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HOUSE BILL 1293

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Patterson, Reams, Mitchell, Poulsen, R. Fisher, Valle and G. Fisher

Read first time 01/20/95. Referred to Committee on Government Operations.

1 AN ACT Relating to soundproofing programs in aircraft noise-  
2 impacted areas; amending RCW 53.54.030; adding a new section to chapter  
3 53.54 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to read  
6 as follows:

7 For the purposes of this chapter, in developing a remedial program,  
8 the port commission may ((utilize)) use one or more of the following  
9 programs:

10 (1) Acquisition of property or property rights within the impacted  
11 area, which shall be deemed necessary to accomplish a port purpose.  
12 The port district may purchase such property or property rights by time  
13 payment notwithstanding the time limitations provided for in RCW  
14 53.08.010. The port district may mortgage or otherwise pledge any such  
15 properties acquired to secure such transactions. The port district may  
16 assume any outstanding mortgages.

17 (2) Transaction assistance programs, including assistance with real  
18 estate fees and mortgage assistance, and other neighborhood remedial  
19 programs as compensation for impacts due to aircraft noise and noise

1 associated conditions. Any such programs shall be in connection with  
2 properties located within an impacted area and shall be provided upon  
3 terms and conditions as the port district shall determine appropriate.

4 (3) Programs of soundproofing structures located within an impacted  
5 area. (~~Such programs may be executed without regard to the ownership,  
6 provided the owner waives damages and conveys an easement for the  
7 operation of aircraft, and for noise and noise associated conditions  
8 therewith, to the port district.~~)

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

17 (5) An individual property may be provided benefits by the port  
18 district under each of the programs described in subsections (1)  
19 through (4) of this section. However, an individual property may not  
20 be provided benefits under any one of these programs more than once,  
21 unless the property is subjected to increased aircraft noise or  
22 differing aircraft noise impacts that would have afforded different  
23 levels of mitigation, even if the property owner had waived all damages  
24 and conveyed a full and unrestricted easement.

25 (6) Management of all lands, easements, or development rights  
26 acquired, including but not limited to the following:

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

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

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

36 (7) A property shall be considered within the impacted area if any  
37 part thereof is within the impacted area.

1        NEW SECTION.   **Sec. 2.**   A new section is added to chapter 53.54 RCW  
2 to read as follows:

3        The legislature finds that agreements requiring property owners to  
4 waive damages caused by the operation of aircraft in exchange for noise  
5 mitigation measurements are contrary to sound public policy.  
6 Therefore, the legislature declares agreements requiring persons to  
7 waive damages and convey easements for the operation of aircraft, and  
8 for noise and noise associated conditions, in exchange for noise  
9 mitigation measures are void as against public policy and are of no  
10 force and effect.

11        NEW SECTION.   **Sec. 3.**   This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and shall take  
14 effect immediately.

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