

Port of Seattle in violation of Federal Grant Assurance C.6
And
State RCW 53.54.020

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Item # 1

- Letter from Congressman Adam Smith dated May 27, 1998
asking for GAO Investigation.

Item 1

ADAM SMITH
9TH DISTRICT, WASHINGTON

COMMITTEE ON NATIONAL SECURITY
SUBCOMMITTEES:
MILITARY PROCUREMENT
MILITARY INSTALLATIONS AND FACILITIES
MERCHANT MARINE PANEL

COMMITTEE ON RESOURCES
SUBCOMMITTEE:
WATER AND POWER

Congress of the United States
House of Representatives
Washington, DC 20515-4709

1505 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-3901

DISTRICT OFFICE:
3600 PORT OF TACOMA ROAD E., SUITE 308
TACOMA, WA 98424
(253) 926-6683
TOLL FREE 1-888-SMITH09
e-mail: adam.smith@mail.house.gov

May 27, 1998

The Honorable James Hinchman
Acting Comptroller General of the United States
General Accounting Office
Room 7125
411 G Street NW
Washington, DC 20001-2648

Dear Mr. Hinchman,

The purpose of this letter is to share with you my concern regarding the possible failure of the Port of Seattle to adhere to federal grant requirements and to request an investigation of this charge.

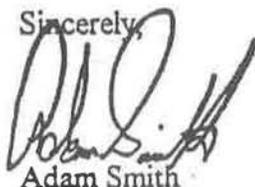
My concern revolves around the use of federal funds for the Port of Seattle's noise remedy programs and their apparent failure to comply with federal grant requirements. Federal Grant Assurance C.6 requires that the representative government, the cities surrounding SeaTac Airport in this case, provide written assurance in support of the port's Part 150 Noise Remedy Program before the port can proceed. It is in question whether the port received this assurance.

My understanding is that currently, the Port of Seattle does not have any monitoring controls in place to insure that written declarations of support for noise compatibility projects are obtained from agencies having jurisdictional control where these projects are located. As a result, no such written declarations were obtained for any of the Port's noise compatibility projects. I believe that this may be a violation of the Federal Grant Assurance C.6 requirement mentioned above.

Enclosed please find a letter from a constituent expressing her thoughts and a number of exhibits which detail these possible violations. One of these exhibits is a report from Deloitte and Touche who performed numerous consultant audits and repeatedly brought this discrepancy to the Port's attention. Please feel free to contact Amy Ruble in my District Office if you should have any questions regarding this situation. She can be reached at (253) 926-6683.

Thank you in advance for your prompt attention in this matter.

Sincerely,



Adam Smith
Member of Congress

as/aer

Item # 2

-- Letter to FAA from Shawn M. Lewis, Manager for
Special Investigations, State Auditors Office
dated June 17, 1998.

-- Letter to Shawn Lewis from Minnie O. Brasher
dated June 22, 1998.

Item 2



Washington State Auditor
Brian Sonntag

Legislative Building
PO Box 40021
Olympia, Washington 98504-0021

(360) 753-5277
FAX (360) 753-0646
TDD Relay 1-800-833-6388

June 17, 1998

Carol A. Key
Seattle Airports District Office
Federal Aviation Administration
1601 Lind Avenue SW Suite 250
Renton, WA 98055-4056

Dear Ms. Key,

Thank you for the information you provided me concerning the Seattle International Airport's Noise Exposure Map and the Noise Compatibility Program. The information was very useful for my discussions with the Port of Seattle and concerned citizens.

Recently, our office was asked by State Representative Karen Keiser to discuss our audit of the Port of Seattle Noise Remedy Program. Participating in the discussion, in addition to Representative Keiser, was a representative from Congressman Adam Smith's office and concerned citizens and citizen groups. As a result of this meeting, your office may be receiving communications from various parties, and I thought it would be appropriate to brief you on certain aspects of this meeting.

While many specifics were covered concerning the Port's Noise Compatibility Program, the overwhelming issue was, as we have previously discussed, the Port's compliance with Grant Assurance C-6. The portion of the statement that is of concern is as follows:

"For noise compatibility program projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another agency has land use control or authority, the sponsor shall obtain from each such agency a written declaration that such agency supports that project and the project is reasonably consistent with the agency's plans regarding the property."

As you know, the Port of Seattle has not received any such written declarations from any of its surrounding communities. This is a non-compliance condition that was reported as part of the Port's Single Audit in 1990, 1991, 1992, 1993 and 1994.

In 1993, we were made aware through informal discussions with your office, as well as by the Port of Seattle, that the FAA believed the Port had taken the necessary steps to fulfill the C-6 requirement through: Port Commission actions, public testimony, and jurisdictional involvement

in the NEM and NCP development. In addition, the auditors were informed by your office that there were no questioned costs associated with this finding.

In our most recent discussions, your office has reaffirmed this position. As I understand it, the FAA position is: Due to the jurisdictional involvement and public testimony associated with the Port's NEM and NCP, the Port of Seattle has complied with the intent of the Grant Assurance C-6. In addition, your office does not consider the lack of written declarations of support to be a reportable out of compliance condition. These issues seemed to be of greatest concern to the citizens and citizen groups present at the meeting. While I don't wish to speak for these individuals or groups, I did want to make your office aware of this concern. Specifically, without the written declaration of support, the citizens feel that their interests can not be adequately represented by the jurisdictions that maintain land use control over their property.

I hope this letter provides you with the information necessary to address any future correspondence from citizens, citizen groups or state/us legislative staff. If you need any further information regarding the referenced meeting or its attendees, please call me at (360)586-5074.

Sincerely,



Shawn M. Lewis, CPA, CFE
Manager for Special Investigations

- Cc: Karen Keiser, State Representative, 33rd District
Julia Patterson, State Senator, 33rd District
Amy Ruble, Congressman Adam Smith's Office
Kristin Hanson, Airport Communities Coalition
Candy Corvari, CASE Co-President
Minnie Brasher, Constituent
Barbara Stuhling, Constituent
Peter Shimer, Delloite and Touche

Idem 2

MINNIE O. BRASHER

846 South 136th Street
Burien, Washington 98168

June 22, 1998

Mr. Shawn Lewis, PSA, CFE
Manager of Special Investigation
Washington State Auditor's Office
P.O. Box 40021
Olympia, Washington 98504-0021

Dear Mr. Lewis:

Thank you for briefing Ms. Carol A. Key of the FAA concerning some aspects of our meeting on Friday, June 12, 1998 and sending copies to interested Federal, State and Local Officials as well as the Port of Seattle's Auditor's Office and the concerned citizens of the community.

In your letter to the FAA you indicated that our main discussion was the Port's non-compliance with Federal Grant Assurance C-6. However, in your letter to the FAA you did not cover any of our concerns over the consequences of non-compliance over Federal Grant Assurance C-6.

Federal Grant Assurance C-6 requires that our representative government (the FAR 150 Cities and the County Government surrounding Sea-Tac Airport) provide Written Assurance in support of the Port's Part 150 Noise Compatibility Program before proceeding with the FAR 150 Noise Compatibility Program. We informed you that the Port did not contact the Cities or County until 1992 (well after the 1993 Part 150 Update was almost completed). Without the correct land use jurisdictions present and Co-leading the FAR 150 Program, we believe it would be impossible to comply with Federal Grant Assurance C-6 under the Aviation Safety & Noise Abatement Act of 1979 (the ASNA Act).

It is the consequences of the out-of-compliance to the FAR 150 Program which concerns us the most:

- The FAR 150 people were left without a representative government.
- People were left to negotiate with the Port all alone.
- Building permits were not taken out on insulation programs, resulting in violation of Fire Codes and violation of Building Codes.
- The Port is now in the process of re-insulating at least 1,141 homes that were insulated by the Port before 1993. The re-insulation is required because of safety reasons at a cost of \$11,000,000 and a lot of worry to the people living in these homes.

Mr. Shawn Lewis, PSA, CFE
Olympia, Washington

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- 19 Examples were given to the State Auditor's Office - showing many people in the 65 LDN (less noisy area) were insulated at a cost of \$40,000 to \$50,000; and people in the higher noise areas of 70 LDN were insulated at a cost of \$8,000 or less. We believe this is unjust because the intent of the funds under the ASNA Act was to help the noise impacted; with the severely impacted eligible for the most help.
- One of many examples given to the State Auditor's Office: A home in South Park cost \$48,000 to insulate and the home on King County records show the home valued at \$43,000.

We believe this would not have happened if the Port had complied with Federal Grant Assurance C-6. Our elected representatives (who have attorneys at their disposal and who are well versed in rules and regulations) would have made the FAR 150 Program more equitable.

You stated in your letter to Ms. Key that in "informal discussions" over Federal Grant Assurance C-6 in 1993 (between your office, the FAA and the Port) that the FAA informed the auditors that there was no questioned costs associated with the findings.

- The cost to the people without having a government to represent them with attorneys advising them was ignored.
- The cost of \$11,000,000 for re-insulation.
- The 3,500 homes left in the Port's Noise Remedy Program that have not been insulated.
- The many homes that were built within the 65 LDN to 70 LDN; including many homes relocated out of FAR 150 contours to be relocated back into the FAR 150 Contours.

1989 COURT RULING ON THE FAR 150 NOISE COMPATIBILITY PROGRAM:

(Martha Ibarado, et al v. Memphis-Shelby County Airport Authority (No. 89-3001-4B) November 1989 :: Judge McRae found, "Although submission of a Noise Compatibility Program is voluntary, compliance with the regulations becomes mandatory after a Plan is approved by the FAA and Federal Funding is granted).

FAR 150's Noise Compatibility Program is only voluntary in relation to not taking federal funds and not receiving federal approval. However, if the FAA approves the program and grants federal funds under Grant Assurance C-6; the law requires the FAR 150 Cities and the FAR 150 County under Grant Assurance C-6 to approve and monitor the FAR 150 Program as Co-lead Agencies over the FAR 150 Program. The FAR 150 Cities and the FAR 150 County have never Co-led the FAR 150 Program.

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Mr. Shawn Lewis, PSA, CFE
Olympia, Washington

Page 3

-- It is the consequences and the impact of this action that is of the gravest concern to the FAR 150 Communities because the FAR 150 Communities are left to fend for themselves without a representative government; and the consequences of that alone has an enormous impact on the FAR 150 Communities and FAR 150 homes.

Sincerely,

Minnie O. Brasher

Minnie O. Brasher

cc: Carol A. Key, FAA - Regional Office
Louise Maillett, FAA - Washington D.C.
Brian Sonntag, Washington State Auditor's Office
Janet Reno, U.S Attorney General
United States Office of Civil Rights
Christine Gregoire, Washington State Attorney General
Karen Keiser, State Representative, 33rd District
Julia Patterson, State Senator, 33rd District
Amy Ruble, Congressman Adam Smith's Office
Kristin Hanson, Airport Communities Coalition
Candy Corvari, CASE Co-President
Barbara Stuhling, Constituent
Peter Shimer, Deloitte & Touche, Port of Seattle Auditors
Mr. James Hinchman, Acting Controller General of the U.S.
General Accounting Office
President Clinton
Rodney Slater, Secretary, U.S. DOT
Gary Locke, Governor
Sid Morrison, Secretary, State DOT
Dr. Joseph McGeehan, Superintendent FAR 150 Schools
Inspector General of Transportation Budget - Washington D.C.

Item # 3

-- Letter from State Representative Karen Keiser and
State Senator Julia Patterson to Seattle Times
dated June 10, 1998.

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June 10, 1998

WASHINGTON STATE LEGISLATURE

Marc Stiles, Reporter

Seattle Times

31620 23rd Ave. S., Suite 312

Federal Way, WA 98003

Dear Mr. Stiles:

We are writing to you with the hopes of gaining your interest in reporting on a very important issue involving citizens we represent. We are also sending you a letter rather than a press release in a deliberate effort to de-politicize what has become an incredible political story for South King County. Please hear us out.

A little more than a year ago, we asked the State Auditor's Office to review the Port of Seattle's noise remedy programs after receiving numerous complaints from constituents. As a result of this investigation, the State Auditor's Office has now confirmed that the Port of Seattle violated federal grant assurance requirements. The Auditor's Office is now in the process of bringing this situation to the attention of the Federal Aviation Administration (FAA). Congressman Adam Smith has asked the federal General Accounting Office (GAO) to investigate this matter. A copy of Smith's letter is attached.

The State Auditor's Office has confirmed that the port violated Federal Grant Assurance C.6 requirements by failing to secure required **written declarations of support from the surrounding jurisdictions of Sea-Tac Airport for its noise remedy programs**. The assurance requirement is the only law which guarantees taxpayers affected by airport impacts have a voice in the noise insulation-remedy programs funded by the FAA. This clearly has not been the case with the port.

Equally troubling is the fact that while audits conducted by the consulting firm of Deloitte and Touche repeatedly pointed out these violations, the port and its five-member Commission have failed to take corrective action. Copies of Deloitte and Touche's findings are attached.

Subsequent to its review, the State Auditor's Office has recommended that an independent mediator be appointed to resolve past and future disputes involving these programs.

To date, more than \$100 million of federal grants have been spent on the noise remedy programs to insulate homes in and around Sea-Tac Airport from the **second** runway. Under the insulation program as originally instituted, an estimated 10,000 homeowners became eligible for noise insulation in 1985. To date, the port has completed 6,412 homes. There are 2,740 homes left to be insulated with a total of 848 homes signed up on the waiting list. The target completion date is Jan. 1, 2001.

John 3

There were 3,000 homeowners eligible for the transaction assistance program which assists homeowners in selling their homes. If homeowners cannot sell their homes within a specified period of time, the port offers to purchase the home. Under this program, 272 homes have been sold and another 428 homeowners have applied.

These programs along with buyouts have already cost \$130 million and an estimated \$18 million more is needed to complete them. The public has raised doubts about where and how the money was spent and for good reason. We have recently learned that the port is in the process of re-insulating a total of 1,141 homes which were insulated before 1993. We have been told these homes are being redone due to building-code violations at an estimated cost of \$11 million. Clearly, had the cities been consulted regarding building codes and formally included in the process, many of these problems could have been avoided. Instead, we are spending \$11 million more to fix a problem while the remaining 2,700 homeowners wait for relief from the torrential storm of jet noise pounding their walls.

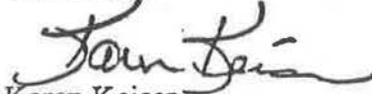
We believe that all elected officials and government agencies should be held accountable to the taxpayers who fund them. The port is no exception.

It's unfortunate that had the port obtained the required okay from local jurisdictions, much of this controversy could have been averted. Instead, we are left to unravel a legacy of zero accountability and downright sloppy management.

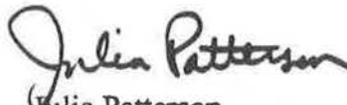
We have attempted to provide you with some basic information outlining the bare facts of this situation. This research represents years of citizens work. We believe you will agree with us that this situation deserves the attention of your newspaper.

We would be happy to meet with you in person to discuss the merits of this issue at your convenience or provide you with any additional information or contacts. We look forward to speaking with you soon.

Sincerely,



Karen Keiser
State Representative
33rd District



Julia Patterson
State Senator
33rd District

Item # 4

-- Memos from Minnie Brasher to Elected Officials.

Item 4

Memo to Elected Officials

Port of Seattle in violation of Federal Grant Assurance C.6
Port of Seattle's Noise Remedy Program

- Under Federal Law, Federal Grant Assurance C.6 requires the representative government of the people, the Cities and County surrounding Sea-Tac Airport, have a vote (written Assurance) on the Ports Part 150 Noise Remedy Program.
- The Port was granted more than \$100,000,000 million dollars of Federal Grant Funds without this vote. This left the FAR 150 people without a Representative Government.
- The people of King County vote for Port Commissioners to operate the Seattle Water Port and Sea-Tac Airport, not as a Representative Government.
- The consequence of this action is enormous to the people. People are left to negotiate with the Port all alone. There has been abuse of the FAR 150 people.
- We have protested this abuse to the Port of Seattle and the FAA from 1990 in documented form.
- Now thanks to State Representative Karen Keiser, State Senator Julia Patterson and to U.S. Congressman Adam Smith we are being heard.
- On May 27, 1998 U.S. Congressman Adam Smith wrote to the General Accounting Office (GAO) asking for an investigation of Federal Grant Assurance C.6 on the Port of Seattle's Noise Remedy Program.
- State Representative Karen Keiser and State Senator Julia Patterson have written to the press and are working hard on this issue.

Note: The Port is now re-insulating 1,141 homes that were insulated before 1993 due to safety and condensation problems. If you or anyone you know have any of this problems, contact the Port's Noise Remedy Office. Please document your concerns to your state and federal representatives.

W. James O. Brasler

— Idem 4

Memo.

Federal Grant C.6

Consequences to the People:

Under Federal Law, Federal Grant Assurance C.6 gave the representative government of the people a vote (written assurance) on the Ports Part 150 Noise Remedy Program.

The Port fraudulently signed for Federal Grant Funds without this vote. This left the people without a Representative Government.

The people of King County vote for Port Commissioners to operate the Seattle Water Port and the Airport, not as a Representative Government of and by the people.

Port Commissioners do not govern people.

People were forced to live without insulation or any mitigation after the 2nd runway for over 20 years. Federal Funds were available from 1982. The people had to wait until 1990 to get some relief from the noise. To date there are still 3,588 homes left to be insulated from the 2nd runway. No State, County or City Government intervened for the people.

Federal Funds (80% Fed. 20% State) were available in 1982 for noise areas of 65 LDN and higher. Because of alleged **lack of funds** by the Port, the 65 LDN noise area around Sea-Tac Airport covered only half of the eligible 65 LDN noise area by using the year 2000 as a base year for noise. To date there are thousands of people who have lived for over 20 years with noise levels of 65 LDN that have had no mitigation, even though there were Federal Funds available. The people did not have any government representation. This is a violation of FAR-150.

Work permits were not taken out on noise insulation projects that were done by the Port. This resulted in a violation of fire codes. People were left without any government. Through the Washington Open Records Act we brought this out to the public. The Port has now come out with a program to re-insulate 1,141 homes due to safety and condensation problems. This program is projected to cost \$11 million. This is a direct result of the Port not following Federal Grant Assurance C.6. **THIS IS A TOTAL WASTE OF FEDERAL MONEY.** & State Money

Item 4

The Ports Noise Remedy Program originally called for people in the 65 LDN noise areas to pay for 50% of the costs of insulation. Several people did this. All Port Noise Remedy Federal Grants were Federal 80% and the Port 20%. How did the Port get by with this? Where did the 30% funds go?

The Ports Noise Program is unjust. As 19 examples given to State Auditor Brian Sonntag show, Many people in the 65 LDN less noisy area were insulated at a cost of \$40,000 to \$50,000 and people in the 70 LDN more noisy areas were insulated at a cost of \$8,000 to \$10,000. FAR-150 funding is to bring the noise down. It appears it was what and whom you knew that made the difference.

Administration cost of the Ports Noise Program on some grants ran as high as 30%.

Some homes outside the Ports Noise Remedy Program were insulated, while others were told they were not within the program area and could not receive insulation.

There are still (port figures) 3,588 homes from the second runway left to be insulated. The Port now has an insulation program for directional insulation for the 3rd runway. With government by and for the people this would never have happen. The Port would have has to insulate the 2nd runway (27 years ago) homes first. This is a violation of the people's rights.

FAR-150

Scope and Purpose of FAR-150 is to eliminate non-compatible noise and to prevent the introduction of additional non-compatible noise. This has not and cannot be done without the government of the people with land use control working closely with the Port. This has not happened, as the Port did not even invite the land use jurisdiction agencies to the table. FAR 150 Advisory Circular makes it clear that all should be at the table. Without the land use jurisdictions agreeing with these programs there still will be homes being built right under flight paths and the people will still be abused. The Port did not invite the Cities and County to the table because they could never have signed off on such an unjust program. Note: Federal Grant C.6

Item 4

A FAR-150 Program is voluntary, but once it is entered into it becomes mandatory. All regulations of FAR-150 are mandatory. This is per a Judges ruling.

This is only a small sample of the abuses of the people and Federal Grant Funds. There are far more people living within the 65 LDN noise now than before \$130 Million Dollars in Federal Grants were given to the Port of Seattle.

We have protested these abuses to the Port of Seattle and the FAA from 1990 in documented form.

The Port of Seattle Noise Remedy Program is full of abuse. We the people are asking for a GAO Audit.

Minnie O. Brasher

Item # 5

-- Violations of Federal Grant Agreement Assurance
C-6 from 1990 through 1994 reported by Deloitte
& Touche, auditors for the Port of Seattle.

**Deloitte &
Touche**



Salem 5-

*Ninnie O. Brasher
242-2193*

PORT OF SEATTLE

**SINGLE AUDIT REPORTS
DECEMBER 31, 1990**

Item 5

D & T

Over 100 homes were insulated during the audit period. Each home was insulated under a separate contract.

Compliance with the Copeland Act is imposed by Grant Agreement Assurance C. 1., Federal Legislation, q.

Port personnel were not aware the provisions applied to the noise compatibility projects.

Recommendation: We recommend the Port put in place procedures to insure that contractors and subcontractors pay prevailing wages. These procedures should include the submission of weekly payrolls in compliance with the Copeland Act.

FINDING NO. 8: GRANT APPLICATION

The Port does not have sufficient monitoring controls in place to ensure that Port Commission approval is officially obtained to apply for FAA grants. Procedures are in place to obtain Port Commission approval in general for projects over \$200,000, whether or not financed with federal assistance. However, these procedures do not require specific Port Commission authorization be obtained to apply for the grant. Further, the existing procedures do not apply to grants associated with projects under \$200,000 in size.

Grant Agreement Assurance C. 2. requires the Port Commission to pass a resolution, motion, or similar action as an official act, authorizing the filing of the grant application, including all understanding and assurances contained therein, and directing and authorizing an official representative.

Recommendation: We recommend Port procedures be revised to explicitly require, by official act, Port Commission authorization for filing of all AIP grant applications, regardless of amount, in compliance with Grant Agreement Assurances.

FINDING NO. 9: WRITTEN DECLARATIONS OF SUPPORT

The Port does not have any monitoring controls in place to insure that written declarations of support for noise compatibility projects are obtained from agencies having jurisdictional control over lands upon which such projects are located. As a result, no such written declarations were obtained for any of the Port's noise compatibility projects.

The requirement is imposed by Grant Agreement Assurance C. 6.

Although the Port has not obtained the written declarations, all evidence indicates the surrounding agencies with jurisdictional control over lands upon which the Port's noise compatibility projects are undertaken do support the projects.

Recommendation: We recommend procedures be put in place to insure that written declarations of support are obtained from agencies having jurisdictional control over lands upon which noise compatibility projects are located. We further recommend such declarations be obtained for all Port noise compatibility projects.



PORT OF SEATTLE

**SINGLE AUDIT REPORTS
DECEMBER 31, 1991**

*Get 7-Copy
Agreement between
FAA & PSCOG
for 1991
AIP-24*

*Page 17
Page 18 = White for Federal Relocation Act
Grant Assurance C-6.*

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Idem 5

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Recommendation: We recommend the Port implement control procedures to ensure that provisions are included in all FAA grant-assisted contracts to insure contractor compliance with veterans' preference requirements. We further recommend the Port include such provisions in all contracts for work under the airport improvement program.

FINDING NO. 8: COPELAND ACT COMPLIANCE

The Port does not have sufficient monitoring controls in place to insure compliance with the provisions of the Copeland Act which require weekly submission of contractor payrolls in order to insure contractors are paying prevailing wages. The Port requires submission of payrolls on airport development contracts but not on noise compatibility projects. As a result, no payrolls were submitted for any noise compatibility contracts. ✓

Over 300 homes were insulated during the audit period. Each home was insulated under a separate contract.

Compliance with the Copeland Act is imposed by Grant Agreement Assurance C. 1., Federal Legislation, q.

Port personnel were not aware the provisions applied to the noise compatibility projects.

Recommendation: We recommend the Port put in place procedures to insure that contractors and subcontractors pay prevailing wages. These procedures should include the submission of weekly payrolls in compliance with the Copeland Act.

FINDING NO. 9: GRANT APPLICATION

The Port does not have sufficient monitoring controls in place to ensure that Port Commission approval is officially obtained to apply for FAA grants. Procedures are in place to obtain Port Commission approval in general for projects over \$200,000, whether or not financed with federal assistance. However, these procedures do not require specific Port Commission authorization be obtained to apply for the grant. Further, the existing procedures do not apply to grants associated with projects under \$200,000 in size.

Grant Agreement Assurance C. 2. requires the Port Commission to pass a resolution, motion, or similar action as an official act, authorizing the filing of the grant application, including all understanding and assurances contained therein, and directing and authorizing an official representative. ✓

Recommendation: We recommend Port procedures be revised to explicitly require, by official act, Port Commission authorization for filing of all AIP grant applications, regardless of amount, in compliance with Grant Agreement Assurances. ✓

FINDING NO. 10: WRITTEN DECLARATIONS OF SUPPORT

The Port does not have any monitoring controls in place to insure that written declarations of support for noise compatibility projects are obtained from agencies having jurisdictional control over lands upon which such projects are located. As a result, no such written declarations were obtained for any of the Port's noise compatibility projects.

The requirement is imposed by Grant Agreement Assurance C. 6.

Idene 5

D + T

Although the Port has not obtained the written declarations, all evidence indicates the surrounding agencies with jurisdictional control over lands upon which the Port's noise compatibility projects are undertaken do support the projects.

Recommendation: We recommend procedures be put in place to insure that written declarations of support are obtained from agencies having jurisdictional control over lands upon which noise compatibility projects are located. We further recommend such declarations be obtained for all Port noise compatibility projects.

**FINDING NO. 11: NOTICE OF GRANT FUNDING
IN PUBLISHED MATERIAL**

The Port did not include a notice that the material was prepared under a grant provided by the United States in the Puget Sound Air Transportation Committee's Flight Plan Study August and December Newsletters, and September and November "Fact Sheets."

Other than the material above, the only other applicable published material was the Flight Plan Study Phase II Final Report, which did contain the required notice.

Grant Agreement Assurance C. 18. c. requires such notice in all published material prepared in connection with FAA-assisted planning projects.

Recommendation: We recommend the Port implement control procedures to ensure that notice of FAA funding assistance be included in all published material prepared in connection with FAA-assisted planning projects. We further recommend the Port include in all published material prepared in connection with such planning projects a notice that the material was prepared under a grant provided by the United States.

FINDING NO. 12: REQUIRED ANTIDISCRIMINATION LANGUAGE

The Port's fixed base operator concession agreement with Crawford Aviation does not contain the antidiscrimination language required by the FAA.

The Port has approximately 115 aeronautical leases or agreements. We reviewed 28 of the agreements. One was found not to have the required language.

Grant Agreement Assurance C. 22. requires language be inserted into each agreement or other arrangement under which a right or privilege is granted at the airport to furnish services to the public that requires such services to be furnished on a fair, equal, and not unjustly discriminatory basis, and be priced in a similar manner.

Recommendation: We recommend that the Port re-execute the concession agreement on the updated standard Port agreement form, so that said required language is included.

**FINDING NO. 13: PRESCRIBED CONSULTANT
CONTRACTING PROCEDURES**

Insufficient evidence existed in the Port's files to document that the Port's consultant contract selection procedures were followed for all consultants contracted for in 1991 in connection with the Flight Plan Study. Further, insufficient evidence was in the files to document that the contracts were awarded on

PORT OF SEATTLE

INDEPENDENT AUDITORS' REPORT ON THE
FEDERAL FINANCIAL ASSISTANCE PROGRAM
DECEMBER 31, 1992

*Page 23
24
Written declarations from
cities with land use control -*

*Same
findings as 1991
Nothing changed -*

Idem 5

D + T

FINDING NO. 5: COPELAND ACT COMPLIANCE

The Port does not have sufficient monitoring controls in place to ensure compliance with the provisions of the Copeland Act which require weekly submission of contractor payrolls in order to insure contractors are paying prevailing wages. The Port requires submission of payrolls on airport development contracts but not on noise compatibility projects. As a result, no payrolls were submitted for any noise compatibility contracts. However, contractors are audited on a random basis by the Port Accounting Department.

Over 300 homes were insulated during the audit period. Each home was insulated under a separate contract.

Compliance with the Copeland Act is imposed by Grant Agreement Assurance C. 1., Federal Legislation, q.

Port personnel were not aware that the provisions applied to the noise compatibility projects.

No questioned costs are associated with this finding.

Recommendation: We recommend the Port put in place procedures to ensure that contractors and subcontractors pay prevailing wages. These procedures should include the submission of weekly payrolls in compliance with the Copeland Act.

FINDING NO. 6: GRANT APPLICATION

The Port does not have sufficient monitoring controls in place to ensure that Port Commission approval is officially obtained to apply for FAA grants. Procedures are in place to obtain Port Commission approval in general for projects over \$200,000, whether or not financed with federal assistance. However, these procedures do not require specific Port Commission authorization be obtained to apply for the grant. Further, the existing procedures do not apply to grants associated with projects under \$200,000 in size.

Grant Agreement Assurance C. 2. requires the Port Commission to pass a resolution, motion, or similar action as an official act, authorizing the filing of the grant application, including all understanding and assurances contained therein, and directing and authorizing an official representative.

No questioned costs are associated with this finding.

Recommendation: We recommend Port procedures be revised to explicitly require, by official act, Port Commission authorization for filing of all AIP and EPA grant applications, regardless of amount, in compliance with Grant Agreement Assurances.

FINDING NO. 7: WRITTEN DECLARATIONS OF SUPPORT

The Port does not have any monitoring controls in place to ensure that written declarations of support for noise compatibility projects are obtained from agencies having jurisdictional control over lands upon which such projects are located. As a result, no such written declarations were obtained for any of the Port's noise compatibility projects.

The requirement is imposed by Grant Agreement Assurance C. 6.

Idem 5

DIT

Although the Port has not obtained the written declarations, all evidence indicates the surrounding agencies with jurisdictional control over lands upon which the Port's noise compatibility projects are undertaken do support the projects.

This appears to be the result of the noise remedy department being unaware of the requirement. This was a finding in the prior year, and the recommendation was not communicated to the noise remedy department.

No questioned costs are associated with this finding.

only to the people & cities

Recommendation: We recommend procedures be put in place to insure that written declarations of support are obtained from agencies having jurisdictional control over lands upon which noise compatibility projects are located. We further recommend such declarations be obtained for all Port noise compatibility projects.

FINDING NO. 8: FAA CONSTRUCTION PROGRESS AND INSPECTION REPORTS

FAA Construction Progress and Inspection Report (Form 5370-1) for workorder C3074 under AIP33 for the weeks ended November 27 and December 18, 1992, were not signed or dated by the senior inspector and thus were not complete.

In conjunction with our testing of Special Reporting Requirements, we tested controls over the filing of Construction Progress and Inspection Reports with the FAA. We tested a random sample of 25 Construction Progress and Inspection Reports out of an estimated 190 reports filed on all active work orders during 1992.

During our testing, we noted that the Construction Progress and Inspection Report was not signed or dated by the senior inspector for workorder C3074 under AIP33 and thus was not filed in a complete manner for the weeks ended November 27 and December 18, 1992. Therefore, it appears that this control is not operating effectively as documented.

No questioned costs are associated with this finding.

Recommendation: We recommend the Port strengthen their controls over the completion and filing of the Construction Progress and Inspection Reports to ensure that the reports are filed in a complete manner.

FINDING NO. 9: PREAPPLICATION REQUIREMENTS

The Port did not include Form 5100-30 in the preapplication for AIP 33 as required by the CFDA Application and Award Process - Preapplication Coordination.

Port personnel were unable to find the preapplication form 5100-30 in the grant files. The Port does not know why the form was not completed for this grant. However, it appears that the FAA accepted the application as the grant was active during 1992.

No questioned costs are associated with this finding.

Recommendation: The Port should implement procedures to ensure that all necessary grant application forms are completed.



PORT OF SEATTLE

**INDEPENDENT AUDITORS' REPORT ON THE
FEDERAL FINANCIAL ASSISTANCE PROGRAM
DECEMBER 31, 1993**

*Check on
Parcel
D-071
Fed.
Relocation
Cost*

*Page 21
finding same as 1990
Nothing changed -*
*Page 22
No written declarations from
City with land use control
Nothing changed since 1990*

Mark = See page 27

Item 5

DNT

FINDING NO. 3: VETERANS' PREFERENCE

No system exists to ensure that specifications necessary to ensure veterans' preferences in employment are included in contracts for noise compatibility projects. As a result, no such specifications were included in any noise compatibility project contracts. Grant Agreement Assurance C.15. requires inclusion in all federally assisted contracts under the Airport Improvement Program of such provisions as are necessary to ensure preference be given to Vietnam era and disabled veterans. Over 340 homes were insulated during 1993. Each home was insulated under a separate contract.

This finding is due to the Port being unaware of the control weakness and noncompliance until late in 1993. Based on our testing of compliance with this requirement, we noted no instances of noncompliance.

There are no questioned costs associated with this finding.

Recommendation: We recommend that the Port implement control procedures to ensure that provisions are included in all FAA grant-assisted contracts to ensure contractor compliance with veterans' preference requirements. We further recommend the Port include such provisions in all contracts for work under the Airport Improvement Program.

FINDING NO. 4: COPELAND ACT COMPLIANCE

In our testing of the Davis-Bacon requirements, we noted that the Port did not require weekly submission of payrolls on noise compatibility projects for any contracts awarded prior to November 1993. As a result, no payrolls were submitted for any noise compatibility contracts for the ten-month period ended October 31, 1993. Over 340 homes were insulated during 1993. Each home was insulated under a separate contract.

This is a violation of the Copeland Act as imposed by Grant Agreement Assurance C.1., Federal Legislation, and appears to be due to the fact that Port personnel were unaware of the applicability to noise compatibility contracts.

No questioned costs are associated with this finding.

Recommendation: We recommend that the Port continue receiving certified payrolls for all airport development and noise compatibility contracts, in accordance with current Port policy.

FINDING NO. 5: WRITTEN DECLARATIONS OF SUPPORT

The Port does not have sufficient monitoring controls in place to ensure that written declarations of support for noise compatibility projects are obtained from agencies having jurisdictional control over lands upon which such projects are located, and as a result, no such written declarations were obtained for the Port's noise compatibility project.

During our testing of Grant Agreement Assurances, we noted that written declarations of support were not received for the FAR 150 Noise Compatibility Program 1993 Amendments submitted during 1993 to the FAA for approval. This is a violation of Grant Agreement Assurance C.6.

This appears to be the result of the Port being unable to persuade all of the communities to endorse all aspects of the amendments.

We were informed by FAA officials that there are no questioned costs associated with this finding.

1993
22

Idem 5

DNT

Recommendation: We recommend procedures be put in place to ensure that written declarations of support are obtained from agencies having jurisdictional control over lands upon which noise compatibility projects are located. We further recommend such declarations be obtained for all Port noise compatibility projects.

FINDING NO. 6: FAA CONSTRUCTION PROGRESS AND INSPECTION REPORTS

During our testing, we noted that for work order C2980 under AIP 3-53-0062-33, the Construction Progress and Inspection Report (Form 5370-1) omitted the contractor name and project description and thus was not filed in a complete manner for the week ended May 14, 1993.

In conjunction with our testing of Special Reporting Requirements, we tested controls over the filing of Construction Progress and Inspection Reports with the FAA. We tested a random sample of 25 Construction Progress and Inspection Reports out of an estimated 73 reports filed on all active work orders during 1993.

During our testing we also noted that for work order C2608 under AIP 3-53-0062-27, which represents the airport security system installation project, the Construction Progress and Inspection Report for the week ended January 9, 1993, incorrectly reported the percentage of completion of controlled access doors. This appears to be due to the inadvertent omission of information in the calculation of completed doors.

This is in violation of the Federal Financial Reports General Requirement, which states that reported information must be complete and accurate.

This finding appears to be due to lack of review of submitted forms. No questioned costs are associated with this finding.

Recommendation: We recommend the Port strengthen its controls over the completion and filing of the Construction Progress and Inspection Reports to ensure that the reports are filed in a complete manner.

FINDING NO. 7: FEDERAL FINANCIAL REPORTS

The Port was awarded supplemental funds in an amendment to AIP 3-53-0062-14. Management assumed that the federal participation percentage was 80%, as in the original grant document. As a result, 80% of eligible costs were claimed as the federal share, instead of the stated 50% per the amendment.

The awarding of additional funds to original grant awards is a somewhat uncommon occurrence (only AIP 3-53-0062-14 has received supplemental funds in the previous two years), and as the amount of the additional award was relatively immaterial (less than \$100,000), management of the Port informed us that they did not extensively review the amendment.

This is in violation of the Federal Financial Reports General Requirement, which states that reported information must be complete and accurate.

The Port's error resulted in a reimbursement of \$9,217 greater than the actual amendment amount. The Port discovered its error and recorded this amount as a payable to the FAA in the Schedule of Federal Financial Assistance as of December 31, 1992. There is no payable at December 31, 1993, as the amount was applied to Total Grant Award for AIP 3-53-0062-32 which in effect decreases the amount eligible to be claimed.

1993



Idem 5

Minnie O. Brasher

242-2193

3-53-0062-39
issued as
Sound proofing
used as
Land ag?
Page 24 & 27



Independent Auditors' Reports on the Federal Financial Assistance Program

December 31, 1994

~~See p. 43~~
See p. 43 & p. 49
Written declarations
from cities with
land use control.

~~Same issues~~
Same issues
brought up year
after year!

FINDING NO. 3: VETERANS' PREFERENCE

No system exists to ensure that specifications necessary to ensure veterans' preferences in employment are included in contracts for noise compatibility projects. As a result, no such specifications were included in any noise compatibility project contracts. Grant Agreement Assurance C.15. requires inclusion in all federally assisted contracts under the Airport Improvement Program of such provisions as are necessary to ensure preference be given to Vietnam era and disabled veterans. Over 340 homes were insulated during 1994. Each home was insulated under a separate contract.

This finding is due to the Port being unaware of the control weakness and noncompliance until late in 1993. In early 1994, a new contract was implemented that is in compliance with Assurance C.15. As of December 31, 1994, there were still contractors who had not signed the revised contracts. Based on our testing of compliance with this requirement, we noted no instances of noncompliance.

There are no questioned costs associated with this finding.

Recommendation: We recommend that the Port implement control procedures to ensure that provisions are included in all FAA grant-assisted contracts to ensure contractor compliance with veterans' preference requirements. We further recommend the Port include such provisions in all contracts for work under the Airport Improvement Program.

FINDING NO. 4: WRITTEN DECLARATIONS OF SUPPORT

The Port does not have sufficient monitoring controls in place to ensure that written declarations of support for noise compatibility projects are obtained from agencies having jurisdictional control over lands upon which such projects are located, and as a result, no such written declarations were obtained for the Port's noise compatibility project.

During our testing of Grant Agreement Assurances, we noted that written declarations of support were not received for the FAR 150 Noise Compatibility Program 1993 Amendments submitted during 1993 to the FAA for approval. This is a violation of Grant Agreement Assurance C.6.

This appears to be the result of the Port being unable to persuade all of the communities to endorse all aspects of the amendments.

We discussed this finding with FAA officials who informed us that there are no questioned costs associated with this finding.

Recommendation: We recommend procedures be put in place to ensure that written declarations of support are obtained from agencies having jurisdictional control over lands upon which noise compatibility projects are located. We further recommend such declarations be obtained for all Port noise compatibility projects.

FINDING NO. 5: FEDERAL FINANCIAL REPORTS

The federal cash transactions report for the period January 1, 1994, to March 31, 1994, was not correctly completed. Gross disbursements for open AIP grants were incorrectly reported as net disbursements. This represents a finding under Federal Financial Reports - General Requirement as federal financial reports are required to be accurately completed. There are no questioned costs associated with this finding.

Item # 6

— Letters from the FAR 150 governments with land-use control, i.e. governments that represents the people.

Item #6: The Port of Seattle never asked for or received a written declaration from the public agencies, (i.e. the Cities and County with land use control) to comply with Federal Grant Assurance C.6.



(253) 661-4000
FEDERAL WAY, WA 98003-6210

(253) 661-4034

February 11, 1998

Minnie O. Brasher
S.W. King County Group
846 S. 136th Street
Burien, WA 98168

RE: Public Disclosure Act Request

Dear Ms. Brasher:

This letter is written in response to your letter dated January 29, 1998. The letter requests "a copy of the City of Federal Way's WRITTEN DECLARATION OF SUPPORT" which the letter states is required under Federal Grant Assurance C-6. The City of Federal Way has no documents responsive to this request. The portion of Federal Grant Assurance C-6 quoted in the letter refers to "noise compatibility program projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another agency has land use control or authority...." The City is not aware of any noise compatibility program projects being carried out on property over which the City of Federal Way has land use control or authority. **If there are such projects, it is the responsibility of the sponsor of those projects to obtain from the City the written declaration about which your letter inquires.**

Sincerely,



Bob C. Sterbank
Assistant City Attorney

BCS:db

K:\PDA\brasher.211



City of Normandy Park

801 SW 174th Street, Normandy Park, Washington 98166-3679
Telephone (206) 248-7603 Facsimile (206) 439-8674
Police Department Telephone (206) 248-7600 Facsimile (206) 246-9732

City Council
Mayor
John Wiltse
Mayor pro tempore
Charlie Harris
Kathleen Quong-Vermeire
Claire Drosdick
Stuart Creighton
John Rankin
Guy Spencer

City Manager
Merlin G. MacReynold
Director of Public Safety
Rick Kiefler
City Clerk-Treasurer
Brenda J. Rolph
Public Works Ops Manager
Karl Franta
City Planner
Mary Davis
Recreation Coordinator
Karen McAllister-Wagner

February 5, 1998

Minnie O. Brasher
SW King County Group
846 South 136th Street
Burien, WA 98168

Dear. Ms. Brasher:

After carefully reviewing our records, the City does not have any Written Declaration of Support under Federal Grant Assurance C-6 for the Port of Seattle.

I hope this provides the information you need. Please call me if you have any questions, 248-7603 ext. 21 or stop by City Hall at your convenience.

Sincerely,

Merlin G. MacReynold
City Manager

cc: City Council
Bill Viall, City Attorney
Mary Davis, City Planner

Idem 6

CITY OF BURIEN

415 Southwest 150th Street
Burien, Washington 98166-1973

Phone: (206) 241-4647
Fax: (206) 248-5539



Mayor
Citty Milne

Deputy Mayor
Shirley Basarab

Councilmembers
Larry Gilbert
Stephen Lamphear
Sally Nelson
Don Newby
Georgette Valle

February 4, 1998

Ms. Minnie O. Brasher
846 South 136th Street
Burien, WA 98168

Dear Ms. Brasher:

RE: WRITTEN DECLARATION OF SUPPORT UNDER FEDERAL GRANT
ASSURANCE C-6

Dear Ms. Brasher:

We are in receipt of your letter, dated 1/29/98, requesting a copy of the City of Burien's Written Declaration of Support document as above-referenced.

The City of Burien does not have such a document and is therefore unable to comply with your request.

Thank you for your inquiry and if we can be of service otherwise, please advise.

Yours very truly,

CITY OF BURIEN

Jan Hubbard
Community Services Manager

JH/dm



City of Seattle

Paul Schell, Mayor

Office of the Mayor

Idem b

February 11, 1998

Minnie Brasher, SW King County Group
846 South 136th Street
Burien, WA 98168

RE: Public Disclosure Request

Dear Ms. Brasher,

After researching your request further I have learned that neither the Mayor's office nor the City of Seattle Office of Intergovernmental Relations has records of a written statement of support to the Port of Seattle for the grant assurance you refer to in your public disclosure request of January 29, 1998.

Enclosed, however, is a copy of Mayor Rice's statement of support addressed to the Puget Sound Regional Council. As a voting member of the PSRC, the City of Seattle's support of the expansion of Seatac Airport would be expressed through the statements of that agency.

I hope this gives you what you need. For more information, I would recommend contacting PSRC. If you have any more questions, please call me at 684-8358.

Sincerely,

Victoria Schoenburg,
Deputy Communications Director and
Public Disclosure Officer



City of Tukwila

Idem 6

6200 Southcenter Boulevard • Tukwila, Washington 98188

John W. Rants, Mayor

February 5, 1998

S.W. King County Group
c/o Minnie O. Bracher
845 South 136th Street
Burien, WA 98168

Re: Request for Public Records Dated 1/29/98

Dear Ms. Bracher:

Your public records request was received by the City on February 3, 1998.

The City of Tukwila has no record that a written Declaration of Support under Federal Grant Assurance C-6 has been requested or prepared.

Sincerely,

Jane E. Cantu

Jane E. Cantu
City Clerk

c: J. McFarland, Mayor's Office
R. Noe, City Attorney
S. Lancaster, DCD Director

Item 6
City of Des Moines



ADMINISTRATION
21630 11TH AVENUE SOUTH
DES MOINES, WASHINGTON 98198-6398
(206) 878-4595 FAX: (206) 870-6540



February 18, 1998

Ms. Minnie Brasher
S.W. King County Group
846 South 136th Street
Burien, WA 98168

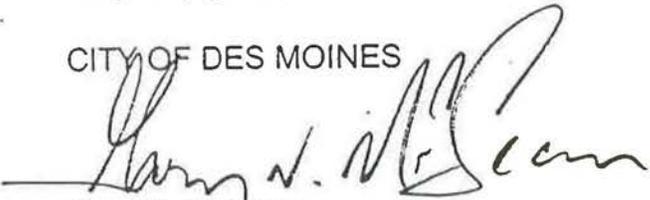
Re: Public Records Request of January 29, 1998

Dear Ms. Brasher:

As we discussed, the City does not possess a record that would be responsive to your recent request under the Public Disclosure Act.

Very truly yours,

CITY OF DES MOINES


Gary N. McLean
City Attorney

GNM:vs

Cc: Robert L. Olander, City Manager

W101:BRASHER

Mayor
Ms. Terry Anderson

Deputy Mayor
Shirley Thompson

Councilmembers
Steve Stevenson, Sr.
Frank Hansen
Kathy Gehring
Joe Brennan
Don DeHan



Idem 6

City Manager
Calvin P. Hoggard

Assistant City Manager
Jay Holman

City Attorney
Robert L. McAdams

City Clerk
Judith L. Cary

17900 International Blvd., Suite 401 • SeaTac, Washington 98188-4236
City Hall: (206) 241-9100 • Fax: (206) 241-3999 • TDD: (206) 241-0091

February 9, 1998

S.W. KING COUNTY GROUP
836 South 136th Street
Burien WA 98168
Attn.: Minnie O. Brasher, Representative

Re: Request under Washington State Open Records Act in relation to Port of Seattle noise compatibility program projects.

Dear Ms. Brasher:

On behalf of the City of SeaTac I have investigated your request and have the following information to offer:

1. The Port has initiated several Part 150 Noise Compatibility Studies under federal guidelines of Federal Aviation regulations, Part 150. The most recent such study is under way now. According to Port staff, neither study used federal grant funds, so the *written declaration of support* from the City of SeaTac was not required for either study.
2. The Port has been performing home soundproofing, using federal grant funds, since the adoption of the first Part 150 study. According to staff at the FAA Airports District Office, the surrounding cities were participants in the Part 150 studies that led to the soundproofing program. The FAA approved the plan after study was completed with input from affected jurisdictions. Once a Part 150 is approved, eligible measures can be federally funded. Required statements are signed by the sponsor and submitted with the application for a federally funded grant request.

No City of SeaTac documents are available regarding this issue. If you have further questions please contact me at 206-248-6106, or Craig Ward, Principal Planner, at 206-241-1893.

Sincerely,

Julie Rodwell, Programs Manager, City Manager's office

cc: SeaTac Mayor and Councilmembers
Calvin Hoggard, City Manager
Judith Cary, City Clerk
Bob McAdams, City Attorney
Bob Wells, POS
Carolyn Read, FAA ADO



Jim White, Mayor

Roger A. Lubovich, City Attorney

253/859-3340 253/859-3983 (fax)

February 18, 1998

Ms. Minnie O. Brasher
SW King County Group
846 South 136th Street
Burien WA 98168

Re: Telephone conversation of February 17, 1998

Dear Ms. Brasher:

During our telephone conversation on February 17, you indicated that the City may be mistaken about its status as a "public agency" authorized by the State to plan for the development for the area surrounding the airport, in accordance with Federal Grant Assurance Form Section C-6.

As we also discussed, I provided a copy of your earlier correspondence and the Federal Grant Assurance Form to the City of Kent's administrative officials, specifically, the Chief of Operations and the Department Heads from each city department. At this time, the City of Kent renews the statement included in its February 11, 1998 correspondence to you. Unless you can provide the City with additional information, the City cannot respond further to your request.

If you have any questions or concerns regarding the information enclosed. Please do not hesitate to call me.

Very truly yours,

LAURIE EVEZICH
ASSISTANT CITY ATTORNEY

LE:mlb

P:\LAW FILES\0955 BRASHER L2



Idem 6

Metropolitan King County Council

Room 1200, King County Courthouse
516 Third Avenue
Seattle, WA 98104-3272

(206) 296-1000
FAX (206) 296-0198
TTY/TDD (206) 296-1024

February 18, 1998

Ms. Millie O. Brasher
S.W. King County Group
846 South 136th Street
Burien, WA 98168

Dear Ms. Brasher:

This is in response to your request of January 29, 1998 requesting a copy of King County's written declaration of support provided to the Port of Seattle as required under Federal grant assurances for any airport noise remedy program. I have asked all employees of the King County Council to review their files for any relevant documents, and none were located.

As I mentioned to you in our earlier telephone conversation, the information you are seeking may be housed by a department in the Executive Branch. You may wish to submit your request directly to the Executive's Office to initiate a search of their records.

Please contact me at (206) 296-1016 should you require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Marcia Isenberg".

Marcia Isenberg
Council Administrator

cc: Steve Ohlenkamp, Chief of Staff
James L. Brewer, Legal Counsel
Jeff Slayton, Associate Legal Counsel

Item # 7

- The Port has applied for and received more than \$100,000,000 million federal grant dollars for FAR 150 Noise Compatibility Program at Sea-Tac under Federal Grant Agreement Assurance C-6.

Item #7: The Port of Seattle has applied for and received more than \$100,000,000 Million Federal Grant Dollars for Noise Compatibility Programs at Sea-Tac Airport. To date Port and Federal Grant funds total more than \$130,000,000 Million Dollars, with another \$11,000,000 Million Dollars to re-insulate homes for safety problems.

This waste of Federal and King County funds would never have happened had the Port been in compliance with Federal Grant Assurance C.6. Their FAR 150 Program would have oversight and proper permits by the proper elected officials i.e. representative governments of the people.

ASSURANCES
Airport Sponsors

See Page 4 C. 6

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurance against exclusive rights or the terms, conditions and assurances with respect to real property acquired with Federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.
3. **Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a. ¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.

Idem 7

- p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- q. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.¹
- r. Powerplant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373. ¹
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- t. Copeland Antikickback Act - 18 U.S.C. 874. ¹
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

- Executive Order 11246 - Equal Employment Opportunity ¹
- Executive Order 11990 - Protection of Wetlands
- Executive Order 11998 - FloodPlain Management
- Executive Order 12372 - Intergovernmental Review of Federal Programs.
- Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150 - Airport noise compatibility planning.
- d. 29 CFR Part 1 - Procedures for predetermination of wage rates. ¹
- e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States. ¹
- f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to nonconstruction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements). ¹
- h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments. ³
- i. 49 CFR Part 20 - New restrictions on lobbying.
- j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23 - Participation by minority business enterprise in Department of Transportation programs.
- l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs. ^{1 2}
- m. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance. ¹
- n. 49 CFR Part 29 - Governmentwide debarment and suspension (non-procurement) and governmentwide requirements for drug-free workplace (grants).
- o. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- p. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction. ¹

Office of Management and Budget Circulars

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-128 - Audits of State and Local Governments.
 - ¹ These laws do not apply to airport planning sponsors.
 - ² These laws do not apply to private sponsors.

Item 1

³ 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor.

- a. **Public Agency Sponsor:** It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. **Private Sponsor:** It has legal authority to apply for the grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title.

- a. It holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to

undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.

Handwritten notes:
- A yellow highlighter mark is present on the left side of the page.
- A handwritten signature or initials are written vertically on the left side, overlapping the yellow highlight.

6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport. For noise compatibility program projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another agency has land use control or authority, the sponsor shall obtain from each such agency a written declaration that such agency supports that project and the project is reasonably consistent with the agency's plans regarding the property.

7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.

8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

11. **Pavement Preventive Maintenance.** With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and

has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. **Accounting System, Audit, and Recordkeeping Requirements.**
- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
 - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.
14. **Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
15. **Veteran's Preference.** It shall include in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Veterans of the Vietnam era and disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.
16. **Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into the grant agreement.
17. **Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
18. **Planning Projects.** In carrying out planning projects:
- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
 - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
 - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
 - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

Item # 8

- PART 150 - Airport Noise Compatibility Planning.
(Also known as FAR 150); and
- Advisory Circular - Noise Control and Compatibility
Planning for Airports.

SUBCHAPTER I—AIRPORTS

PART 150—AIRPORT NOISE
COMPATIBILITY PLANNING

Subpart A—General Provisions

- Sec.
 150.1 Scope and purpose.
 150.3 Applicability.
 150.5 Limitations of this part.
 150.7 Definitions.
 150.9 Designation of noise systems.
 150.11 Identification of land uses.
 150.13 Incorporations by reference.

Subpart B—Development of Noise Exposure
Maps and Noise Compatibility Programs

- 150.21 Noise exposure maps and related descriptions.
 150.23 Noise compatibility programs.

Subpart C—Evaluations and Determinations of
Effects of Noise Compatibility Programs

- 150.31 Preliminary review; acknowledgments.
 150.33 Evaluation of programs.
 150.35 Determinations; publications; effectiveness.

APPENDIX A TO PART 150—NOISE EXPOSURE
MAPSAPPENDIX B TO PART 150—NOISE COMPATIBILITY
PROGRAMS

AUTHORITY: 49 U.S.C. 1348, 1354(a), 1421, 1431, 2101, 2102, 2103(a), 2104 (a) and (b), 2201 *et seq.*; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, Jan. 12, 1983).

SOURCE: Docket No. 18691, 49 FR 49269, Dec. 18, 1984, unless otherwise noted.

Subpart A—General Provisions

§ 150.1 Scope and purpose.

This part prescribes the procedures, standards, and methodology governing the development, submission and review of airport noise exposure maps and airport noise compatibility programs, including the process for evaluating and approving or disapproving those programs. It prescribes single systems for— (a) measuring noise at airports and surrounding areas that generally provides a highly reliable relationship between projected noise exposure and surveyed reaction of people to noise; and (b) determining exposure of individuals to noise that

results from the operations of an airport. This part also identifies those land uses which are normally compatible with various levels of exposure to noise by individuals. It provides technical assistance to airport operators in conjunction with other local, State, and Federal authorities, to prepare and execute appropriate noise compatibility planning and implementation programs.

§ 150.3 Applicability.

This part applies to the airport noise compatibility planning activities of the operators of "public use airports," including heliports, as that term is used in section 101(1) of the ASNA Act as amended (49 U.S.C. 2101) and as defined in section 503(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2202).

(Doc. No. 18691, 49 FR 49269, Dec. 18, 1984, as amended by Amdt. 150-1, 53 FR 8723, Mar. 16, 1988)

§ 150.5 Limitations of this part.

(a) Pursuant to the ASNA Act (49 U.S.C. 2101 *et seq.*), this part provides for airport noise compatibility planning and land use programs necessary to the purposes of those provisions. No submission of a map, or approval or disapproval, in whole or part, of any map or program submitted under this part is a determination concerning the acceptability or unacceptability of that land use under Federal, State, or local law.

(b) Approval of a noise compatibility program under this part is neither a commitment by the FAA to financially assist in the implementation of the program, nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA.

(c) Approval of a noise compatibility program under this part does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental

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Federal Aviation Administration, DOT

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Building, 800 Independence Avenue, SW., Washington, D.C. 20591.

(3) The respective Regional Offices of the Federal Aviation Administration as follows:

(i) New England Regional Office, 17 New England Executive Park, Burlington, Massachusetts 01803.

(ii) Eastern Regional Office, Federal Building, John F. Kennedy (JFK) International Airport, Jamaica, New York 11430.

(iii) Southern Regional Office, 3400 Norman Berry Drive, East Point, Georgia (P.O. Box 20636, Atlanta, Georgia) 30320.

(iv) Great Lakes Regional Office, 2300 East Devon, Des Plaines, Illinois 60018.

(v) Central Regional Office, 601 East 12th Street, Kansas City, Missouri 64108.

(vi) Southwest Regional Office, 4400 Blue Mound Road, (P.O. Box 1689), Fort Worth, Texas 76101.

(vii) Northwest Mountain Regional Office, 17900 Pacific Highway, South, C-68966, Seattle, Washington 98168.

(viii) Western Pacific Regional Office, 15000 Aviation Boulevard, Hawthorne, California (P.O. Box 92007, Worldway Postal Center, Los Angeles) 90009.

(ix) Alaskan Regional Office, 701 "C" Street, Box 14, Anchorage, Alaska 99513.

(xi) European Office, 15, Rue de la Loi (3rd Floor) B1040 Brussels, Belgium.

(4) The Office of the Federal Register, Room 8401, 1100 "L" Street, NW., Washington, D.C.

[Doc. No. 18691, 49 FR 49299, Dec. 18, 1984, as amended by Amdt. 150-2, 54 FR 39296, Sept. 25, 1989]

Subpart E—Development of Noise Exposure Maps and Noise Compatibility Programs

§ 150.21 Noise exposure maps and related descriptions.

(a) Each airport operator may after completion of the consultations and public procedure specified under paragraph (b) of this section submit to the Regional Airports Division Manager five copies of the noise exposure map (or revised map) which identifies each

noncompatible land use in each area depicted on the map, as of the date of submission, and five copies of a map each with accompanying documentation setting forth—

(1) The noise exposure based on forecast aircraft operations at the airport for the fifth calendar year beginning after the date of submission (based on reasonable assumptions concerning future type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including any planned airport development, planned land use changes, and demographic changes in the surrounding areas); and

(2) The nature and extent, if any, to which those forecast operations will affect the compatibility and land uses depicted on the map.

(b) Each map, and related documentation submitted under this section must be developed and prepared in accordance with Appendix A of this part, or an FAA approved equivalent, and in consultation with states, and public agencies and planning agencies whose area, or any portion of whose area, of jurisdiction is within the L₅₀ 65 dB contour depicted on the map, FAA regional officials, and other Federal officials having local responsibility for land uses depicted on the map. This consultation must include regular aeronautical users of the airport. The airport operator shall certify that it has afforded interested persons adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the draft noise exposure map and descriptions of forecast aircraft operations. Each map and revised map must be accompanied by documentation describing the consultation accomplished under this paragraph and the opportunities afforded the public to review and comment during the development of the map. One copy of all written comments received during consultation shall also be filed with the Regional Airports Division Manager.

(c) The Regional Airports Division Manager acknowledges receipt of noise exposure maps and descriptions and indicates whether they are in compliance with the applicable requirements. The Regional Airports Division Man-

during the development of maps...



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14 CFR Ch. I (1-1-90 Edition)

ager publishes in the FEDERAL REGISTER a notice of compliance for each such noise exposure map and description, identifying the airport involved. Such notice includes information as to when and where the map and related documentation are available for public inspection.

(d) If, after submission of a noise exposure map under paragraph (a) of this section, any change in the operation of the airport would create any "substantial, new noncompatible use" in any area depicted on the map beyond that which is forecast for the fifth calendar year after the date of submission, the airport operator shall, in accordance with this section, promptly prepare and submit a revised noise exposure map. A change in the operation of an airport creates a substantial new noncompatible use if that change results in an increase in the yearly day-night average sound level of 1.5 dB or greater in either a land area which was formerly compatible but is thereby made noncompatible under Appendix A (Table 1), or in a land area which was previously determined to be noncompatible under that Table and whose noncompatibility is now significantly increased. Such updating of the map shall include a reassessment of those areas excluded under sec. A150.101(e)(5) of Appendix A because of high ambient noise levels. If the five-year forecast map is based on assumptions involving recommendations in a noise compatibility program which are subsequently disapproved by the FAA, a revised map must be submitted if revised assumptions would create a substantial, new noncompatible use not indicated on the initial five-year map. Revised noise exposure maps are subject to the same requirements and procedures as initial submissions of noise exposure maps under this part.

Increase
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(e) Each map, or revised map, and description of consultation and opportunity for public comment, submitted to the FAA, must be certified as true and complete under penalty of 18 U.S.C. 1001.

(f) (1) The ASNA Act provides, in section 107 (a) (49 U.S.C. 3107(a)), that:

No person who acquires property or an interest therein after the date of enactment of the Act in an area surrounding an airport with respect to which a noise exposure map has been submitted under section 103 of the Act shall be entitled to recover damages with respect to the noise attributable to such airport if such person had actual or constructive knowledge of the existence of such noise exposure map unless, in addition to any other elements for recovery of damages, such person can show that—

- (i) A significant change in the type or frequency of aircraft operations at the airport; or
- (ii) A significant change in the airport layout; or
- (iii) A significant change in the flight patterns; or
- (iv) A significant increase in nighttime operations; occurred after the date of the acquisition of such property or interest therein and that the damages for which recovery is sought have resulted from any such change or increase."

(2) The Act further provides in section 107(b), (49 U.S.C. 3107(b)):

That for this purpose, "constructive knowledge" shall be imputed, at a minimum, to any person who acquires property or an interest therein in an area surrounding an airport after the date of enactment of the Act if—

- (i) Prior to the date of such acquisition, notice of the existence of a noise exposure map for such area was published at least three times in a newspaper of general circulation in the county in which such property is located; or
- (ii) A copy of such noise exposure map is furnished to such person at the time of such acquisition.

(g) For this purpose, the term "significant" in paragraph (f) of this section means that change or increase in one or more of the four factors which results in a "substantial new noncompatible use" as defined in § 150.21(d), affecting the property in issue. Responsibility for applying or interpreting this provision with respect to specific properties rests with local government.

(Doc. No. 18691, 49 FR 49269, Dec. 1, 1984; 50 FR 5063, Feb. 6, 1985; Amdt. 150-2, 54 FR 26295, Sept. 25, 1989)

§ 150.23 Noise compatibility programs.

(a) Any airport operator who has submitted an acceptable noise exposure map under § 150.21 may, after FAA notice of acceptability and other

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consultation and public procedure specified under paragraphs (b) and (c) of this section, as applicable, submit to the Regional Airports Division Manager five copies of a noise compatibility program.

(b) An airport operator may submit the noise compatibility program at the same time as the noise exposure map. In this case, the Regional Airports Division Manager will not begin the statutory 180-day review period (for the program) until after FAA reviews the noise exposure map and finds that it and its supporting documentation are in compliance with the applicable requirements.

(c) Each noise compatibility program must be developed and prepared in accordance with Appendix B of this part or an FAA approved equivalent, and in consultation with FAA regional officials, the officials of the state and of any public agencies and planning agencies whose area, or any portion or whose area, of jurisdiction within the L_{50} 65 dB noise contours is depicted on the noise exposure map, and other Federal officials having local responsibility of land uses depicted on the map. Consultation with FAA regional officials shall include, to the extent practicable, informal agreement from FAA on proposed new or modified flight procedures. For air carrier airports, consultation must include any air carriers and, to the extent practicable, other aircraft operators using the airport. For other airports, consultation must include, to the extent practicable, aircraft operators using the airport.

(d) Prior to and during the development of a program, and prior to submission of the resulting draft program to the FAA, the airport operator shall afford adequate opportunity for the active and direct participation of the states, public agencies and planning agencies in the areas surrounding the airport, aeronautical users of the airport, and the general public to submit their views, data, and comments on the formulation and adequacy of that program.

(e) Each noise compatibility program submitted to the FAA must consist of at least the following:

(1) A copy of the noise exposure map and its supporting documentation as found in compliance with the applicable requirements by the FAA, per § 150.21(c).

(2) A description and analysis of the alternative measures considered by the airport operator in developing the program, together with a discussion of why each rejected measure was not included in the program.

(3) Program measures proposed to reduce or eliminate present and future noncompatible land uses and a description of the relative contribution of each of the proposed measures to the overall effectiveness of the program.

(4) A description of public participation and the consultation with officials of public agencies and planning agencies in areas surrounding the airport, FAA regional officials and other Federal officials having local responsibility for land uses depicted on the map, any air carriers and other users of the airport.

(5) The actual or anticipated effect of the program on reducing noise exposure to individuals and noncompatible land uses and preventing the introduction of additional noncompatible uses within the area covered by the noise exposure map. The effects must be based on expressed assumptions concerning the type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including planned airport development, planned land use changes, and demographic changes within the L_{50} 65 dB noise contours.

(6) A description of how the proposed future actions may change any noise control or compatibility plans or actions previously adopted by the airport proprietor.

(7) A summary of the comments at any public hearing on the program and a copy of all written material submitted to the operator under paragraphs (c) and (d) of this section, together with the operator's response and disposition of those comments and materials to demonstrate the program is feasible and reasonably consistent with obtaining the objectives of airport noise compatibility planning under this part.



U.S. Department
of Transportation
Federal Aviation
Administration

Item 8
6

Advisory Circular

Subject:

Date: 8/5/83
Initiated by:

AC No: 150/5020-1
Change:

NOISE CONTROL AND COMPATIBILITY
PLANNING FOR AIRPORTS

NOISE

1. PURPOSE. This advisory circular provides guidance for Noise Control and Compatibility Planning for airports under Federal Aviation Regulation (FAR) Part 150 and the Aviation Safety and Noise Abatement Act of 1979 (ASNA) (P.L. 96-193). It is intended for use by airport operators, state/local planners and other officials, and interested citizens who may engage in noise control planning. Airport noise compatibility planning has the goals of reducing existing noncompatible land uses around airports and of preventing the introduction of additional noncompatible land uses through the cooperative efforts of all those involved. The Part 150 program is voluntary and airport operators are encouraged to participate.

2. BACKGROUND. FAR Part 150 implements portions of Title I of the Aviation Safety and Noise Abatement Act of 1979. It establishes a single system for the measurement of airport (and background) noise, a single system for determining the exposure of individuals to airport noise, and a standardized airport noise compatibility planning program. The planning program includes (1) provision for the development and submission to the FAA of Noise Exposure Maps and Noise Compatibility Programs by airport operators; (2) standard noise units, methods and analytical techniques for use in airport assessments; (3) identification of land uses which are normally considered compatible (or noncompatible) with various levels of noise around airports; and (4) procedures and criteria for FAA approval or disapproval of noise compatibility programs by the Administrator. The program includes consideration of alternative noise control that might be employed as well as appropriate land use

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Land or interest in land (easement) may be acquired by negotiation, through a voluntary program, or via condemnation. In any case, the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) are applicable whenever Federal or federally assisted programs are involved.

a. Land for Other Public Uses. Noise impacted land can be acquired by a public or semi-public agency either to implement the compatibility plan or in cooperation with the plan while fulfilling another public purpose. Typical uses may include sites for equipment maintenance or storage yards, water or sewer works, and floodways or reservoirs. Other possibilities include selected park, recreation, and open space uses which are noise tolerant (golf courses, skeet ranges, nature areas, etc.). All uses should respect the height and hazard requirements of the airport and be tolerant of future airport growth.

b. Land for Compatible Resale. Occasionally, state or local governments are willing to acquire land which is then resold with covenants or easements retained to assure long-term compatibility. In some cases, it may be feasible to change such land to compatible uses within existing or remodeled buildings. In other cases, it would be desirable to clear and redevelop the land before making it available for sale. In either case, the changes should be in compliance with the land use plan and be supported by appropriate zoning. Appropriate covenants or easements should be retained to assure long-term compatibility. Since this strategy approaches the complexity of urban renewal, appropriate expertise should be consulted.

347.-349. RESERVED.

SECTION 5. CONSULTATIONS

350. CONSULTATIONS UNDER PART 150. In developing a noise exposure map and identifying noncompatible land uses the airport proprietor should identify the geographic areas of jurisdiction of each public agency and planning agency which are either wholly or partially contained within the 65 L_{dn} contour and meet with the appropriate officials to discuss means of reducing the noise impact as required by Part 150. Methods for mitigating and/or reducing the effects of noise that are available to local authorities after consulting with the airport proprietor are discussed in sections 3 and 4 of this chapter. Part 150 requires that consultation must include any air carriers and to the extent practicable, other aircraft operators using the airport. Prior to submission of the noise exposure map or noise compatibility program, the airport operator is required by Part 150 to allow interested persons adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the map or program and projection of aircraft operations. FAA will not inject itself into the essentially local responsibility for consultation imposed directly on the airport operator by the ASNA Act, but will rely upon the airport operator's certification under penalty of 18 U.S.C. § 1001, that such consultation has occurred (See § 150.21).

Important

351. RESERVED.

Item # 9

-- Acceptance letters from FAA to the Port of Seattle on
Noise Exposure Maps and Noise Compatibility Program
dated April 16, 1993 and May 25, 1993.



US Department
of Transportation

Federal Aviation
Administration

Item 9

Northwest Mountain Region
Colorado, Idaho, Montana
Oregon, Utah, Washington
Wyoming

1601 Lind Avenue, S.W.
Renton, Washington 98055-4056

APR 16 1993

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APR 19 1993

PLANNING
DEPARTMENT

Mr. R. Burr Stewart
Director, Aviation Planning
Seattle-Tacoma International Airport
Port of Seattle
P.O. Box 68727
Seattle, WA 98727

Dear Mr. Stewart:

We have evaluated your Noise Exposure Maps and supporting documentation submitted in accordance with section 103(a)(1) of the Aviation Safety and Noise Abatement Act of 1979 (ASNA), and determined your submission complies with applicable requirements of 14 CFR Part 150. Further, we have determined:

a. The Noise Exposure Maps (Exhibits 4A and 4B of the report) and additional supporting documentation meet the requirements as of the date of submission (i.e., 1991) and are acceptable in accordance with the standards set forth in the Federal Aviation Regulations (FAR). The base map of the airport environs land use was prepared in consultation with public agencies and political jurisdictions within the 65 DNL contour.

b. The Noise Exposure Maps (Exhibits listed in paragraph "a" above) include noise contours for 1996 and are reasonably consistent with the provisions set forth in the FAR.

Our determination is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of the FAR Part 150. Such determination does not constitute approval of your data, information, or plans.

Should questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on your Noise Exposure Maps, you should note that we will not be involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through our determination relative to your Noise Exposure

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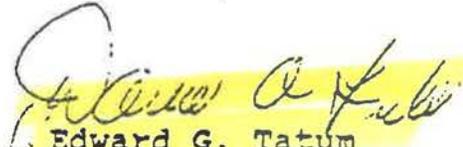
We will publish notice in the Federal Register announcing our determination of the Noise Exposure Maps for Seattle-Tacoma International Airport.

Your notice of this determination and the availability of the Noise Exposure Maps, when published at least three times in a newspaper of general circulation in the county or counties where affected properties are located, will satisfy the requirements of Section 107 of the ASNA.

Your attention is called to the requirements of Section 150.21(d) of the FAR involving the prompt preparation and submission of revisions to these maps if any actual or proposed change in the operation of Seattle-Tacoma International Airport that might create any substantial, new noncompatible use in any areas depicted on the maps.

Congratulations on your successful completion of the FAR Part 150 Noise Exposure Maps. We look forward to working with you to further reduce noise in the area surrounding the airport.

Sincerely,



Edward G. Tatum
Manager, Airports Division
Northwest Mountain Region



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado, Idaho, Montana
Oregon, Utah, Washington
Wyoming

1501 Lind Avenue, S. W.
Renton, Washington 98055-4056

MAY 25 1994

Mr. R. Burr Stewart
Director, Aviation Planning
Seattle-Tacoma International Airport
Port of Seattle
P.O. Box 68727
Seattle, WA 98727

Dear Mr. Stewart:

We have evaluated the Noise Compatibility Program for Seattle-Tacoma International Airport contained in the Seattle-Tacoma International Airport Noise Compatibility Study submitted to my office under the provisions of Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979.

The recommended Noise Compatibility Program proposed by the Port of Seattle is identified by action element number on pages 7 through 31 of the above program. I am pleased to inform you the Assistant Administrator for Airports has approved all proposed action elements in the Noise Compatibility Program. Our specific action for each noise compatibility program element is set forth in the enclosed Record of Approval. The effective date of this approval is May 18, 1994.

Each airport Noise Compatibility Program developed in accordance with FAR Part 150 is a local program, not a Federal program. We do not substitute our judgment for that of the airport proprietor with respect to which measures should be recommended for action. Our approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Aviation Safety and Noise Abatement Act of 1979, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government;

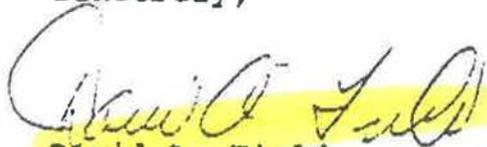
d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to our approval of an airport Noise Compatibility Program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program, nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Seattle, Washington.

Completion and approval of your Noise Compatibility Program is a major accomplishment, one which the Port should be proud of. The program is a blueprint presenting the means for the Port to achieve its goal of reducing or eliminating noncompatible land uses around the airport. As with all plans, we encourage the Port to periodically review and update the program as may be necessary to reflect changes in the airport or its environment.

Again, congratulations on your approved Part 150 Noise Compatibility Program! We look forward to working with you on implementation of the program.

Sincerely,



David A. Field
Acting Manager, Airports Division

Enclosure

Item # 10

-- RCW 53.54.020; Noise Mediation Agreement and letter
from Dennis Ossenkop, FAA, dated March 19, 1992.

Item #10: The Port entered the Noise Mediation Agreement into the Port's FAR-150 Program. The programs in the Mediation Agreement were funded by federal grant funds. The Port did not get a written assurance from local Far 150 affected government agencies.

Letter from Dennis Ossenkop, FAA stating the Mediation Agreement will be the way this airport is to be operated from now on.

I am requesting the council members look at this "Noise Mediation Agreement" to see if this is really what will benefit the city in the years to come. I have a lot of questions about it.

The Port of Seattle's Resolution 3062 endorsed the Mediation Agreement that went outside of 6 x 6 and 1 x 1. This is a violation of RCW 53.54.020.

Item 10

district are insufficient to retire such indebtedness together with all costs and expenses, the court shall have authority to order the board of commissioners to levy assessments in the manner provided by law against the property in the district in amounts sufficient to retire said indebtedness and pay the costs and expenses. At such hearing any property owner within the district may appear and be heard for or against such levy. [1941 c 87 § 8; Rem. Supp. 1941 § 8931-18.]

53.48.090 Order of dissolution or refusal. After the indebtedness of the district has been settled or paid, the court shall determine whether the best interests of all persons concerned will be served by the proposed dissolution and shall make a finding thereon. The court shall then enter its order dissolving or refusing to dissolve said district. [1941 c 87 § 9; Rem. Supp. 1941 § 8931-19.]

53.48.120 Provision for costs and expenses. In all proceedings brought under this chapter the court shall make provision for the costs and expenses of proceedings hereunder and for the payment of the same. [1941 c 87 § 10; Rem. Supp. 1941 § 8931-20.]

53.48.140 Dissolution of district which has no active commission—Powers of county commissioners. See RCW 53.46.060.

Chapter 53.49

DISPOSITION OF FUNDS ON DISSOLUTION OF CERTAIN DISTRICTS

Sections

- 53.49.010 Port districts in counties with populations of from eight thousand to less than twelve thousand—Disposition of funds.
- 53.49.020 Port districts in counties with populations of from eight thousand to less than twelve thousand—Order to transfer funds.

53.49.010 Port districts in counties with populations of from eight thousand to less than twelve thousand—Disposition of funds. Whenever any port district located in any county with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district. [1991 c 363 § 134; 1943 c 282 § 1; Rem. Supp. 1943 § 9718-10. Formerly RCW 53.48.100.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

53.49.020 Port districts in counties with populations of from eight thousand to less than twelve thousand—Order to transfer funds. The superior court of any such county shall enter his order authorizing such transfer of

(1992 Ed.)

funds if he is satisfied, after hearing the petition therefor, that the port district is dissolved and disestablished or is about to be dissolved and disestablished and that no obligations of the port district remain unpaid. The court shall equitably divide such sums of money between school districts if there be more than one district involved. [1943 c 282 § 2; Rem. Supp. 1943 § 9718-11. Formerly RCW 53.48.110.]

Chapter 53.54

AIRCRAFT NOISE ABATEMENT

Sections

- 53.54.010 Programs for abatement of aircraft noise authorized.
- 53.54.020 Investigation and monitoring of noise impact—Programs to conform to needs—"Impacted areas".
- 53.54.030 Authorized programs—When property deemed within impacted area.
- 53.54.040 Fund authorized—Sources.
- 53.54.900 Liberal construction—Powers additional.
- 53.54.910 Severability—1974 ex.s. c 121.

53.54.010 Programs for abatement of aircraft noise authorized. A port district operating an airport serving more than twenty scheduled jet aircraft flights per day may undertake any of the programs or combinations of such programs, as authorized by this chapter, for the purpose of alleviating and abating the impact of jet aircraft noise on areas surrounding such airport. [1974 ex.s. c 121 § 1.]

Cannot go out of 6-6-1-1

53.54.020 Investigation and monitoring of noise impact—Programs to conform to needs—"Impacted areas". Prior to initiating programs as authorized in this chapter, the port commission shall undertake the investigation and monitoring of aircraft noise impact to determine the nature and extent of the impact. The port commission shall adopt a program of noise impact abatement based upon the investigations and as amended periodically to conform to needs demonstrated by the monitoring programs: PROVIDED, That in no case may the port district undertake any of the programs of this chapter in an area which is more than six miles beyond the paved end of any runway or more than one mile from the centerline of any runway or from an imaginary runway centerline extending six miles from the paved end of such runway. Such areas as determined above, shall be known as "impacted areas". [1984 c 193 § 1; 1979 c 85 § 1; 1974 ex.s. c 121 § 2.]

53.54.030 Authorized programs—When property deemed within impacted area. For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

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

(2) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other

Item 10

and remedial programs as compensation for damage to aircraft noise and noise associated conditions. Such programs shall be in connection with properties located within an impacted area and shall be provided upon terms and conditions as the port district shall determine appropriate.

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

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

(5) An individual property may be provided benefits by the port district under each of the programs described in subsections (1) through (4) of this section. However, an individual property may not be provided benefits under any one of these programs more than once.

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

- (a) Rental of any or all lands or structures acquired;
- (b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

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

(7) A property shall be considered within the impacted area if any part thereof is within the impacted area. [1985 c 115 § 1; 1974 ex.s. c 121 § 3.]

53.54.040 Fund authorized—Sources. A port district may establish a fund to be utilized in effectuating the intent of this chapter. The port district may finance such fund by: The proceeds of any grants or loans made by federal agencies; rentals, charges and other revenues as may be generated by programs authorized by this chapter, airport revenues; and revenue bonds based upon such revenues. The port district may also finance such fund, as necessary, in whole or in part, with the proceeds of general obligation bond issues of not more than one-eighth of one percent of the value of taxable property in the port district: PROVIDED, That any such bond issue shall be in addition to bonds authorized by RCW § 3.36.030; PROVIDED FURTHER, That any such general obligation bond issue may be subject to referendum by petition as provided by county charter, the same as if it were a county ordinance. [1974 ex.s. c 121 § 4.]

53.54.900 Liberal construction—Powers additional. The rule of strict construction shall have no application to this chapter, which shall be liberally construed to carry out the purposes and objects for which this chapter is intended. The powers granted in this chapter shall be in addition to all others granted to port districts. [1974 ex.s. c 121 § 5.]

53.54.910 Severability—1974 ex.s. c 121. If any provision of this 1974 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected. [1974 ex.s. c 121 § 7.]

Re-Insulation should not be done = until all homes have been insulated

Per RCW = can they be re-insulated?

RESOLUTION NO. 3062

A RESOLUTION of the Port Commission of the Port of Seattle
a) endorsing the agreement of the Seattle-Tacoma
International Airport Noise Mediation Committee
and b) authorizing the Executive Director to take
all necessary action to fulfill the terms of this
agreement.

WHEREAS, on January 8, 1985, the Port Commission of the Port of Seattle adopted Resolution No. 2943, as amended, adopting an updated Noise Remedy Program for Seattle-Tacoma International Airport (the "Airport") to mitigate noise in the neighborhoods immediately surrounding the Airport by insulating homes and providing for assistance with home sales; and

WHEREAS, concern with noise from aircraft departing from and arriving at the Airport is growing in areas beyond the existing Noise Remedy Program boundaries; and

WHEREAS, the Port Commission has agreed that finding ways to mitigate and abate this aircraft noise is critical; and

WHEREAS, the Port Commission in Resolution No. 3016, adopted September 8, 1987, and subsequently amended by Resolution No. 3032, adopted October 25, 1988, has authorized and funded a mediated process to address this issue; and

WHEREAS, as part of this process citizens of King and Kitsap counties representing the communities affected by noise from aircraft at the Airport, Airlines, Pilots, the Federal Aviation Administration, Airport Users, and the Port of Seattle studied for a period of eighteen months methods to reduce the impact of aircraft noise in the Puget Sound region; and

WHEREAS, the above parties ("Mediation Committee") agreed, with the assistance of a mediator, to the attached plan of actions to reduce aircraft noise ("Agreement"); and

WHEREAS, the Agreement requires the Airport to implement a Noise Budget to reduce the overall levels of noise at the Airport and a Nighttime Limitations Agreement to reduce the levels of nighttime noise; and

Item 10



No environmental Impact
on Noise Mediation

APPENDIX A

NOISE MEDIATION AGREEMENT



U.S. Department
of Transportation
**Federal Aviation
Administration**

Item 10

Mediation Agreement

Northwest Mountain Region
Colorado, Idaho, Montana
Oregon, Utah, Washington
Wyoming

1601 2nd Avenue, S.W.
Renton, Washington 98055-4155

MAR 19 1992

Ms. Ann M. Bonney
816 South 105th Street
Seattle, WA 98168

Dear Ms. Bonney:

This is in response to your letter of January 31, 1992, regarding the Seattle-Tacoma International Airport Noise Compatibility Program.

I will answer your questions in the order asked.

1. I have enclosed a excerpt from Federal Aviation Regulation (FAR) Part 150 and marked the paragraph addressing your question.
2. In the context of FAR Part, regarding "raise of 1.5 db", please refer to the response to your question 1..
3. Amongst the various provisions of the Aviation Safety and Noise Abatement Act of 1979 was the requirement for the Federal Aviation Administration (FAA) to establish a uniform methodology for evaluating the impacts of airport noise upon persons living in communities surrounding airports. To address this requirement, FAA promulgated Federal Aviation Regulation (FAR) Part 150, Airport Noise Compatibility Planning.

FAR Part 150 established a methodology to study noise from airports considering the existing and future manner in which the airport is operated (when aircraft fly, the types of aircraft operating at the airport, and where the aircraft fly).

Much more

The "Sea-Tac Mediation Package" established, for Sea-Tac Airport, the manner in which Sea-Tac is to be operated both now and in future years, no matter what the airport configuration (number of runways, etc).

4. The provisions of the "Sea-Tac Mediation Package" (the manner in which Sea-Tac airport is operated now and in the future) provides the basis for study within the FAR Part 150 process. There is no comparison that can be made between the Mediation Package, Part 150, and ASNA since they are, in

Item 10

effect, apples and oranges documents. The provisions of the "Sea-Tac Mediation Package" (the manner in which Sea-Tac airport is operated now and in the future) forms part of the data input set for use in the FAA Integrated Noise Model (INM). An acoustic consultant familiar with the INM would be able to translate parts of the provisions of the Mediation Package into parts of the INM data input set.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Ossenkop", is written over a yellow highlight.

Dennis Ossenkop

Enclosure

Item # 11

- Court Ruling: Compliance with FAR 150 regulations becomes mandatory after a Plan is approved by the FAA and federal funding is granted. (Judge McRae found).

Amendment. The homeowners contend that the airport authority had submitted to the Federal Aviation Administration in October 1986, a comprehensive Part 150 Airport Noise Compatibility Program. However, the FAA rejected that proposal because it did not contain adequate commitments for implementing the noise mitigation plan as required by law. The FAA asked the airport authority to amend the Part 150 program to meet federal regulations. The homeowners allege that the airport authority submitted an amended plan in May 1987 in which it dropped its request for FAA approval of 19 out of the 26 noise mitigation proposals contained in the original plan. The FAA approved the amended plan in 1988.

The homeowners allege that the airport authority misled the public by announcing that the Part 150 program initially submitted to the FAA had been approved and was being implemented. As a result of the airport authority's "intentional decision to drastically alter" the plan to mitigate and abate the noise problem around the airport, "the nuisance created and maintained by the airport authority has continued unabated, with further deterioration occurring to the surrounding residential areas," the homeowners allege.

The homeowners are also seeking relief under the citizen suit provision of the Noise Control Act of 1972. Section 4911(a)(1) of that act permits any person to "commence a civil action on his own behalf against any person ... who is alleged to be in violation of any noise control requirement."

The homeowners contend that the airport authority's Part 150 program does not comply with federal regulations setting forth criteria that airports must follow in submitted Part 150 programs to the FAA. The airport authority argued that the Part 150 regulations do not constitute a "requirement" within the meaning of the Noise Control Act because they are not mandatory in nature.

"Although submission of a noise compatibility program is voluntary, compliance with the regulations becomes mandatory after a plan is approved by the FAA and federal funding is granted," Judge McRae found. He said the homeowners had stated a claim for relief under the Noise Control Act.

The suit, *Martha Albarado, et al v. Memphis-Shelby County Airport Authority* (No. 89-3001-4B) was filed in November 1989 (1, ANR, 228) by 30 homeowners near Memphis International Airport. They are seeking a temporary halt on airport construction until noise and air pollution problems are solved. They have asked the court to certify their complaint as a class action, which could incorporate several thousand homeowners near the airport into the suit. Δ

Item 11

FAR-150

not voluntary

after Noise

map + Noise

Program



Item # 12

-- Samples of Public Notices posted in the Federal Register
on the FAR 150 Code dated 1985 and 1988.

Item 12

surveyed reactions of people to noise. For these purposes, the A-weighted sound level and its derivatives were selected.

The system for determining the exposure of individuals to airport noise (i.e., for evaluating the cumulative impacts of multiple noise events) required consolidation of the effects of intensity, duration, frequency, and time of occurrence. The metric selected is the yearly day-night average sound level (Ldn or DNL), which was derived from the A-weighted sound level.

The Integrated Noise Model

A standard noise forecasting methodology is required to assure uniformity and comparability of the NEM's submitted under the program. The FAA Integrated Noise Model (INM) has been adopted as the program's standard noise modeling methodology. The FAA believes that this is a well-proven model and has refined the model to its third version. The INM is available for use on microcomputers, as well as on mainframe computers, thus reducing the costs of running noise contours and permitting more alternatives to be explored in developing NCP's. For free-standing heliports, the Heliport Noise Model is used.

Land Use and Noise Compatibility

A standard table of land uses normally compatible, or noncompatible, with various exposures of individuals to airport-related noise is essential to assure uniform treatment of both airport operations and noise-sensitive land uses or activities. Part 150's Table 1, entitled "Land Use Compatibility With Yearly Day-Night Average Sound Levels," provides a standard reference for land uses compatible with various levels of airport noise, and contains the basic criteria used in preparing Part 150 programs. This is the only noise and land use compatibility table currently in the Code of Federal Regulations (14 CFR Part 150).

Noise Exposure Map

The Part 150 Noise Exposure Map (NEM) is designed to identify clearly an airport's present and future noise patterns and the land uses which are not compatible with those noise patterns. When reviewed and found in compliance with applicable rules and regulations, an airport's NEM serves as a standard reference to the airport's existing and future noise impacts for anyone proposing noise-sensitive development in the vicinity of the airport. An NEM consists of two maps of the airport with noise contours plotted

over land uses, plus supporting documentation. The noise contours for the Ldn 85, 70, and 75 noise levels are shown on these maps. The first map indicates the current conditions and, in effect, identifies the airport's noise compatibility problems. The second map projects the noise contours which can reasonably be predicted five years in the future taking into account changes in land use and in airport operations, plus any improvements in compatibility from noise mitigation actions which may be planned for that 5-year period. An NEM is prepared in consultation with airport users, the public, local governments, land use control agencies, and the FAA.

Noise Compatibility Program

The purpose of the Part 150 Noise Compatibility Program (NCP) for an airport is to show what measures the airport operator has taken, or proposes to take, to reduce noncompatible land uses and for preventing the introduction of additional noncompatible uses within the area covered by the airport's NEM. The NCP serves as the primary vehicle for guiding and coordinating the efforts and actions of all the agencies and individuals whose combined efforts are essential to achieving the maximum degree of noise compatibility between an airport and its neighbors while taking into account the requirements of the national aviation system.

The NCP is also the primary analytical tool for appraising the possible impact of any proposed airport operational constraints or restrictions on interstate or foreign commerce.

Developing a Part 150 NCP is a multi-step process. It must be carried out in close consultation with the affected local governments, the airport's users, those people impacted by either the noise or the solutions, and the FAA. The airport's NEM is a basic element of the NCP. It gives a clear indication of the nature of the airport's noise problem. Also, the FAA can not accept an airport's NCP for review until its NEM has been found to be in compliance with all applicable laws and regulations.

A series of alternative measures, or combinations of measures, to mitigate an airport's noise impact is developed by the airport operator. These measures must be reasonably consistent with achieving the goals of reducing, or mitigating the impact on, existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses. As a minimum, a range of alternative measures specified in Part 150 must be considered, but others may be considered as well. Reasons must be

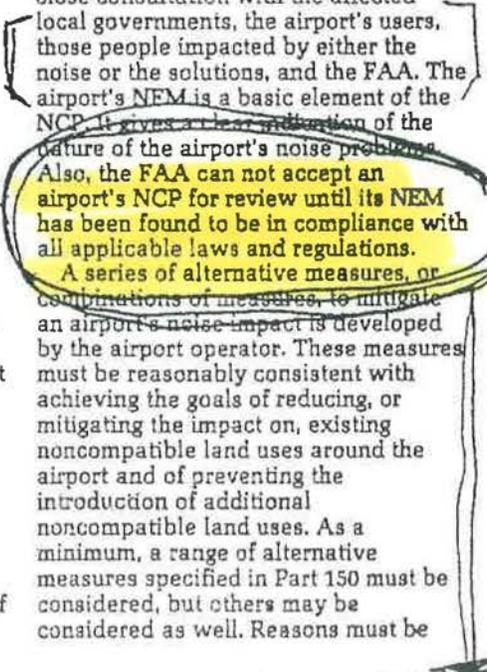
given for those measures not selected. The social and economic consequences, both landside and airside, of each alternative must be considered in selecting the combination of alternatives which will finally be proposed to the FAA as the airport's NCP. Consideration of the environmental consequences of the proposed noise compatibility actions should be an integral part of this planning process; however, formal environmental assessment is required only in conjunction with the decision to implement an action. Alternatives must not unduly burden interstate commerce, discriminate unjustly, reduce the level of aviation safety, adversely affect efficient use of the navigable airspace, or adversely affect any other powers or responsibilities of the Administrator of the FAA.

Each NCP must include an agreed-upon schedule for implementation of the program, including: The period covered by the program, identification of the entity responsible for implementing each of its proposed noise compatibility actions, plus identification and sources of the necessary funds. These are intended to be working programs. Finally, the NCP must include specific provision for its own timely revision so that it remains a live and viable program responding to changes in both the aviation and the local environmental components of the plan.

Federal Funding

Implementation of NCP's depends on two basic things: Enactment and implementation of the local noise compatibility actions, including land use controls; and the provision of the funds necessary to carry out the planning, acquisitions, relocations, and construction involved. Federal funding totaling approximately \$396.2 million in matching grants was provided to airport operators and adjacent communities under the ASNA Act and the Airport and Airway Improvement Act of 1982 for fiscal years 1983 through 1987 for compatibility planning and for the implementation of FAA-approved NCP's.

The Airport and Airway Safety and Capacity Expansion Act of 1987 provides for continued funding of noise compatibility planning and implementation through a 10 percent set aside of the \$8.7 billion authorized through fiscal year 1992. This Federal funding is provided in the form of matching grants obtained from the Aviation Trust Fund, providing a 75 percent to 90 percent Federal share, dependent upon the enplanement level of the airport. The Aviation Trust Fund



Requirements

which were produced during an airport noise Exposure Update Study. It was stated that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by SEA. The specific maps under consideration are Exhibits 4-1, 4-2, 4-3, 4-6, 4-7, and 4-8 in the submission. The FAA has determined that these maps for SEA are in compliance with applicable requirements. The determination is effective on April 11, 1985. FAA's determination on an airport operator's noise exposure maps is limited to the determination that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such acceptance does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure maps submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps of depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for SEA, also effective on April 11, 1985.

Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 8, 1985.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR 150.33. The Primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration,
Independence Avenue, SW, Room 815,
Washington, D.C.

Federal Aviation Administration,
Airports Division, ANM-800, 17900
Pacific Hwy S, C-68966, Seattle,
Washington 98168

Port of Seattle, Planning and Research
Dept., Pier 86, Seattle, Washington

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington, April 11, 1985.

Edward G. Tatum,
Manager, Airports Division Northwest
Mountain Region.

[FR Doc. 85-9828 Filed 4-23-85; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

(Docket No. IP84-16; Notice 2)

American Honda Motor Co., Inc.; Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by American Honda Motor Co., Inc., of Gardena, California, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381

et seq.) for an apparent noncompliance with 49 CFR 571.218, Motor Vehicle Safety Standard No. 218, *Motorcycle Helmets*, on the basis that it is inconsequential as it related to vehicle safety.

Notice of the petition was published on October 31, 1984, and an opportunity afforded for comment (49 FR 43829).

Paragraph S5.5, *Projections*, of Safety Standard No. 218 states in pertinent part that "A helmet shall not have any rigid projections inside its shell." Honda has distributed "less than 20,000" helmets in the model years 1982-84 with provision for installation of audio headsets which are ellipsoidal in shape, about 1½ inches at the longest point, and which project inwards from the liner surface approximately 1 inch. Petitioner stated that it is aware of no comments from purchasers concerning the noncompliance. Further, the headset mounting points are below the impact test areas designated in Standard No. 218.

In order to obtain an expert opinion as to the likelihood of an internally mounted audio headset becoming a significant causative factor of injury, the petitioner consulted Dr. Irving Rehman, Emeritus Professor of Anatomy, University of Southern California School of Medicine, who had performed over 300 autopsies on motorcycle accident victims, with particular attention to the head and neck region. Dr. Rehman submitted a preliminary report which has been placed in the docket with the petition. Dr. Rehman's report indicates that he had examined a sample "to determine whether and placement of the two ear speakers over the mastoid area had any potential to produce injury, skull fracture, and/or brain damage." He concluded that he saw "no probability" for the speaker "to produce trauma in an impact to the mastoid area of the head."

No comments were received on the petition.

The speakers in question extend inwards from the helmet shell about one inch and are constructed of hard plastic. They are therefore "rigid projections" within the meaning of the prohibition of paragraph S5.5. They are not protected or covered by padding or any other effective protective materials. The comfort padding in the area surrounding the speaker does not appear capable of providing useful load-carrying capacity. The helmet as designed will not prevent contacts between the speakers and the helmet user's head during an impact, and therefore, the speakers present a potential safety problem.

The petitioner claimed that accident data shows low injury frequency in the

150
FAR (21)

Item # 13

-- A few pages from the League of Women Voters Report
on Washington State Public Port Districts in 1992.

Item 13

1992 - League of Women Voters

REPORT

**Washington State Public Port
Districts:
Governance Issues**

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This material was prepared by the Port Governance Issues Study Committee of the League of Women Voters of Washington: Lucy Steers and Janet Adams, Co-Chairs, Janet Anderson, Irene Christy, Lucy Copass, Liz Owens, Diana Swain, and Karen Verrill. Also contributing were: Ann Cotter, Eugenia Fairbanks, Eileen Fox, Lois Laughlin, and Trudy Sundberg.

because it has nearby residential areas. Thus the best possible fit is managed between incoming businesses and their port-landlord, each port gets its share, and detrimental competition gives way to constructive cooperation.

In Whitman County a comprehensive plan developed with the help of interested citizens directs the Port to "...take on a comprehensive economic development approach for the entire County." Following this plan, the Port of Whitman County is undertaking a new effort to assist local communities to locate a new industry or help an existing industry to expand and add jobs. After achieving some success in Pullman and at its Snake River sites, the Port is seeking industrial development proposals from smaller communities. It is offering to acquire property for industrial or multiple purposes in these communities. It is also stepping up long standing efforts to work with other economic development groups, including the four-county Palouse Economic Development Council. Job retention and recruitment are seen as the key to diversifying the economy in Whitman County, and the Port is playing a leading role in bringing that about. Care is taken to work cooperatively rather than competitively with other entities. Washington State University, for instance, has a "park" which focuses on research and technology, while the Port's neighboring "park" serves industry. This team approach wins high praise and seems to work well.

Measuring Economic Impact: Port Job Studies

A small community with a single-purpose port, such as the Port of Langley on Whidbey Island which operates a modest transient moorage facility, may feel the return on its port tax "investment" in a direct manner. Community members might use the moorage themselves, or local businesspersons may observe visiting boaters making purchases in local stores.

The benefits to local communities deemed to be provided by the larger multi-purpose ports, however, often come in ways that are indirect and difficult to assess. It is not uncommon for ports — large or small — to undertake development projects that earn no profit. In addition, many port operations chiefly serve out-of-state customers. According to the Port of Seattle's publication *Tradelines* (Winter 1991), only "...one-third of all exports handled by Washington ports were produced in Washington State." Similarly,

75% of imports through container ports are destined for out-of-state markets. Ports often justify projects underwritten by local taxes by citing the number of local jobs created, including not only direct employment by the port or its tenants, but also "secondary" or "related" jobs. But claims about job creation can become a major point of contention between ports and port critics.

In the early 1980s, the Port of Seattle announced that its tax levy generated 83,000 jobs, or 1 in 8 in King County, an impact rivaling Boeing's. However, figures from a recent year (1989) show the Port directly employs approximately 1,200 people, or 0.1% of all King County employment for that year. How then, was the 1 in 8 jobs claim derived? Almost half of the 83,000 jobs related to Sea-Tac Airport, which receives no levy funds. On the marine side, the Port included the one-quarter of harbor jobs associated solely with privately-owned facilities; all jobs associated with the fishing industry (usually viewed as an industry in its own right); as well as jobs at manufacturing and wholesale firms which ship or receive goods through the harbor; and jobs termed "providers of maritime services" (*Port of Seattle Economic Impact Analysis*, 1982). This last group includes longshoremen, tug operators, freight forwarders, etc., but also rail, trucking, warehousing, banking and other jobs which some analysts would consider indirect jobs. A statistical input-output model was then applied to all these categories to produce an additional "indirect" job count.

Responding to, and in part concurring with, criticism that its job claims were exaggerated, the Port retained a specialist consultant to conduct a 1987 study. The analyst discarded the least defensible job categories, explaining their use would result in double-counting and inclusion of out-of-state jobs. The new count — 10,000 jobs statewide related to the Port's marine activities — was less than one-quarter of the previous number claimed for King County alone. The new figure equals 0.5% of state-wide employment totals given by the King County Economic Development Council in the year. If Sea-Tac related jobs (14,000) are added, Port of Seattle-related jobs in 1987 accounted for 1.3% of state-wide employment.

Some port commissioners, dissatisfied with the low employment figures, instructed the consultant to re-evaluate. The consultant conducted a separate count of shipper/consignee jobs. However, he cautioned that these jobs should not be added to his

initial count of 10,000 jobs, especially since shippers and consignees used the Ports of Tacoma and Seattle interchangeably -- a caution that has frequently been ignored.

Because the job category most defensibly linked to the Port -- the providers of maritime services -- has been separately counted in 1974, 1982, and 1987 studies, it is possible to track the growth of this job category over thirteen years. While the volume of container cargoes grew 132%, jobs grew 7% (659 jobs). During this time, the Port collected tax levies of \$205 million. If calculated in terms of jobs, this amounts to \$300,000 per new job. The low job growth relative to public investment is not unique to King County. A state-wide study of port-related jobs done by Williams-Kuebelbeck and Associates for the Washington Public Ports Association found job growth of 2.5% during the eleven years from 1977-1988.

Increases in employment came primarily in trucking and warehousing, while longshore and freight forwarding jobs declined. Increased containerization, faster cranes, and computers contributed to job losses. In the future, double-stack trains and on-dock rail will likely erode trucking jobs, while shipping line consolidation and bank mergers will affect others. A modern port is a highly capital-intensive, but increasingly labor-efficient, operation. A former Port of Seattle analyst views traditional methods of analyzing potential benefits of port marine projects (including the job-creation approach) as impractical in the boundaryless intermodal era when a large portion of the benefits "leak" outside the local or regional area to consignees or shippers and to foreign-owned shipping lines thousands of miles away. In a May 1989 article in *World Wide Shipping*, the same analyst predicted that "future port projects will be characterized by: limited or no economic benefits to local constituency, marginal regional economic impacts relative to the total project investment, marginal and even negative financial result; but strategic importance." He describes strategic goals such as increased market share and national ranking as goals more related to a port's organizational survival than public benefits.

State Interest: Airports

An issue of jurisdiction recently arose from a port district's plan to expand airport capacity. The Port of Seattle appointed an advisory committee to

recommend a plan for meeting projected growth at Sea-Tac Airport. The committee recommended adding a third runway at Sea-Tac, expanding the capacity of an existing airport in Snohomish County, and eventually building a new airport in the south Puget Sound area.

This proposal has met with strong opposition in each affected area, particularly in the vicinity of the proposed third runway at Sea-Tac. A large coalition, including citizens and some cities near the proposed expansions, came together to oppose the project. This case is characterized by the size and intensity of the opposition, the multi-county nature of the plan, and the plan's relationship to possible future state transportation plans such as high-speed rail connecting the state's northern and southern borders.

For these and other reasons, the State Legislature took the unusual step in 1992 of requiring that Port of Seattle airport expansion plans be evaluated by the State Air Transportation Advisory Commission. The Commission had been formed to look at long-term policy relating to state air transportation. The Legislature called for the Commission to examine the effects of the proposal on Washington's transportation system as a whole.

The assertion of State authority over a major airport expansion could be viewed as acknowledgment by the State that there is an interest larger than local or regional in certain port activities. At the present time, this interest is addressed in an ad hoc way -- by modifying the agenda of an existing statewide-body created for other purposes. What precedent might this set? And how will the State address similar issues at a future time when the Air Transportation Commission has gone out of existence?

Why Establish Ports? Whidbey and Spokane

Though many ports date to the early part of the century, several new ports, including Centralia, Chehalis and Grandview, have been established in recent years. Efforts to establish new ports bring out the larger questions. Does a community need a port district at all? What can a port do to meet the special needs of a community? If a community chooses not to have a port, how else can such needs as transportation services and economic development be met?

While state law has, in recent times, generally

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population to be represented by a commissioner increases the cost of campaigning and the difficulty of accurately assessing the voters' views on port issues. It also reinforces the citizens' sense of disconnectedness from the port. The lack of awareness of port commissioners among the general electorate may enhance the influence of special interests.

A better balance may be achieved by reinstating the use of commissioner districts for the largest port districts, along the lines of the smaller ports' model with two positions possibly remaining at large.

projects. This enhanced knowledge will make citizens more responsible watchdogs of port activities.

- Because of the nature of port operations, commissioners are especially vulnerable to the influence of special interests which benefit directly from port actions and subsidies, such as major tenants and customers, and waterfront unions. The need to go to the voters every few years for approval of levy monies would help to offset that influence by creating a closer link with the general public.

- The amount of tax levies available to a given district is a function of the value of property in the district and is not necessarily related to business demand for capital facilities or other projects. The availability of large tax levies in Seattle (as compared to Tacoma, which handles nearly the same volume in trade) has led to spending on projects perceived as speculative, extravagant and/or wasteful of tax dollars. Yet without the ability to vote on these expenditures, the public has no control over these decisions.

- The large majority of goods imported and exported through ports such as Seattle and Tacoma serve out-of-state markets. Compared to ports serving primarily a local market (such as Gray's Harbor's log exports or Edmonds' marina), Seattle and Tacoma must justify local tax support on the basis of additional community benefits associated with the activity of trade itself or with other economic development projects. These are generally expressed in terms of job generation. But modern ports are extremely capital-intensive, labor-efficient operations, job generation tends to lag behind capital costs. Recent tax levies at some ports have been increasingly directed to projects which produce few or no jobs (such as Seattle's new port office space). Voter approval for tax levies would serve the positive function of forcing ports to more persuasively justify projects to voters which do not result in clear economic development benefits to the community paying for them.

Afterthoughts

As we examine specific reform proposals, it is also worthwhile to consider the underlying question of whether the original governance and revenue structure devised for port districts -- a locally-elected part-time commission making policy and expending locally-generated revenues -- can continue to fit the new roles and responsibilities and activities port districts have been taking on. Have ports outgrown their britches? If so, how much emphasis do we place on putting them on a diet and how much on providing them with a better-fitting wardrobe?

- Since ports were first authorized in 1911, there has been a steady trend away from voter control. Currently voters are very alienated from government at all levels. Voter approved levies could be an important step toward "taking back the system" and re-involving citizens in the decisions which affect their communities as well as their pocketbooks.

Arguments in opposition to the measure include:

- Port projects and decisions are too complex for the public to understand, and if they don't understand they will tend to vote no, perhaps bringing to a halt vital port projects.
- Bond houses look favorably on reliability of revenue sources when determining ports' bond ratings. According to a port spokesperson, subjecting major revenue sources to the whims of the voters will result in lower bond ratings -- and thus in higher costs to the ports and to the public.
- Washington voters have sufficient accountability already through their elected commissioners, unlike ports in many other states with appointed commissions. This accountability is enhanced by the new, shorter terms of commissioners from larger ports.
- Ports need to have the flexibility to make quick decisions in the fast-changing business environment in which they operate. Voter approved levies would seriously undermine that flexibility.
- Washington is one of the most trade-dependent states in the country. One in five jobs in the state is related to trade. Trade is too important to the state's economy to expose to the whims of local voters or the vicissitudes of local economies which might affect those voters.
- Not all port projects are suited to the five or ten year planning horizon in the proposal. If other revenue options are not available, ports may find their hands tied.

Item # 14

-- Sample of Port of Seattle Federal Grant Request.
(FAA Form 5100-37 PG 4(7-85))

Item 14

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

United States of America
Federal Aviation Administration

By George L. Buley
George L. Buley, Manager
Seattle Airports District Office

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this 23rd day of September, 1987.

The Port of Seattle, Washington

(SEAL)

By [Signature]
Sponsor's Representative

Attest: [Signature] Title: Executive Director

Title: Director of Finance & Port Auditor

Certificate of Sponsor's Attorney

I, Stephen A. Sewell, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Washington. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Seattle, Washington this 23rd day of September 1987.

[Signature]
Signature of Sponsor's Attorney

Item # 15

-- Examples of the consequence to the people because of the Port's non-compliance with Federal Grant Assurance C-6.

Item #15: Example of the consequences to the people and the city of the Port not complying with Federal Grant Assurance C.6.

Over 3,000 homes still not insulated from the second runway.

1,141 homes insulated by the Port before 1993 are in the process of being re-insulated because of safety problems. The people had to live in unsafe homes because the Port did not get building permits. This would never have happened if the people's representative governments had oversight of this program.

The people in FAR-150 area were left to negotiate with the Port by themselves. There were often told the Port would only insulate one side of their house.

The Port is telling some people they are not within the insulation program area when clearly they are.

The people must sign an Aviation Easement, (the easement stays on the property forever) that clearly states the Port does not give any warranties of improvement in the levels of noise and does not warranty any of the work or materials used. The Port hires all companies that do the work.

The Port is not a representative government of the people. Grant Assurance C.6 makes sure the people are protected.

The Port's Noise Program is unjust. As 19 examples given to State Auditor Brian Sonntag show. Many people in the 65LDN less noisy area were insulated at a cost of \$40,000 to \$50,000 dollars, while people in the 70LDN more noisy area were insulated at a cost of \$4,000 to \$12,000 dollars. FAR-150 funding is to bring the noise down. It appears it was what and whom you knew that made the difference.

Administration cost of the Port's Noise Program on some grants ran as high as 30%. This takes away money from the people.

Please note Port of Seattle Item # 6b dated 4-14-98.

People were told they would have to pay 50% of the cost of insulation and they did. All Grants the Port received were 80% Federal Port 20%.

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b. The costs for easements for public buildings and churches seems disproportionately high at \$175,000 each. We would limit our participation to the appraised value of the easement. We would recommend that the Port consider other means of achieving compatibility, such as insulation. In addition, we need to further discuss the proposed public building program. Our participation in public buildings is limited and we will work closely with your staff on eligibility.

c. Ensure you contact our Civil Rights office, Marie Portis at 227-2097. Your goals need to be approved prior to grant issuance.

d. Mobile home parks within 65 Ldn are not a compatible land use and we recommend they be relocated. We invite your staff to discuss details of the mobile home program with us.

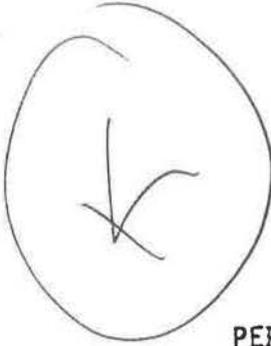
Again, we commend you and your staff on your commitment to an accelerated insulation program. Because the program costs exceed the funding available from the Federal Aviation Administration (FAA), we encourage you to consider financial planning that can cover costs we feel are ineligible or higher than what we are willing to fund.

Please call me if you have any questions, otherwise we will continue to work closely with your staff on the above issues.

Sincerely,

Carolyn T. Read, P.E.
Puget Sound Planner

cc:
Earl Munday



Item 15

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PORT OF SEATTLE
AIRPORT IMPROVEMENT PROGRAM

SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE

PERIOD FROM INCEPTION OF GRANT TO DECEMBER 31, 1989

Program cost classification	AIP 3-53-0062-06 Land acquisition	AIP 3-53-0062-07 Land acquisition	AIP 3-53-0062-08 Acquisition and construction	AIP 3-53-0062-09 Noise remedy
Administrative expense	\$ 238,957	\$ 245,328	\$ 22,181	\$ 441,397
Preliminary expense	102,512	42,524		
Land, structures and right of way	6,335,800	2,528,200		
Architectural engineering - Basic fees			49,315	181,286
Other architectural engineering fees			37,455	245,128
Project inspection fees				
Relocation expense	677,190			
Relocation payments to individuals and businesses		350,695		
Construction and improvement costs			7,426,049	787,653
Miscellaneous costs	44,247	16,264		11,514
Program income	(78,408)	(57,218)		
Ineligible costs not claimed	2,967	45,898	1,343,082	29,089
Total costs incurred	7,323,265	3,171,691	8,878,082	1,696,067
Less ineligible costs not claimed	(2,967)	(45,898)	(1,343,082)	(29,089)
Total net cumulative costs to date	<u>\$7,320,298</u>	<u>\$3,125,793</u>	<u>\$7,535,000</u>	<u>\$1,666,978</u>
Federal share to date	\$5,856,238	\$2,500,000	\$5,651,250	\$1,291,160
Federal share previously paid	5,778,460	2,487,313	5,651,250	1,166,269
Federal share due December 31, 1989	<u>\$ 77,778</u>	<u>\$ 12,687</u>	<u>\$ -</u>	<u>\$ 124,891</u>
Initial grant award	<u>\$5,991,034</u>	<u>\$2,500,000</u>	<u>\$5,651,250</u>	<u>\$1,291,160</u>
Percentage of participation	<u>80%</u>	<u>80%</u>	<u>75%</u>	<u>80%</u>

High Ad. Cost

See accompanying note to schedules.

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High

PORT OF SEATTLE
AIRPORT IMPROVEMENT PROGRAM

SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE (continued)

PERIOD FROM INCEPTION OF GRANT TO DECEMBER 31, 1989

Program cost classification	AIP 3-53-0062-11 Land acquisition	AIP 3-53-0062-12 Land acquisition	AIP 3-53-0062-13 Sound-proofing	AIP 3-53-0062-14 Land acquisition
Administrative expense	\$ 126,726	\$ 167,035	\$ 344,718	\$ 261,188
Preliminary expense	62,891	40,850		68,251
Land, structures and right of way	3,883,900	2,718,000		4,775,900
Architectural engineering - Basic fees			4,791	
Other architectural engineering fees			14,238	
Project inspection fees				
Relocation expense				
Relocation payments to individuals and businesses	457,089	267,118		483,839
Construction and improvement costs			967,517	
Miscellaneous costs	50,657	58,701	9,889	124,541
Program income	(32,226)	(30,559)		(48,680)
Ineligible costs not claimed	35,045	2,801	3,119	95,947
Total costs incurred	4,584,082	3,223,946	1,344,272	5,760,986
Less ineligible costs not claimed	(35,045)	(2,801)	(3,119)	(95,947)
Total net cumulative costs to date	<u>\$4,549,037</u>	<u>\$3,221,145</u>	<u>\$1,341,153</u>	<u>\$5,665,039</u>
Federal share to date	\$3,600,000	\$2,576,916	\$1,072,923	\$4,500,000
Federal share previously paid	<u>3,598,506</u>	<u>2,535,094</u>	<u>1,037,322</u>	<u>4,419,102</u>
Federal share due December 31, 1989	<u>\$ 1,494</u>	<u>\$ 41,822</u>	<u>\$ 35,601</u>	<u>\$ 80,898</u>
Initial grant award	<u>\$3,600,000</u>	<u>\$3,000,000</u>	<u>\$1,113,843</u>	<u>\$4,500,000</u>
Percentage of participation	<u>80%</u>	<u>80%</u>	<u>80%</u>	<u>80%</u>

See accompanying note to schedules.

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PORT OF SEATTLE
AIRPORT IMPROVEMENT PROGRAM

SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE (continued)

PERIOD FROM INCEPTION OF GRANT TO DECEMBER 31, 1989

Program cost classification	AIP 3-53-0062-15 Construction (design)	AIP 3-53-0062-16 Land acquisition	AIP 3-53-0062-17 Sound- proofing	AIP 3-53-0062-18 Master plan update
Administrative expense	\$ -	\$ 271,826	\$ 212,467	\$ -
Preliminary expense		19,719		
Land, structures and right of way		1,485,525		
Architectural engineering - Basic fees	329,227			
Other architectural engineering fees	128,782		6,630	
Project inspection fees				
Relocation expense		144,500		
Relocation payments to in- dividuals and businesses				
Construction and improve- ment costs	816,464		633,136	
Miscellaneous costs		47,360	12,991	120,000
Program income		(15,719)		
Ineligible costs not claimed	11,868	141,108	7,063	7,602
Total costs incurred	1,286,341	2,094,319	872,287	127,602
Less ineligible costs not claimed	(11,868)	(141,108)	(7,063)	(7,602)
Total net cumulative costs to date	<u>\$1,274,473</u>	<u>\$1,953,211</u>	<u>\$ 865,224</u>	<u>\$ 120,000</u>
Federal share to date	\$ 746,499	\$1,424,844	\$ 692,179	\$ 90,000
Federal share previously paid	746,499	1,424,844	217,304	90,000
Federal share due Decem- ber 31, 1989	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 474,875</u>	<u>\$ -</u>
Initial grant award	<u>\$ 746,499</u>	<u>\$1,424,844</u>	<u>\$1,400,000</u>	<u>\$ 90,000</u>
Percentage of participation	<u>75%</u>	<u>80%</u>	<u>80%</u>	<u>75%</u>

See accompanying note to schedules.

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PORT OF SEATTLE
AIRPORT IMPROVEMENT PROGRAM

SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE (continued)

PERIOD FROM INCEPTION OF GRANT TO DECEMBER 31, 1989

Program cost classification	AIP	AIP	AIP	AIP
	3-53-0062-19 Construction	3-53-0062-20 Land acquisition	3-53-0062-21 Land acquisition	3-53-0062-22 Sound-proofing
Administrative expense	\$ 8,667	\$ 504,619	\$ 77,476	\$ 109,983
Preliminary expense	1,810	81,356	35,503	
Land, structures and right of way		7,222,000	4,107,500	
Architectural engineering - Basic fees	94,059			4,524
Other architectural engineering fees	39,065			
Project inspection fees	28,400			
Relocation expense				
Relocation payments to individuals and businesses		835,022	339,828	
Construction and improvement costs	796,143			76,850
Miscellaneous costs		154,105		8,867
Program income		(6,454)		
Ineligible costs not claimed	405,746	783,567	572,801	55,365
Total costs incurred	1,373,890	9,574,215	5,133,108	255,589
Less ineligible costs not claimed	(405,746)	(783,567)	(572,801)	(55,365)
Total net cumulative costs to date	\$ 968,144	\$8,790,648	\$4,560,307	\$ 200,224
Federal share to date	\$ 726,108	\$7,028,566	\$3,648,246	\$ 160,179
Federal share previously paid	36,775	6,219,405	1,657,116	
Federal share due December 31, 1989	\$ 689,333	\$ 809,161	\$1,991,130	\$ 160,179
Initial grant award	\$4,053,525	\$8,275,865	\$4,662,846	\$3,200,000
Percentage of participation	75%	75% and 80%	80%	80%

See accompanying note to schedules.

Item 15

Site #11

I283

Kurt,
Rusty
10079
Des Moines,
Way So.

65 LDN
Standard

\$48,569

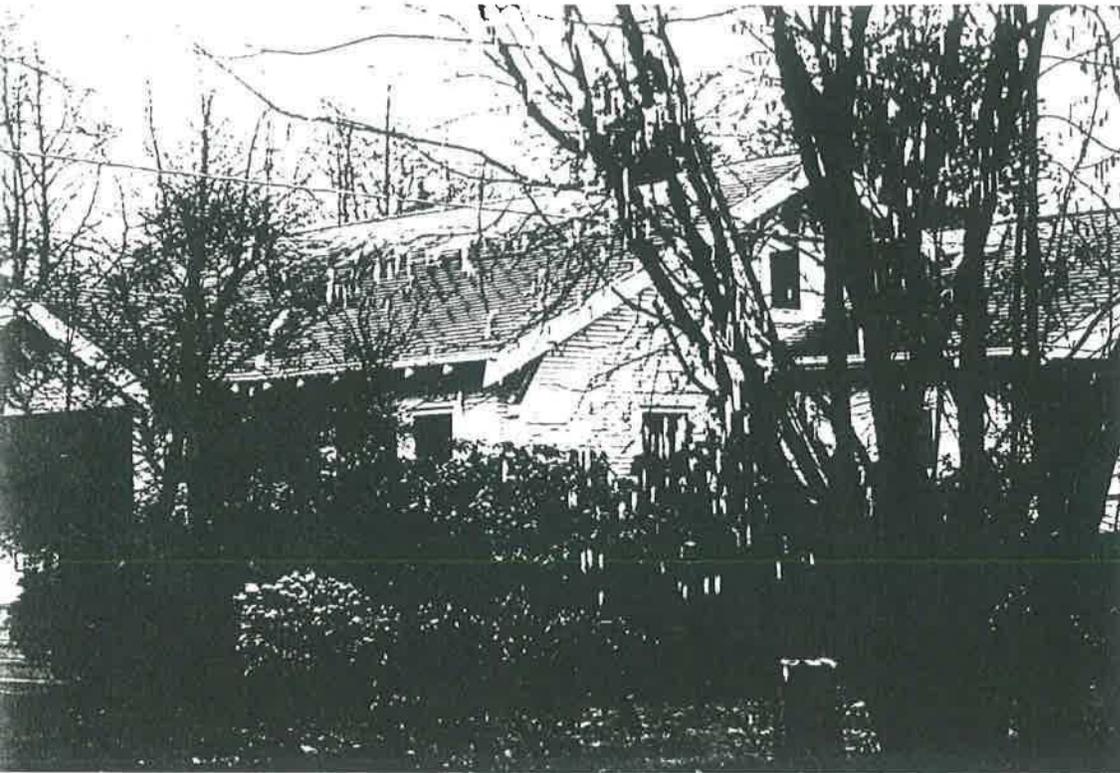
Insulation
cost

In South Park

This home is 5 miles from the
airport in 65 LDN (less noise)
and is valued on tax records
as \$46,900 = insulation costs
more than house!

Could be affected by Boeing Field

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Site #16

M590

Emil
Cheryl A
419 So.
150 St.

Not in
insulation
program

\$36,134

*Insulation
costs*

This house is not in the POS
Noise Remedy Program map? ?

Items 5

JAN-27-1997 15:18

WINDERMERE REAL ESTATE
FIRST AM CUST SVC

FILE NO. 176 241 8887

P. 3
728 7219 P.04/24

FIRST AMERICAN TITLE (206) 728-7236
TRW REDI PROPERTY PROFILE

Page 1
01/27/97

Prepared for: WINDERMERE REAL ESTATE, ROBBIE HOWELL

Parcel Number : 176060-0303-09
Q-S-T-R : NW-20-23-04

Owner/Taxpayer : EMIL CHERYL
Mailing Address: 419 S 150TH SEATTLE WA 98148
Site Address : 419 S 150TH ST BURIEN WA 98148
Phone Number :

Use Code-Desc : 101-SINGLE FAMILY RES Market Area : D2-SEA-TAC
Land Size : 16,944 # Units : 1
Zoning : R-5 Thomas Bros : 0655A04
Record # : 01/01 Census Tract: 280.00

ASSESSMENT/TAX DATA

Total Value : \$114,100
Land Value : \$36,000
Imp Value : \$78,100
Tax Exemption :
Yrs Delinquent :
Tax Levy Code : 0930
1996 Tax : \$1,542.87
1996 SrCtzn Tax:

School Dist :
Jurisdiction : BURIEN

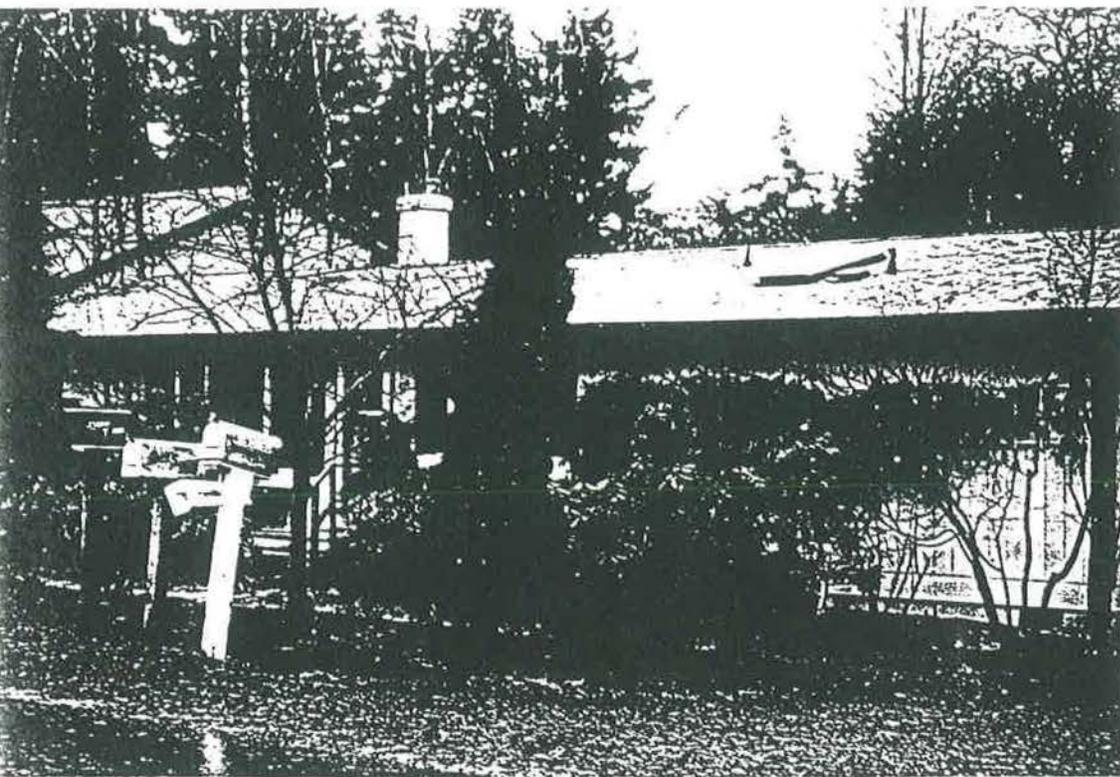
LAND DATA

Waterfront Type :
Access/Bank :
Front Feet :
View Type :
Quality :
Development Type :
Street Type :
Grade : EVEN
Slope : LEVEL
Sidewalks :
Curbs :
Sewer : PRIVATE
Underground Util :
Water : WATER DIST
Open Space :

CHARACTERISTIC DATA

House Style : 1.5 STORY WITH BSMT
Yr Built/Remodel: 1922
Total Bldg SqFt : 2,640
Main Floor : 1,290
Half Floor : 520
2nd Floor :
3rd+ Floor :
Basement : 830
Finished : 360
Unfinished : 470
Garage :
Daylight :
Garage Type :
SqFt :
Total Rooms : 8
Bedrooms : 4
Baths Full : 1
3/4 :
1/2 :
Dining :
Other : 2
Fireplaces : 1
Heat Type : OIL
System : FORCED AIR
Roof :
Exterior Walls :
% Brick :
Deck SqFt :
House Quality : LOW AVG
House Condition : UPGRADE

Item 15



Site #15

L477

Kartes,
Kevin
421 So.
150 St.

Not in
insulation
program

\$11,154

*Insulation
cost*

*Outside Parts Noise Remedy
Program maps*

Item 15

TRW REDI PROPERTY PROFILE

Prepared for: WINDERMERE REAL ESTATE, ROBBIE HOWELL

Parcel Number : 176060-0308-04

Q-S-T-R : NW-20-23-04

Owner/Taxpayer : KARTES KEVIN R+TERESA M

Mailing Address : 421 S 150TH ST

SEATTLE WA

98148

Site Address : 421 S 150TH ST

BURIEN WA

98148

Phone Number : (206)246-2832

Use Code-Desc : 101-SINGLE FAMILY RES

Market Area : D2-SEA-TAC

Land Size : 11,340

Units : 1

Zoning : R-6

Thomas Bros : 0655A04

Record #: 01/01

Census Tract: 280.00

ASSESSMENT/TAX DATA

CHARACTERISTIC DATA

Total Value : \$90,500
Land Value : \$31,000
Imp Value : \$59,500

Tax Exemption :
Yrs Delinquent :
Tax Levy Code : 0930
1996 Tax : \$1,320.91
1996 SrCtn Tax:

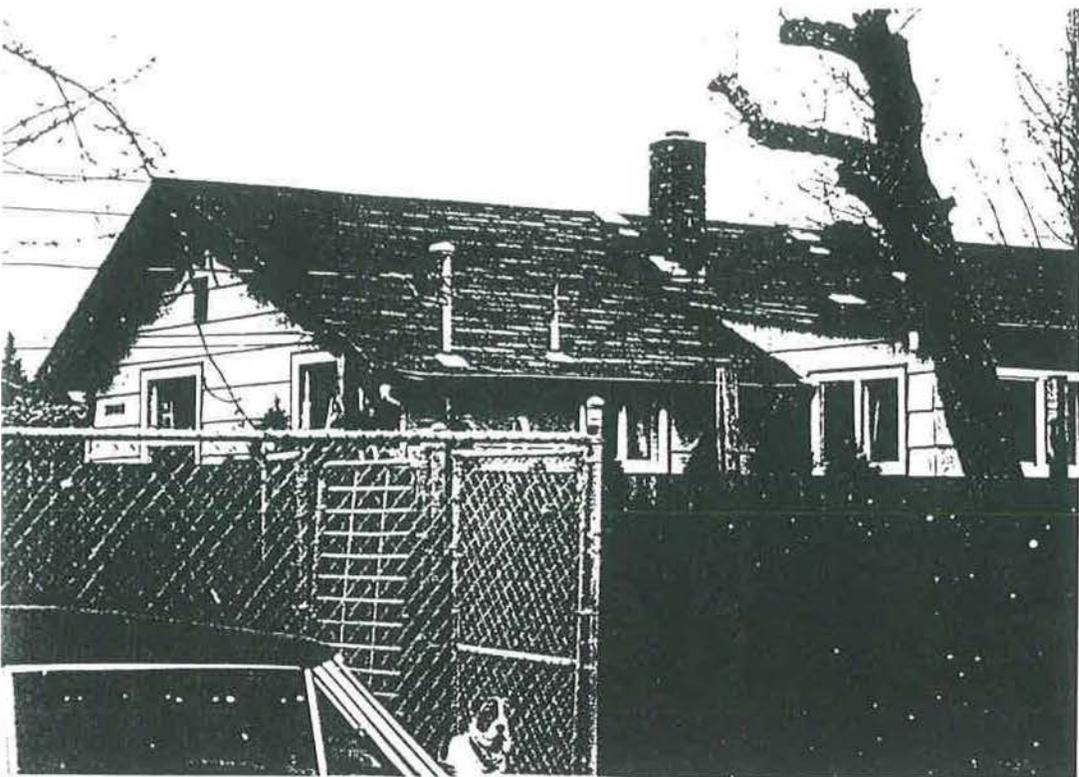
School Dist :
Jurisdiction : BURIEN

LAND DATA

Waterfront Type :
Access/Bank :
Front Feet :
View Type :
Quality :
Development Type :
Street Type : PAVED
Grade : EVEN
Slope : LEVEL
Sidewalks :
Curbs :
Sewer : PRIVATE
Underground Util :
Water : WATER DIST
Open Space :

House Style : 1 STORY
Yr Built/Remodel: 1982
Total Bldg SqFt : 1,190
Main Floor : 1,190
Half Floor :
2nd Floor :
3rd+ Floor :
Basement :
Finished :
Unfinished :
Garage :
Daylight :
Garage Type : ATTACHED
Sqft : 290
Total Rooms : 4
Bedrooms : 2
Baths Full : 1
3/4 :
1/2 :
Dining :
Other :
Fireplaces : 1
Heat Type : ELECTRIC
System : HOT WATER
Roof :
Exterior Walls :
% Brick :
Deck Sqft : 250
House Quality : LOW AVG
House Condition : AVERAGE

Item 15



Site #3

R755

Wenida,
Syzanna
1002 So.
117 St.

65 LDN
Standard

\$41,692

insulation
cost

65 LDN less noise

2 houses
on 1 lot
same
address

Wenida, Suzanne E.

M470

= 15,044,10

Two houses
on same lot
same address

1002 So. 117th

2 Houses on with same address?
Total for this address?

56,736

Total value of Home on Top records 46,500

FIRST AMERICAN TITLE (206) 728-7236
TRW REDI PROPERTY PROFILE

Item 15

pared for: WINDERMERE REAL ESTATE, ROBBIE HOWELL.

Parcel Number : 336140-1400-03

Q-S-T-R : NE-08-21-0

Owner/Taxpayer : WEIDA JOHN D+SUZANNE R
Mailing Address : 1008 S 117TH ST
Site Address : 1002 S 117TH ST
Phone Number :

SEATTLE WA 98168
SEATTLE WA 98168

Use Code-Desc : 101-SINGLE FAMILY RES Market Area : D3-BURIEN
Land Size : 6,120 \$ Units : 1
Zoning : RS7200 Thomas Bros : 0625B07
Record # : 01/01 Census Tract: 270.00

ASSESSMENT/TAX DATA

CHARACTERISTIC DATA

Total Value : \$73,500
Land Value : \$27,000
Imp Value : \$46,500 *A*
Tax Exemption :
Yrs Delinquent :
Tax Levy Code : 3697
1996 Tax : \$3,174.19
1996 SrCtzn Tax:

House Style : 1 STORY
Yr Built/Remodel : 1934
Total Bldg Sqft : 870
Main Floor : 870
Half Floor :
2nd Floor :
3rd+ Floor :
Basement :
Finished :
Unfinished :
Garage :
Daylight :
Garage Type :
Sqft :
Total Rooms :
Bedrooms :
Baths Full :
3/4 :
1/2 :
Dining :
Other :
Fireplaces :
Heat Type : OIL
System : FORCED AIR
Roof :
Exterior Walls :
& Brick :
Deck Sqft :
House Quality : LOW AVG
House Condition : AVERAGE
Other : MISCELLANEOUS

School Dist : HIGHLINE #401
Jurisdiction : KING COUNTY

LAND DATA

Waterfront Type :
Access/Bank :
Front Feet :
View Type :
Quality :
Development Type :
Street Type : PAVED
Grade : EVEN
Slope : LEVEL
Sidewalks :
Curbs :
Sewar : PRIVATE
Underground Util :
Water : WATER DIST
Open Space :

Information provided is deemed reliable, but is not guaranteed
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Date #

Item 15

Site #5

R437

Blake,

Amos

3421

So. 194

65 LDN

Standard

\$44,010

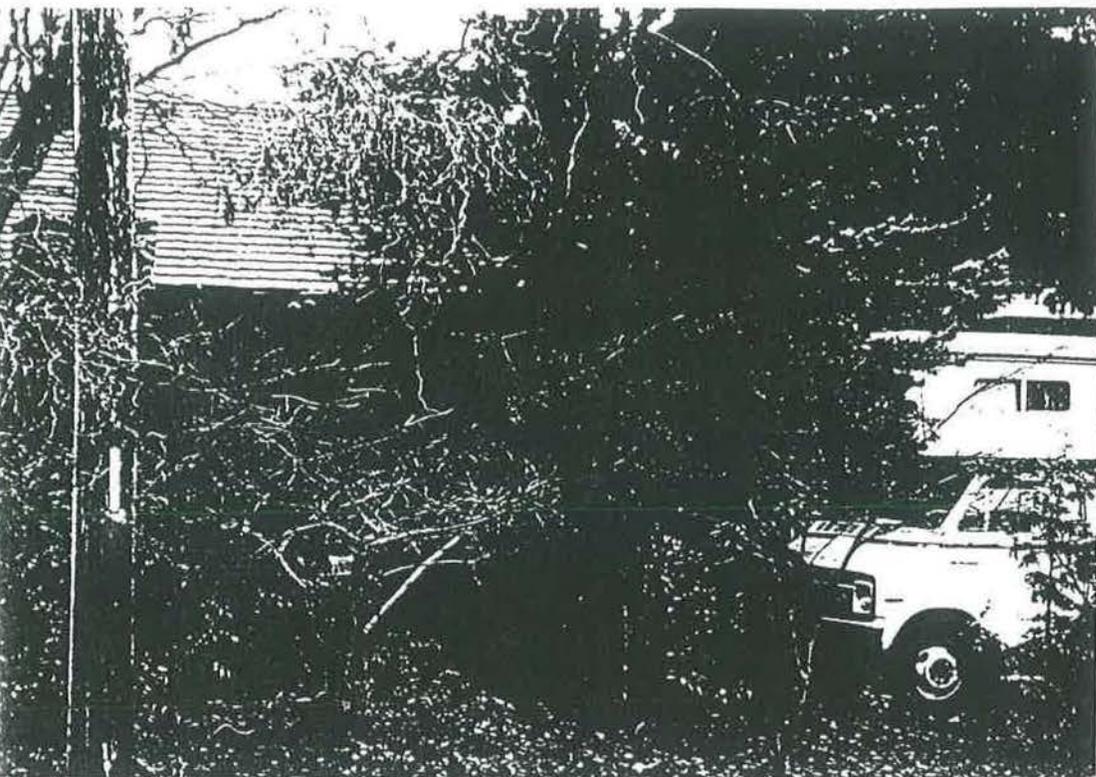
*insulation
cost*



Less Noise 65 LDN

It appears to be who you know

Item 15



Site #6

M789

McGarah

Jean

3431

So. 194th

65 LDN

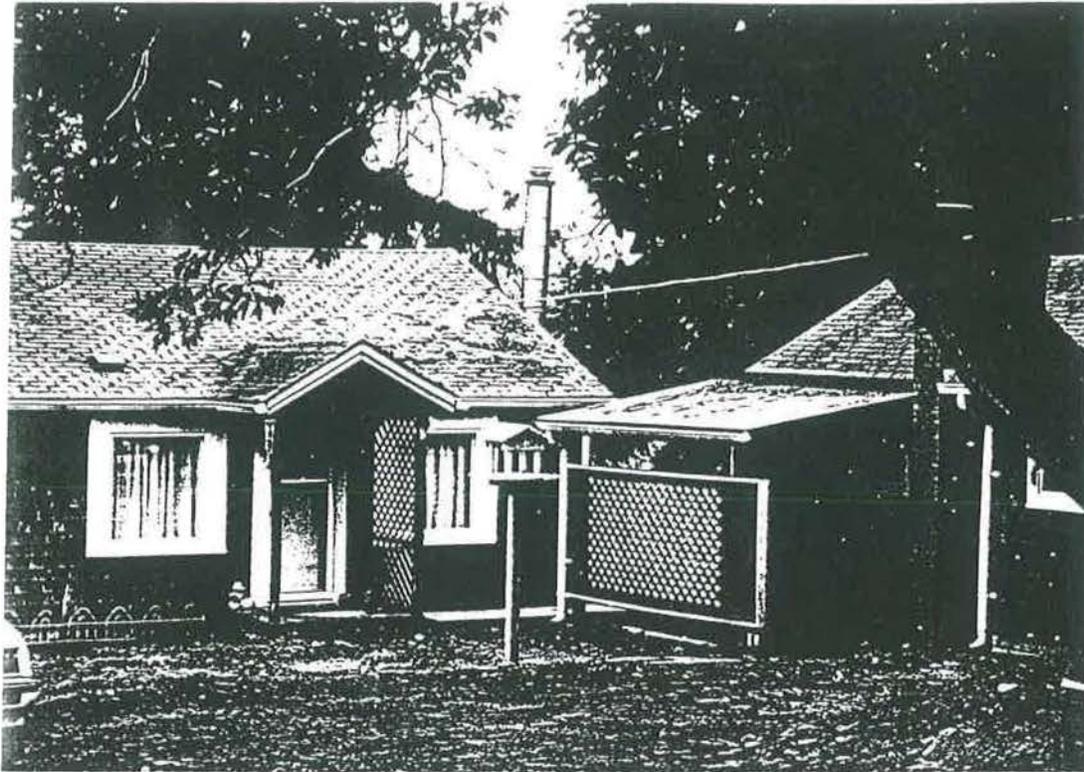
Standard

\$38,663

*insulation
cost*

*65 LDN
Less noise*

Item 15



Site #4

G427

Soderquest,
Marilyn
13710 14th
AVE. So.

70 LDN
Custom

\$13,527

insulation
cost

In ^{70 to} 75 LDN Real
Noise

High Noise

Item 15



Site #5

R437

Blake,
Amos
3421
So. 194

65 LDN
Standard

\$44,010

*insulation
cost*

Less Noise 65 LDN

Item 15



Site #6

M789

McGarah

Jean

3431

So. 194th

65 LDN

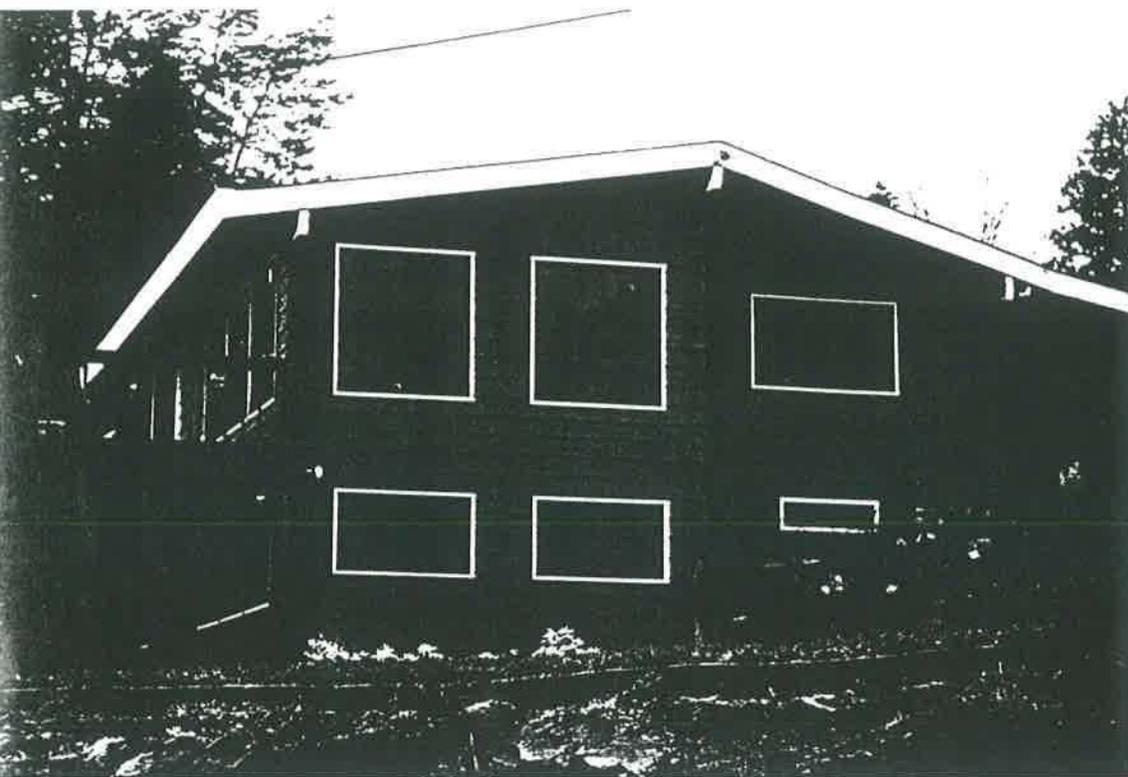
Standard

\$38,663

*Insulation
Cost*

Less Noise 65 LDN

Item 15



Site #7

L881

Mitch,
Douglas
801
So. 210th

65 LDN
Standard

\$30,082

*insulation
cost*

Less Noise 65 LDN

Item 15

Site #8

M852

Dao,
Hien Q.
13314
26 Ct. So.

No PHOTO

65 LDN
Standard

\$40,542

insulation
cost

Very edge of 65 LDN
Less noise

Item 15

Site #9

G151

Pete,
Rodney
2406
So. 207th

70 LDN
Custom

\$12,729

*insulation
cost*

No PHOTO

Very noisy
70 LDN

Item 15

Site #10

P170

Mayer,
Carol R
2420
So. 137th

No Photo

70 LDN
Custom

\$10,237

insulation
cost

Very noisy

70 Low Noise

Parcel Number : 930900-0040-09

Q-S-T-R : SE-16-23-04

Owner/Property : MAYER CAROL R
Mailing Address : 2420 S 137TH
Site Address : 2420 S 137TH ST
Phone Number : (206) 242-7076

SEATTLE WA 98168
SEATTLE WA 98168

Use Code-Desc : 101-SINGLE FAMILY RES
Land Size : 6,659
Zoning : RS7200
Record # : 01/01

Market Area : D3-BURIEN
Units : 1
Thomas Bros : 065ED03
Census Tract : 273.00

ASSESSMENT/TAX DATA

Total Value : \$91,000
Land Value : \$35,000
Imp Value : \$56,000

Tax Exemption :
Yrs Delinquent :
Tax Levy Code : 2214
1996 Tax : \$1,292.73
1996 SrCtzn Tax :

School Dist :
Jurisdiction : SEATAC

CHARACTERISTIC DATA

House Style : 1 STORY
Yr Built/Remodel : 1961
Total Bldg Sqft : 1,070
Main Floor : 1,070
Half Floor :
2nd Floor :
3rd+ Floor :
Basement :
Finished :
Unfinished :
Garage :
Daylight :
Garage Type : ATTACHED
Sqft : 290
Total Rooms : 6
Bedrooms : 2
Baths Full : 1
3/4 :
1/2 :
Dining : 1
Other : 1
Fireplaces : 1
Heat Type : OIL
System : FORCED AIR
Roof :
Exterior Walls :
% Brick :
Deck Sqft :
House Quality : AVERAGE
House Condition : AVERAGE

LAND DATA

Waterfront Type :
Access/Bank :
Front Feet :
View Type :
Quality :
Development Type :
Street Type : PAVED
Grade : EVEN
Slope : LEVEL
Sidewalks :
Curbs : CRBS/CUTRS
Sewer : PUBLIC
Underground Util :
Water : WATER DIST
Open Space :

Information provided is deemed reliable, but is not guaranteed.
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Item 15



Site #13

N559

McClulough

Jerry

1662 So.

225th

70 LDN

Custom

\$45,800

*insulation
cost*

~~Jerry~~ Custom?

Item 15



Site #14

M492

Denny,
John
1203 So.
101 St.

65 LDN
Standard

\$33,894

*insulation
cost*

*Very edge of 65 LDN
Less noise*

South Park area

FIRST AMERICAN TITLE (206) 728-7236

TRW REDI PROPERTY PROFILE

Prepared for: WINDERMERE REAL ESTATE, ROBBIE HOWELL

Parcel Number : 013300-0286-05

Q-S-T-R : NE-05-23-04

Owner/Taxpayer : DENNY JOHN H
Mailing Address : 1203 S 101ST
Site Address : 1203 S 101ST ST
Phone Number : (206) 763-9066

SEATTLE WA 98168
SEATTLE WA 98168

Use Code-Desc : 101-SINGLE FAMILY RES
Land Size : 12,150
Zoning : RS7200
Record # : 01/01

Market Area : D3-BURIEN
Units : 1
Thomas Bros : 0625B05
Census Tract : 264.00

ASSESSMENT/TAX DATA

Total Value : \$116,000
Land Value : \$41,000
Imp Value : \$75,000

Tax Exemption :
Yrs Delinquent :
Tax Levy Code : 3710
1996 Tax : \$1,692.78
1996 SrCtzn Tax :

School Dist : HIGHLINE #401
Jurisdiction : KING COUNTY

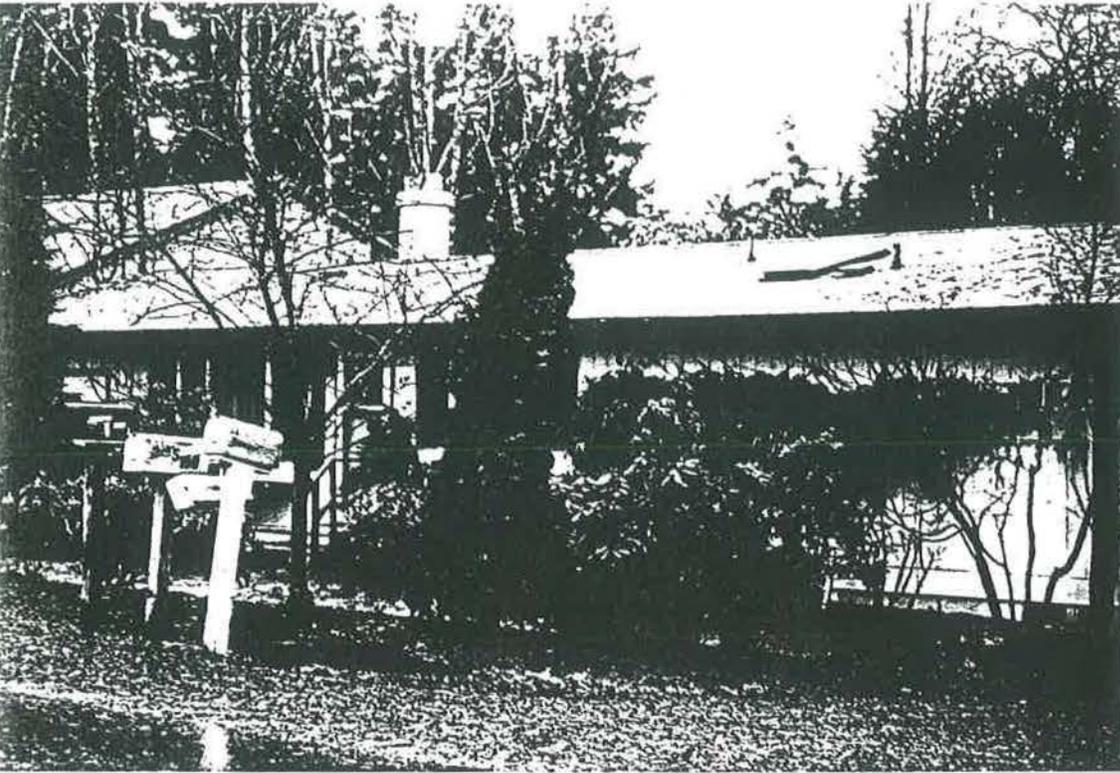
LAND DATA

Waterfront Type :
Access/Bank :
Front Feet :
View Type : MOUNTAIN
Quality : AVERAGE
Development Type :
Street Type : PAVED
Grade : HIGH
Slope : LEVEL
Sidewalks :
Curbs :
Sewer : PUBLIC
Underground Util :
Water : WATER DIST
Open Space :

CHARACTERISTIC DATA

House Style : 2 STORY WITH BSMT
Yr Built/Remodel : 1929
Total Bldg SqFt : 2,180
Main Floor : 940
Half Floor :
2nd Floor : 620
3rd+ Floor :
Basement : 620
Finished :
Unfinished : 620
Garage :
Daylight :
Garage Type :
SqFt :
Total Rooms : 5
Bedrooms : 3
Baths Full : 1
3/4 :
1/2 : 1
Dining :
Other :
Fireplaces : 1
Heat Type : OIL
System : FORCED AIR
Roof :
Exterior Walls :
& Brick :
Deck SqFt :
House Quality : AVERAGE
House Condition : VERY GOOD

Item 15



Site #15

L477

Kartes,
Kevin
421 So.
150 St.

Not in
insulation
program

\$11,154

*Insulation
cost*

This house is not within the
POS Noise Remedy Map Program

FIRST AMERICAN TITLE (206) 728-7236

Page 1
01/27/97

TRW REDI PROPERTY PROFILE

Prepared for: WINDERMERE REAL ESTATE, ROBBIE HOWELL

Parcel Number : 176060-0308-04

Q-S-T-R : NW-20-23-04

Owner/Taxpayer : KARTES KEVIN R+TERESA M

Mailing Address : 421 S 150TH ST

SEATTLE WA

98148

Site Address : 421 S 150TH ST

BURIEN WA

98148

Phone Number : (206)246-2832

Use Code-Desc : 101-SINGLE FAMILY RES

Market Area : D2-SEA-TAC

Land Size : 11,340

Units : 1

Zoning : R-6

Thomas Bros : 0655A04

Record # : 01/01

Census Tract : 280.00

ASSESSMENT/TAX DATA
-----Total Value : \$90,500
Land Value : \$31,000
Imp Value : \$59,500Tax Exemption :
Yrs Delinquent :
Tax Levy Code : 0930
1996 Tax : \$1,320.91
1996 SrCtzn Tax:School Dist :
Jurisdiction : BURIEN-----
LAND DATA
-----Waterfront Type :
Access/Bank :
Front Feet :
View Type :
Quality :
Development Type :
Street Type : PAVED
Grade : EVEN
Slope : LEVEL
Sidewalks :
Curbs :
Sewer : PRIVATE
Underground Util :
Water : WATER DIST
Open Space :-----
CHARACTERISTIC DATA
-----House Style : 1 STORY
Yr Built/Remodel : 1982
Total Bldg SqFt : 1,190
Main Floor : 1,190
Half Floor :
2nd Floor :
3rd+ Floor :
Basement :
Finished :
Unfinished :
Garage :
Daylight :
Garage Type : ATTACHED
Sqft : 290
Total Rooms : 4
Bedrooms : 2
Baths Full : 1
3/4 :
1/2 :
Dining :
Other :
Fireplaces : 1
Heat Type : ELECTRIC
System : HOT WATER
Roof :
Exterior Walls :
& Brick :
Deck Sqft : 250
House Quality : LOW AVG
House Condition : AVERAGE

Item
15



Site #12

G345

Steiner,
Robert
1716 So.
104th

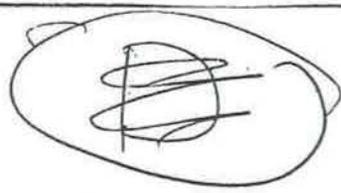
70 LDN
Custom

\$42,644

insulation
cost

South Park Area
Could be Boeing Field noise also

Item 15

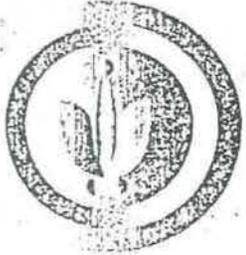
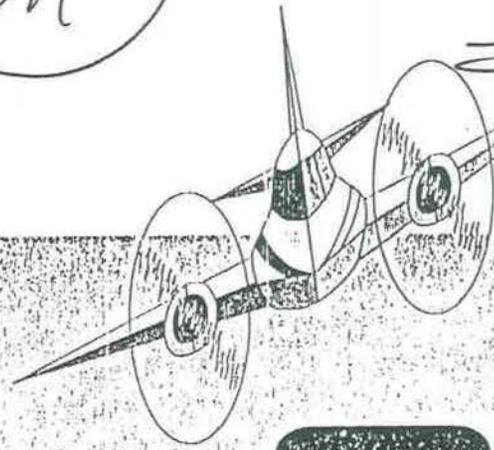


M

Port Doc

#1

1



AFLOB Noise Remedy



Port of Seattle

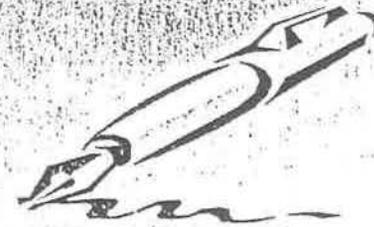
Item# 6b

4/14/98

See page 6 & 7

Important

Mission



- **To conduct an on-going Noise Remedy Program consisting of the insulation of homes and public buildings including assistance in the sales of homes located in the airport vicinity as outlined in the Port of Seattle Commission Resolution No. 2943, dated January 8, 1985.**

Insulation Program



- **Eligible:**

- 10,000 single family residences

1976

- **Rate of insulation:**

- 80-100 homes per month

- 6,412 completed

- 848 on waiting list

- **Target completion date,
January 1, 2001**

Sales Program



- Transaction Assistance
- Special Purchase Option
 - 3,000 eligible homes
 - 428 have applied
 - 272 have been sold
- Target completion date,
January 1, 2001

Not a good program

Cost



- **Insulation and Sales Programs**

- \$130 million

- **Source:**

- FAA grants

- Passenger Facility Charges (PFC's)

- Estimated \$18 million to complete the remaining houses

Re-Insulation Project



- Implemented October, 1997
- Issues
 - Safety
 - Condensation
- Data
 - 1,141 homes identified
 - 803 applied
 - 268 in progress

Re-Insulation Project



- **Projected cost**

→ \$11 million

- **Source**

→ Port of Seattle Bonds

SLC

- **Project completion date:**

October 1998

Public Buildings



- **FAA approved Pilot Program in 1994**
 - 2 churches, 1 private school, 1 convalescent home and 1 condominium complex.
 - All Are complete except 1 church in the latter stages of construction.
- **Estimated cost,**
 - 3.5 million

Item 16

-- Port of Seattle Avigation Easement

HOMEOWNER PARTICIPATION AGREEMENT

FINAL APPROVAL

The parties to this Agreement are the undersigned as listed below ("Homeowner") and the Port of Seattle, a Washington municipal corporation ("Port"). Homeowner has legal title to real property and improvements located at _____ ("Premises"). The Port is the operator of Seattle-Tacoma International Airport ("Airport") and administers the Noise Remedy Program ("Program").

WHEREAS, Homeowner has previously entered into the "Homeowner Participation Agreement - Initial Authorization" ("Initial Agreement") with the Port which described certain obligations to be performed by the Port and Homeowner as part of the Port's Noise Remedy Program and Homeowner and Port now desire to proceed with the remaining parts of the Program which affect Homeowner;

WHEREAS, the Port desires to attempt to alleviate aircraft-generated noise levels in residences in the immediate Airport vicinity; and

WHEREAS, Homeowner desires to reduce aircraft-generated noise levels within the Premises;

NOW, THEREFORE, in consideration of the promises made herein, the parties agree as follows:

1. Avigation Easement and Subordination Agreement. In consideration for participating in and receiving the benefits of the Program, Homeowner agrees to convey to the Port an avigation easement which avigation easement will be recorded upon receipt by the Port of a fully executed Sound Insulation Contract as described in Paragraph 2 of this Agreement. In the event Homeowner withdraws from the Program prior to the Contract being fully executed, the avigation easement will be returned to Homeowner. Homeowner shall, at the Port's request, obtain the signed agreement of any lien holders who have a lien on the Premises to subordinate their interests to the avigation easement.

Homeowner Program Participation Payment. The Port, in consideration for Homeowner's conveyance of the avigation easement, agrees to pay one hundred percent (100%) of the Port-approved costs of noise insulating the Premises and to allow Homeowner to participate in the Program, subject to any limitations or conditions described in this Agreement.

Pre-existing Avigation Easement. Homeowner acknowledges that an avigation easement on the Premises was previously conveyed to the Port. In consideration for participating in the Program, Homeowner shall pay to the Port twenty percent (20%) of the Port-authorized insulation costs. This amount equals \$ _____

See Pg (2)

8. Transaction Assistance. (Available to homes within the Neighborhood Reinforcement Area only) Homeowner shall be eligible for Transaction Assistance ("TA") at a later date, subject to Paragraph 11 below, and provided TA is still available at the time Homeowner becomes eligible to receive TA. Homeowner shall be provided a TA Voucher upon the completion of sound insulation, which Voucher entitles Homeowner to participate in the TA Program.

9. Hold Harmless. Homeowner agrees that the Port, its Commission, officers, employees, agents, and consultants (collectively "Port") shall not be liable and further waives all claims for expenses and damages, for any injury (including death) to any person or for damage to any property sustained, or alleged to have been sustained, as a result of or in connection with any work undertaken as part of the Program. Homeowner shall hold the Port harmless from all liability and expense in connection with all claims, suits and actions brought against the Port, by any person or entity as a result of or on account of actual or alleged injuries (including death), or damages to any persons, entities, and/or property received or sustained, or alleged to have been received or sustained, in connection with or as a result of any work undertaken as part of the Program, except where such injuries, deaths, or damages are caused by the sole negligence of the Port; provided further that if and to the extent that this Agreement is construed to be relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of any building or other structure, project, development, or improvement attached to real estate, including moving or demolition in connection therewith, and therefore subject to Section 4.24.115 of the Revised Code of Washington, it is agreed that where such liability, claim, damage, loss, or expense arises from the concurrent negligence of (1) the Port and (2) Homeowner, it is expressly agreed that Homeowner's obligations of indemnity under this paragraph shall be effective only to the extent of Homeowner's negligence. The obligations of this paragraph shall not be construed to negate, abridge, or otherwise reduce any other right or obligation which would otherwise exist as to any person or entity described in this paragraph.

10. No Warranties. The Port does not represent or warrant that Homeowner will experience any improvement in the noise levels within the Premises as a result of any work undertaken as part of the Program. The Port further makes no warranties and disclaims any responsibility or liability for the manner or quality of the work undertaken or materials supplied.

11. Cooperation. Homeowner agrees to cooperate fully with the Port during this program (and to insure the cooperation of tenants, if any). If Homeowner fails to cooperate or falsifies or modifies any Port documents, then Homeowner will be withdrawn from the program and will not be eligible to re-enter the program for a least one year from the date of withdrawal.

12. Withdrawal. Homeowner may withdraw from the Program at any time prior to the Sound Insulation Contract being fully executed by the Homeowner and Contractor. In such event, Homeowners may remain eligible to enter the Program at a later date provided they pay any duplicated administrative or other costs which are required. Homeowner may not withdraw from the Program after the Sound Insulation Contract has been fully executed without the prior written approval of the Port. In the event the Port allows Homeowner to withdraw, Homeowner may be held responsible for all costs of construction (including window manufacture) already incurred plus any additional costs of termination. In addition, Homeowner may be denied further participation in the Program, including Transaction Assistance.

15. RETURN QUESTIONNAIRE

POST AUDIT and OPINION SURVEY — After the contractor has been paid, the Port will request your help in evaluating the success of the Program. Two requests may be made. First, a ("post") noise audit of your home will be conducted if a ("pre") noise audit was performed prior to insulation. The purpose of this audit is to gather noise level data which can be compared with the data from the first audit. As in the first audit, we will need access to your house and your cooperation in minimizing all non-aircraft noise during the audit. Second, we will ask you to fill out a questionnaire regarding your opinions of the results and processes of the program. We appreciate your taking the time to complete and return it to us because we value your feedback.

FAA Advisory Circular A/c 150-5020-1

States noise audit (Pre) + (Post) on all homes.

People are not informed of this =

Port does very little (Pre) or (Post) audits only enough for P.R.

Item # 17

-- Local funding for mitigation of noise and air and water pollution.

(Federal aid will end around the year 2000).

Item #17: The Aviation Safety and Noise Abatement Act of 1979 (ASNA) with its Regulation (FAR150) will end at Sea-Tac Airport around the year 2000. We know of no other Federal Laws with funding for mitigation of noise. We all know that the noise from Sea-Tac Airport, with or without a 3rd runway, will increase. We must find local support now on how noise pollution and air and water pollution will be funded in the future.

The Puget Sound Council with its recommendation of the 3rd runway sent down to King County an unfunded mandate. Unfunded mandates are illegal. Sea-Tac is a Regional and State Airport and must be funded by the Region and State.

Sea-Tac Airport is the only separately constituted airport in the country. It cannot be legal to put the burden of a regional airport on King County and have King county property used for bond ratings for a Regional Airport.

See Item #7 for Federal Funding limit on FAR-150.

The Port of Seattle has asked for and received more than \$100,000,000 million federal dollars for noise compatibility programs. To date Port and Federal funds total more than \$130,000,000 million dollars. With another \$11,000,000 million dollars to re-insulate homes because of safety problems.

This waste of Federal and King County Funds would never have happened had the Port been in compliance with Federal Grant Assurance C.6. There would have been oversight on the noise programs.

Item 17



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

November 12, 1991

Ms. Minnie Brasher
846 South 136th Street
Seattle, Washington 98168

Dear Ms. Brasher:

Thank you for your letter to Governor Gardner dated October 11, 1991. The Governor has asked me to respond. In your letter you ask what jurisdiction, if any, the State of Washington has over the Port of Seattle.

The Port of Seattle is a separately constituted local government entity. As such, the State of Washington has no jurisdiction over it. The Port has its own elected officials responsible to the public within its jurisdiction, its own staff and its own budget. The Port, of course, is subject to such state and federal laws as are made applicable to it. For these reasons, you should address your inquiries and concerns directly to the Port.

I hope this is of some assistance to you. Thank you for taking the time to write to Governor Gardner.

Sincerely,

A handwritten signature in cursive script that reads "Tom Felnagle".

Thomas J. Felnagle
Legal Counsel to the Governor



Christopher Vance
METROPOLITAN KING COUNTY COUNCIL
District Thirteen

July 1, 1998

Mr. Henry J. Frause
411 SW 186th
Normandy Park, WA 98166-3959

Dear Henry:

Thank you for your continued correspondence. I hope I can answer your latest questions.

Let me begin by saying that I totally agree with you that the third runway is an unfair burden being placed on our community. However, it is completely legal. You raise two points I would like to address.

First, on the issue of the weighted vote system, it is my understanding that federal and state laws allow the PSRC to develop its own bylaws. The PSRC has chosen to adopt, in its bylaws, a weighted voting system. I support this system that allows for fairness and prevents one interest from prevailing in decisions. The second issue is that of unfunded mandates. You are correct in stating that the United States government has passed a federal law against the use of unfunded mandates. However, the PSRC is under no such requirement, having failed to adopt such a rule in its bylaws.

Again, thank you for writing me with your concerns. It is good to know that people keep up to date on issues that affect them.

Sincerely,

Chris Vance
Councilmember, District 13

CV/st

Room 1200, King County Courthouse, 518 Third Avenue, Seattle, WA 98104-3272
(206) 296-1013 TTY/TDD (206) 296-1024 FAX (206) 296-0198

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