lands or improvements within impact area when these owners are not able to obtain insurance solely because of noise impact.
4. Manage all lands, easements or development rights acquired.

Provides for the establishment of a fund for noise control programs, funded from various sources including the proceeds of general obligation bonds not to exceed 1/8 of one percent of the value "of taxable property of the port district."

Effect of Amendments:

1. increases size of impact area
2. removes eminent domain powers
3. expands the period for permissible time payments on property purchased
4. clarifying

Digester Gordon Jones

Approved Joe D. Haussler  
Committee Chairman

Date 1/29/74

# Report of Standing Committee

## HOUSE OF REPRESENTATIVES

Olympia, Washington

Jan. 29, 1974

(date)

House Bill

No. 1328

(Type in House or Senate Bill, Resolution, or Memorial)

Prime Sponsor Representative Douthwaite

Providing means for port districts to undertake abatement of airport noise

(Type in brief title)

reported by Committee on LOCAL GOVERNMENT (20)

Majority recommendation: Do pass with the following amendment:

Signed by  
Representatives

Jeff Douthwaite Chairman

John Johnson Subcommittee Chairman

John Johnson Subcommittee Chairman

John Johnson Subcommittee Chairman

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson

John Johnson



HOUSE BILL NO. 1328

State of Washington  
43rd Legislature  
3rd Extraordinary Session

by Representatives Douthwaite, Ceccarelli,  
Chatalas, Barnes, Charnley, Valle,  
Lysea, Perry, Cunningham, Leckenby and  
Van Dyk

Read first time January 21, 1974, and referred to Committee on Local Government.

1 AN ACT Relating to port districts; authorizing port districts  
2 operating an airport to undertake programs to control and  
3 abate aircraft noise; and adding a new chapter to Title 53  
4 RCW.

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

6 NEW SECTION. Section 1. A port district operating an airport  
7 serving more than twenty scheduled jet aircraft flights per day may  
8 undertake any of the programs or combinations of such programs, as  
9 authorized by this chapter, for the purpose of alleviating and  
10 abating the impact of jet aircraft noise on areas surrounding such  
11 airport.

12 NEW SECTION. Sec. 2. Prior to initiating programs as  
13 authorized in this chapter the port commission shall undertake the  
14 investigation and monitoring of aircraft noise impact to determine  
15 the nature and extent of the impact. The port commission shall adopt  
16 a program of noise impact abatement based upon the investigations and  
17 as amended periodically to conform to needs demonstrated by the  
18 monitoring programs: PROVIDED, That in no case may the port district  
19 undertake any of the programs of this chapter in an area which is  
20 more than three miles beyond the paved end of any runway or more than  
21 fifteen hundred feet from the centerline of any runway or from an  
22 imaginary runway centerline extending three miles from the paved end  
23 of such runway. Such areas as determined above, shall be known as  
24 "impacted areas".

25 NEW SECTION. Sec. 3. For the purposes of this chapter, in  
26 developing a remedial program, the port commission may utilize one or  
27 more of the following programs:

1           (1) Acquisition by purchase or eminent domain pursuant to  
2 chapter 8.12 RCW, property or property rights within the impacted  
3 area. The port district may purchase such property or property  
4 rights by time payment. The port district may mortgage or otherwise  
5 pledge any such properties acquired to secure such transactions. The  
6 port district may assume any outstanding mortgages.

7           (2) Programs of soundproofing structures located within an  
8 impacted area. Such programs may be executed without regard to the  
9 ownership, provided the owner waives all damages and conveys a full  
10 and unrestricted easement for the operation of all aircraft, and for  
11 all noise and noise associated conditions therewith, to the port  
12 district.

13           (3) Mortgage insurance of private owners of lands or  
14 improvements within such noise impacted area where such private  
15 owners are unable to obtain mortgage insurance solely because of  
16 noise impact. In this regard, the port district may establish  
17 reasonable regulations and may impose reasonable conditions and  
18 charges upon the granting of such mortgage insurance: PROVIDED, That  
19 such fees and charges shall at no time exceed fees established for  
20 federal mortgage insurance programs for like service.

21           (4) Management of all lands, easements, or development rights  
22 acquired, including but not limited to the following:

23           (a) Rental of any or all lands or structures acquired;

24           (b) Redevelopment of any such lands for any economic use  
25 consistent with airport operations, local zoning and the state  
26 environmental policy;

27           (c) Sale of such properties for cash or for time payment and  
28 subjection of such property to mortgage or other security  
29 transaction: PROVIDED, That any such sale shall reserve to the port  
30 district by covenant an unconditional right of easement for the  
31 operation of all aircraft and for all noise or noise conditions  
32 associated therewith.

33           NEW SECTION. Sec. 4. A port district may establish a fund to

1 be utilized in effectuating the intent of this chapter. The port  
2 district may finance such fund by: The proceeds of any grants or  
3 loans made by federal agencies; rentals, charges and other revenues  
4 as may be generated by programs authorized by this chapter, airport  
5 revenues; and revenue bonds based upon such revenues. The port  
6 district may also finance such fund, as necessary, in whole or in  
7 part, with the proceeds of general obligation bond issues of not more  
8 than one eighth of one percent of the value of taxable property of  
9 the port district: PROVIDED, That any such bond issue shall be in  
10 addition to bonds authorized by RCW 53.36.030: PROVIDED FURTHER,  
11 That nothing in this section shall be construed to abrogate the right  
12 of a citizen referendum, by established state and county procedures,  
13 on such bond issue.

14 NEW SECTION. Sec. 5. The rule of strict construction shall  
15 have no application to this chapter, which shall be liberally  
16 construed to carry out the purposes and objects for which this  
17 chapter is intended. The powers granted in this chapter shall be in  
18 addition to all others granted to port districts.

19 NEW SECTION. Sec. 6. Sections 1 through 5 of this 1974 act  
20 shall constitute a new chapter in Title 53 RCW.

21 NEW SECTION. Sec. 7. If any provision of this 1974 act or  
22 its application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances shall not be affected.