
Local Government Committee

E2SSB 5955

Brief Description: Mitigating harm and improving equity in large port districts.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Hasegawa, Kauffman, Nguyen and Wilson, C.).

Brief Summary of Engrossed Second Substitute Bill

- Establishes, through July 1, 2029, a grant program managed by the Department of Commerce to provide assistance to port districts that undertake noise mitigation programs for expenses related to the repair or replacement of noise mitigation equipment that is not working as intended, or that addresses hazards and structural damage that occurred due to previously installed noise mitigation equipment.
- Allows port districts that choose to conduct a program to repair or replace noise mitigation equipment that is not working as intended to either contract directly with building inspectors or professionals with relevant experience, or to enter into an interlocal agreement with a county to provide such individuals, for the purpose of conducting inspections to determine whether the equipment has caused other hazards or structural damage.

Hearing Date: 2/20/24

Staff: Kellen Wright (786-7134).

Background:

Port districts are special purpose districts empowered to, among other things, acquire, construct, maintain, operate, develop, and regulate airports. Individual port districts must be contained

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

within a single county, and the boundaries of a port district may be coextensive with the county's boundaries.

Port districts in Washington that operate an airport serving more than 900 scheduled jet flights per day are authorized to undertake noise abatement programs to alleviate the impact of jet noise on the surrounding area. In 2023 only Seattle-Tacoma International Airport, operated by the Port of Seattle, served this many jet flights, averaging more than 1,000 jet flights per day. Spokane International Airport, by contrast, averages fewer than 250 jet flights per day.

An aircraft noise abatement program can only be undertaken within an "impacted area." This area extends two miles from the centerline of any runway to a point 10 miles north of the paved north end of any runway, and to a point 13 miles south of the paved south end of any runway. If any portion of a property is within the impacted area, then the entire property is considered within the area.

Before undertaking a noise mitigation program, the port must investigate and monitor the aircraft noise generated by the airport. Based on this, the port may adopt a program of abatement. This program must be amended periodically to conform to the needs demonstrated by the monitoring program. The abatement program may include, but is not limited to, acquiring affected property directly, assisting with transactions involving impacted properties, providing mortgage insurance, or soundproofing structures.

In order to receive soundproofing assistance, the owner of the property must waive damages and convey an easement for the operation of aircraft and for the resulting noise to the port district. A property can receive multiple different benefits, but can generally only receive each type of benefit once.

The only exceptions apply for properties that: (1) are now subject to increased or differing noise impacts that would have afforded a different level of mitigation; or (2) contain a soundproofing installation, structure, or other type of sound mitigation equipment ("equipment") that was previously provided but that is determined, after an inspection, to be in need of repair or replacement. In either case, a port district may choose to provide a benefit for a second time. If the port district chooses to do so, and if the basis for the new benefit is that equipment needs to be repaired or replaced, the port district must work with a state certified building inspector to determine if the failure of the equipment has resulted in additional hazards or damage to the property.

A port district may only finance noise abatement programs with the proceeds of federal grants or loans, revenues generated by abatement programs, airport revenues, and bonds based upon such revenues.

Summary of Bill:

The Department of Commerce (Department) must administer a grant program to provide

assistance to port districts that undertake noise mitigation programs for expenses related to the repair or replacement of equipment that is no longer working as intended, or to address hazards or structural damage that has occurred because of the prior installation of equipment. The Department must establish criteria for the grant program, and must select the recipients for grants. The Department must publish an annual report on its website detailing the grants made, and:

- the number of building inspectors or other professionals contracted with;
- the number of inspections conducted;
- the number of properties that received new or improved equipment after an inspection;
- the number of properties that received funds to address hazards or damages found by an inspection to be associated with the installation of equipment; and
- the number of inspected properties where no repairs occurred, and the reasons why.

The grant program is funded through the port district equity fund. This fund consists of appropriations made by the Legislature, contributions from local governments and port districts, and private contributions. Funds from the account can only be used to provide grants to port districts through the grant program operated by the Department. The fund is managed by the Department, and only the Department may authorize an expenditure.

A port district may commit to matching half of the funds annually provided to the grant program through the port district equity fund from revenue that is not subject to federal airport revenue use restrictions.

The revenue sources that a port district can use to finance a noise abatement program includes proceeds from the Department's grant program.

The grant program ends July 1, 2029. The Joint Legislative Audit and Review Committee must conduct a review of the grant program by July 1, 2028, and must include in its review the number of homes that have received remediation since June 5, 2024, and the number of homes still in need of remediation.

A port district that chooses to provide a second noise mitigation program benefit to a property on the basis that previously provided equipment is no longer working as intended may contract with building inspectors or other professionals with experience in sound testing, or in door or window installation, to determine if the failure of the equipment has resulted in additional hazards or damage to the property. Alternatively, the port district may enter into an interlocal agreement with the county in which the port is located to contract for the provision of such building inspectors or professionals. A port district must reimburse the county for any expenses the county incurs related to such an agreement. Funds from the Department's grant program may be used for this reimbursement.

If an inspection reveals that a property's equipment is no longer working as intended, the port district must apply to the Department's grant program for resources to repair or replace the equipment. Similarly, if an inspection confirms that additional hazards or structural damage has

occurred because of the prior installation of equipment on the property, the port district must apply to the Department's grant program for resources to address the hazards or damage.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 16, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.