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**SUBSTITUTE HOUSE BILL 1990**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Ryu, Reed, Ormsby, and Donaghy)

1 AN ACT Relating to the Washington state aerial imagery program;  
2 adding new sections to chapter 43.105 RCW; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that aerial  
6 imagery is a critically important tool that has wide applications in  
7 making governmental decisions in a variety of settings, including air  
8 quality monitoring, property value assessments, disaster recovery,  
9 economic development, emergency management, forestry and forest  
10 management, law enforcement, long-term planning, near-term planning,  
11 public health, public safety, shoreline management, site selection,  
12 transportation infrastructure, and utility infrastructure. The use of  
13 aerial imagery has an aggregate benefit of \$159 million per year.

14 (2) The legislature also finds that current statewide imagery  
15 services offers a licensed six-inch orthoimagery product. Local  
16 governments, state agencies, special purpose districts, and tribal  
17 governments that use aerial imaging data often purchase it  
18 independently, resulting in multiple payments for similar data. The  
19 data is purchased based on availability and not on criteria important  
20 to the governmental agencies, such as time of year. In 2022, the  
21 legislature commissioned a study to assess a more cost-effective way

1 to purchase cutting-edge aerial imagery at the state level, which  
2 would allow individual jurisdictions that use aerial imagery to  
3 acquire such data from the state to conduct business, protect  
4 property, assist citizens, conduct emergency planning, and respond to  
5 disasters. The legislature finds that for every \$1.00 invested in  
6 aerial imagery, there is an \$8.80 biannual benefit and a \$7.35 return  
7 on investment over six years.

8 (3) The legislature also finds that the use of aerial imagery  
9 services by local governments, state agencies, special purpose  
10 districts, and tribal governments will continue to become more  
11 prevalent. As use of aerial imagery increases, it is important for  
12 the consolidated technology services agency to provide aerial imagery  
13 services to local governments, state agencies, special purpose  
14 districts, and tribal governments, and to continue to evaluate how  
15 the privacy rights of Washingtonians might best be protected. The  
16 legislature intends for the agency to implement the recommendations  
17 of the aerial imagery study conducted by the department of commerce  
18 pursuant to chapter 261, Laws of 2022.

19 NEW SECTION. **Sec. 2.** (1) The agency shall establish a  
20 Washington state aerial imagery program to provide aerial imagery  
21 services to local governments, state agencies, special purpose  
22 districts, and tribal governments.

23 (2) Subject to the availability of amounts appropriated for this  
24 specific purpose, the agency, in consultation with the department of  
25 commerce, shall establish the Washington state aerial imagery program  
26 through a phased approach.

27 NEW SECTION. **Sec. 3.** During the initial phase of the Washington  
28 state aerial imagery program, anticipated to take one year after the  
29 program is established, the agency must:

30 (1) Develop a plan to control aerial imagery characteristics,  
31 including imagery specifications to ensure the spatial accuracy of  
32 the captured images and acquisition of the aerial imagery viewing  
33 software;

34 (2) Hire staff to administer the program including, but not  
35 limited to, an aerial imagery program manager, technical support,  
36 tribal coordinator, and community relations coordinator;

37 (3) Select one or more vendors which can meet the requirements in  
38 section 4 of this act, after the agency conducts an industry review

1 process to ensure vendor requirements are realistic, feasible, and  
2 biddable; and

3 (4) Conduct a formal privacy threshold analysis. If the formal  
4 privacy threshold analysis identifies personally identifiable  
5 information in the aerial images, the agency must conduct a privacy  
6 impact assessment and share the results with the appropriate  
7 legislative committees.

8 NEW SECTION. **Sec. 4.** The agency must implement the Washington  
9 state aerial imagery program by:

10 (1) Entering into a contract with a minimum term of four years  
11 and a maximum term of six years with one or more vendors that:

12 (a) Collects aerial images meeting the minimum technical  
13 specifications in this section;

14 (b) Allows alternating the collection of aerial images during  
15 leaf-on or leaf-off seasons;

16 (c) Provides the option for local governments, state agencies,  
17 special purpose districts, and tribal governments to buy-up derived  
18 products or enhanced imagery at reduced rates; and

19 (d) Provides the agency with discretion to use the images in  
20 perpetuity;

21 (2) Providing aerial images that meet the following minimum  
22 technical specifications:

23 (a) Aerial images must include:

24 (i) Six-inch ground separation distance (GSD) orthoimagery with  
25 four-band imagery statewide;

26 (ii) Three-inch ground separation distance (GSD) orthoimagery  
27 with four-band imagery, within urban growth areas and urban  
28 corridors;

29 (iii) Six-inch oblique air photos with three-band imagery  
30 statewide;

31 (iv) Three-inch oblique air photos with three-band imagery,  
32 within urban growth areas and urban corridors;

33 (v) Stereo pairs of orthoimagery;

34 (vi) Oblique air photo viewing tools or compatibility for  
35 measurement and calculations; and

36 (vii) Compatibility with software systems such as geographic  
37 information systems, computer assisted mass appraisal, and computer-  
38 aided design; and

1 (b) Aerial images shall be collected no less frequently than  
2 every two years;

3 (3) Allowing local governments, state agencies, special purpose  
4 districts, and tribal governments access to the aerial images without  
5 charge;

6 (4) Acquiring sufficient software and infrastructure for storing,  
7 distributing, viewing, and using the aerial images;

8 (5) Creating and maintaining a statewide control network that  
9 provides spatial and image quality control for planimetric mapping  
10 purposes in populated areas and general mapping purposes in the  
11 remaining areas of the state;

12 (6) Conducting a formal privacy threshold analysis every five  
13 years or when technical specifications are substantially changed. If  
14 the formal privacy threshold analysis identifies personally  
15 identifiable information in the aerial images, the agency must  
16 conduct a privacy impact assessment and share the results with the  
17 appropriate legislative committees; and

18 (7) Developing a process through collaboration with  
19 representatives of tribal governments to address participation in the  
20 state aerial imagery program.

21 (a) Tribal governments may opt-in to the collection and  
22 distribution of aerial images of tribal lands.

23 (b) The agency must identify the timeline and process for a  
24 tribal government to notify the agency of its intent to opt-in to the  
25 program.

26 (c) A participating tribal government must notify the agency  
27 whether the aerial images of tribal land may be accessed by local  
28 governments, state agencies, special purpose districts, or other  
29 tribal governments.

30 NEW SECTION. **Sec. 5.** The agency must provide a report to the  
31 legislature every five years, beginning in 2030, reviewing existing  
32 technology, providing a cost-benefit analysis of aerial imagery  
33 services, summarizing the formal privacy threshold analysis, and  
34 identifying any recommended modifications to the Washington state  
35 aerial imagery program.

36 NEW SECTION. **Sec. 6.** (1) The statewide imagery services account  
37 is created in the state treasury. Moneys in the account may be spent  
38 only after appropriation.

1 (2) Any amounts appropriated by the legislature to the account,  
2 private contributions, or any other source directed to the account,  
3 must be deposited into the account. Funds from sources outside the  
4 state, from private contributions, federal contributions, or other  
5 sources, may be directed to the specific purposes of the Washington  
6 state aerial imagery program.

7 (3) The legislature may appropriate moneys in the account only  
8 for the purposes of sections 2 through 5 of this act, the Washington  
9 state aerial imagery program.

10 NEW SECTION. **Sec. 7.** For the purposes of sections 2 through 6  
11 of this act, the following definitions apply:

12 (1) "Aerial imagery services" means digital services that provide  
13 orthoimagery or oblique air photo images that can be used by  
14 software.

15 (2) "Oblique air photo image" means an air photo taken with the  
16 camera axis at a 35 to 50 degree angle to the surface of the earth.

17 (3) "Orthoimagery" means vertical photos seamed together and  
18 spatially connected.

19 (4) "Special purpose district" has the same meaning as in RCW  
20 36.96.010.

21 (5) "Tribal government" means the governing body of an Indian  
22 tribe as defined in RCW 43.376.010.

23 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act are each  
24 added to chapter 43.105 RCW.

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