

**2SSB 5955 - S AMD 639**

By Senator Keiser

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** Airports are an important part of  
4 Washington's economy. Airports enable travel for business or  
5 recreation, allow for the transportation of cargo, and provide  
6 thousands of jobs for the people of the state.

7 For those living near an airport, there can also be adverse  
8 impacts from aircraft operations. In King county, the majority of  
9 people identifying as Black, Hispanic, Native Hawaiian, or Pacific  
10 Islander live within 10 miles of Seattle-Tacoma international  
11 airport.

12 Large port districts operating commercial service airports that  
13 administer aircraft noise mitigation programming have expressed a  
14 desire and intention to repair or replace aircraft noise mitigation  
15 equipment that has been found to be no longer working as intended or  
16 is reported to have caused additional hazards or structural damage to  
17 the property. Large port districts are restricted to use local,  
18 nonairport resources to address such equipment due to limitations  
19 imposed by federal regulations.

20 Ensuring the efficacy of existing noise mitigation equipment, and  
21 the repair or replacement of equipment that has caused hazards or  
22 structural damage to the property serves a fundamental governmental  
23 purpose and thereby provides wider public benefit to the citizens of  
24 Washington.

25 The legislature intends to partner with port districts operating  
26 large airports in the state and impacted areas to provide resources  
27 to repair or replace noise mitigation equipment that has been found  
28 to be no longer working as intended, or is found to have caused  
29 additional hazards or structural damage to the property, and to  
30 address the impacts of aircraft operations that are faced by impacted  
31 areas.

1 With this partnership and resources large airports can be more  
2 responsive, more effectively and quickly address relevant noise  
3 mitigation equipment, and help uphold the values of respect,  
4 antiracism, equity, and stewardship.

5 **Sec. 2.** RCW 53.54.020 and 2020 c 105 s 2 are each amended to  
6 read as follows:

7 (1) Prior to initiating programs as authorized in this chapter,  
8 the port commission shall undertake the investigation and monitoring  
9 of aircraft noise impact to determine the nature and extent of the  
10 impact. The port commission shall adopt a program of noise impact  
11 abatement based upon the investigations and as amended periodically  
12 to conform to needs demonstrated by the monitoring programs. In no  
13 case may the port district undertake any of the programs prescribed  
14 in this chapter in an area that is:

15 (a) More than (~~ten~~) 10 miles beyond the paved north end of any  
16 runway;

17 (b) More than (~~thirteen~~) 13 miles beyond the paved south end of  
18 any runway; or

19 (c) More than two miles from the centerline of any runway (~~ten~~)  
20 10 miles north and (~~thirteen~~) 13 miles south from the paved end of  
21 such runway.

22 (2) (~~Such areas as determined in this section,~~) Areas within  
23 which a port district may undertake a program authorized in this  
24 chapter shall be known as "impacted areas."

25 **Sec. 3.** RCW 53.54.030 and 2021 c 65 s 3 are each amended to read  
26 as follows:

27 (1) For the purposes of this chapter, in developing a remedial  
28 program, the port commission may take steps as appropriate including,  
29 but not limited to, one or more of the following programs:

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

37 (b) Transaction assistance programs, including assistance with  
38 real estate fees and mortgage assistance, and other neighborhood

1 remedial programs as compensation for impacts due to aircraft noise  
2 and noise associated conditions. Any such programs shall be in  
3 connection with properties located within an impacted area and shall  
4 be provided upon terms and conditions as the port district shall  
5 determine appropriate.

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

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

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

21 (i) Rental of any or all lands or structures acquired;

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

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

31 (2)(a) An individual property may be provided benefits by the  
32 port district under each of the programs described in subsection (1)  
33 of this section. However, an individual property may not be provided  
34 benefits under any one of these programs more than once, unless the  
35 property:

36 (i) Is subjected to increased aircraft noise or differing  
37 aircraft noise impacts that would have afforded different levels of  
38 mitigation, even if the property owner had waived all damages and  
39 conveyed a full and unrestricted easement; or

1 (ii) Contains a soundproofing installation, structure, or other  
2 type of sound mitigation equipment product or benefit previously  
3 installed pursuant to the remedial program under this chapter by the  
4 port district that is determined through inspection to be in need of  
5 a repair or replacement.

6 (b) Port districts choosing to exercise the authority under  
7 (a)(ii) of this subsection are required to conduct inspections of  
8 homes where mitigation improvements are no longer working as  
9 intended. In those properties, port districts (~~must work with a~~  
10 ~~state certified building inspector~~) may contract with building  
11 inspectors or other professionals with experience in sound testing,  
12 or window and door installs, or port districts may enter into an  
13 interlocal agreement under chapter 39.34 RCW with the county in which  
14 the port is located to contract for the provision of building  
15 inspectors or professionals with experience in sound testing, or  
16 window and door installs to determine whether package failure  
17 resulted in additional hazards or structural damage to the property.  
18 Any expense incurred by the county related to contracting of a  
19 building inspector or professional under this subsection (2)(b) must  
20 be reimbursed by the port district. A port district may use funds  
21 from the grant program created under section 5 of this act to  
22 reimburse the county for expenses incurred for the contracting of a  
23 building inspector or other professional.

24 (c) Port districts choosing to exercise their authority under (b)  
25 of this subsection may apply to the grant program created under  
26 section 5 of this act for resources to facilitate the assessment and  
27 inspection of noise mitigation equipment that is no longer working as  
28 intended, or is reported to have caused additional hazards or  
29 structural damage to the property.

30 (d) If a building inspector or other professional contracted  
31 pursuant to (c) of this subsection identifies that a property's noise  
32 mitigation equipment is no longer working as intended, then the  
33 associated port district must apply to the grant program created  
34 under section 5 of this act for resources to repair or replace  
35 existing noise mitigation equipment. If an inspection confirms that  
36 installation of noise mitigation equipment resulted in additional  
37 hazards or structural damage to the property, then a port district  
38 must apply to the grant program under section 5 of this act for  
39 resources to address those hazards or damages.

1 (3) A property shall be considered within the impacted area if  
2 any part thereof is within the impacted area.

3 **Sec. 4.** RCW 53.54.040 and 1974 ex.s. c 121 s 4 are each amended  
4 to read as follows:

5 A port district may establish a fund to be utilized in  
6 effectuating the intent of this chapter. The port district may  
7 finance such fund by: The proceeds of any grants or loans made by  
8 federal agencies; the proceeds of any grants made by the department  
9 of commerce pursuant to section 5 of this act; rentals, charges, and  
10 other revenues as may be generated by programs authorized by this  
11 chapter, airport revenues; and revenue bonds based upon such  
12 revenues. The port district may also finance such fund, as necessary,  
13 in whole or in part, with the proceeds of general obligation bond  
14 issues of not more than one-eighth of one percent of the value of  
15 taxable property in the port district: PROVIDED, That any such bond  
16 issue shall be in addition to bonds authorized by RCW 53.36.030:  
17 PROVIDED FURTHER, That any such general obligation bond issue may be  
18 subject to referendum by petition as provided by county charter, the  
19 same as if it were a county ordinance.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330  
21 RCW to read as follows:

22 (1) The department of commerce shall administer a grant program  
23 to provide assistance to qualifying port districts for expenses  
24 related to noise mitigation pursuant to RCW 53.54.030(2) (c) and (d).

25 (2) The department of commerce shall prepare and publish an  
26 annual report on its website detailing grants made under this  
27 section. The report must include: (a) The number of inspectors or  
28 other professionals contracted; (b) the number of inspections  
29 conducted; (c) the number of properties provided with new or improved  
30 noise mitigation equipment subsequent to an inspection; (d) the  
31 number of properties receiving funds to address hazards or damages  
32 proven by an inspection to be associated with the installation of  
33 noise mitigation equipment; and (e) the number of inspected  
34 properties where no repairs occurred and the reasons why.

35 (3) A qualifying port district receiving funds under this section  
36 may commit to matching, from port district funds not subject to  
37 federal airport revenue use requirements, at least half of the total  
38 funding provided by the legislature under section 6 of this act for

1 the purposes of noise mitigation under RCW 53.54.030(2) (c) and (d)  
2 each fiscal year.

3 (4) For the purposes of this section, "qualifying port district"  
4 means a port district authorized to undertake programs for the  
5 abatement of aircraft noise under RCW 53.54.010.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.20  
7 RCW to read as follows:

8 (1) The port district equity fund is created in the custody of  
9 the state treasurer. Moneys to the account may consist of  
10 appropriations by the legislature, contributions from county and  
11 local governments and port districts, and private contributions.  
12 Expenditures from the account may only be used to make grants to port  
13 districts under section 5 of this act. Only the director of the  
14 department of commerce or the director's designee may authorize  
15 expenditures from the account. The account is subject to the  
16 allotment procedures under chapter 43.88 RCW, but an appropriation is  
17 not required for expenditures.

18 (2) The department of commerce shall provide management services  
19 for the port district equity fund. The department shall establish  
20 procedures for fund management. The department shall develop the  
21 grant criteria, monitor the grant program, and select grant  
22 recipients.

23 (3) The department of commerce shall prepare and publish an  
24 annual report on its website detailing grants made under this  
25 section, the uses to which the grants have been put, and the benefits  
26 that have been realized.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131  
28 RCW to read as follows:

29 The grant program providing assistance to qualifying port  
30 districts for expenses related to noise mitigation under section 5 of  
31 this act shall be terminated July 1, 2029.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.131  
33 RCW to read as follows:

34 In addition to the requirements of this chapter, the joint  
35 legislative audit and review committee must include in its review of  
36 the grant program under section 5 of this act the number of homes

1 remediated since the effective date of this section and the number of  
2 homes remaining in need of noise mitigation remediation.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.131  
4 RCW to read as follows:

5 The following acts or parts of acts, as now existing or hereafter  
6 amended, are each repealed, effective July 1, 2030:

- 7 (1) RCW 43.330.--- and 2024 c . . . s 5 (section 5 of this act);  
8 and  
9 (2) RCW 53.20.--- and 2024 c . . . s 6 (section 6 of this act)."

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10 On page 1, line 2 of the title, after "districts;" strike the  
11 remainder of the title and insert "amending RCW 53.54.020, 53.54.030,  
12 and 53.54.040; adding a new section to chapter 43.330 RCW; adding a  
13 new section to chapter 53.20 RCW; adding new sections to chapter  
14 43.131 RCW; creating a new section; and providing an effective date."

EFFECT: Makes the port district equity fund a nonappropriated  
account; specifies that moneys in the fund may consist of  
appropriations by the Legislature, contributions from counties,  
cities, or port districts, and private contributions; removes the  
requirement that sales and use taxes collected on capital  
construction projects within the port district must be transferred  
from the general fund to the port district equity fund; and adds a  
sunset provision expiring the noise mitigation grant program July 1,  
2029, and requiring the Joint Legislative Audit and Review Committee  
to evaluate the number of homes remediated under the grant program  
and the number of homes still in need of noise mitigation  
remediation.

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