

LONG-TERM AIR TRANSPORTATION STUDY (LATS)

Washington State Aviation Planning Council

Aviation Policy White Paper

The beginning of the 21st Century marks a new and exciting era for aviation in Washington. In the 20th century, aviation changed our sense of mobility, altered our economy, and shrank our entire concept of the world. What was a marvel, is now a necessity to keep people and our economy moving.

An Introduction to Aviation Policy in Washington State

Aviation in Washington began as a mix of self-help and pioneer spirit. Airport construction and operation remains an activity of local government and private interest. State government entered into airport activities in 1919, but only to authorize and validate – after the fact – county and city construction and operation. State authorizing statutes slowly developed over the following thirty years and in 1941, the Washington State Legislature adopted the Municipal Airports Act [Revised Code of Washington (RCW) 14.07].

The federal government also encouraged civil aviation by passing the Air Commerce Act in 1926, which sponsored depression-era airport construction in the 1930s. The Air Commerce Act established the Civil Aeronautics Administration, a precursor to the Federal Aviation Administration (FAA), in 1938. Military necessities sparked by World War II led to the takeover and expansion of some of the smaller airports in the state. The military also built many new airports. By the 1940s and 1950s, a majority of these airports were returned to local governments.

Early State Legislation

In 1945, the legislature significantly expanded the 1941 Municipal Airports Act. The act (RCW 14.08) confirmed the broad powers of cities, counties, ports, county airport districts, and joint operating agreements between jurisdictions in terms of acquisition, operation, and protection of airports. This authority remains essentially unaltered and is the basis on which a majority of airports operate today.

In 1947, the state created the Aeronautics Commission, which is known today as the Washington State Department of Transportation (WSDOT) Aviation Division.

The Aeronautics Commission was created to perform state air transportation functions in cooperation with federal authorities, local governments, and state agencies. Its major functions were to encourage the development of an adequate system of public use airports implemented through local governments, promote aviation safety, and airmark towns and cities.

In the late 1940s, the Aeronautics Commission established a program to develop emergency airports that were designed to enhance safety for cross-state travel in Washington. These airports were intended to comprise a system of emergency airports strategically located around the state. Today, there are 17 state airports in all, with WSDOT Aviation owning eight of them. Most of these airports were established between 1930 and 1952. The last state-owned facility was established in 1967. Three of the other airports were established in the late 1950s to early 1960s, three in the late 1970s, and the last one in 2004.

In 2007, WSDOT Aviation hired Wilbur Smith Associates to conduct an independent assessment of the state managed airports. The report was released on June 30, 2007, simultaneous with technical reports for LATS Phases I and II. The study found that while most of these airports were still strategic to the state interest for emergency purposes, their role had changed. Many of the airports are now used for forest fighting activities, emergency medical operations, recreation, and access to remote communities and resources.

The Need for an Aviation System Plan Identified in the 1970s

In 1970, the FAA began funding the state airport system planning effort, which is now referred to as the Washington Aviation System Plan. Washington State's first plan was completed in 1973 and has undergone periodic updates.

The Washington Aviation System Plan provides overall guidance for advancing the aviation system throughout the state. System planning determines the extent, type, location, and timing of airport development needed in the state. The goal is to establish a viable, balanced, and integrated system of airports. Generally, airport system planning at the state level lies between FAA's national planning, as documented in the National Plan of Integrated Airport Systems (NPIAS), and individual airport master planning by local agencies. Information in local airport plans feeds into the Washington Aviation System Plan, which is then transferred up to the federal NPIAS and the Washington Transportation Plan (WTP). The WTP is also known as the Statewide Multimodal Transportation Plan.

Over the last 30 years, state and federal legislation has moved aviation system planning from a single independent plan to a significant element within the overall transportation framework. Today, the purpose of the Washington Aviation System Plan is to help guide and facilitate an efficient and dependable aviation system, while providing accessibility for people and goods to desired locations.

The Washington Aviation System Plan provides the framework for the preservation, enhancement, and public investment strategies to the state and federal government to meet current and future aviation needs.

Recent Legislative Activities

During the late 1980s, the citizens of Washington faced significant new transportation challenges. To address these issues, the legislature adopted legislation and initiated several commission reports in 1990. The legislature spearheaded these efforts in order to address a statewide integrated transportation system, stimulate statewide economic development, mitigate negative environmental impacts on communities, and advance the state's competitive position in national and international trade.

In 1990, the legislature also established Regional Transportation Planning Organizations (RTPOs) to promote transportation planning solutions for local communities, regions, and the state. This program created a formal mechanism for local jurisdictions to coordinate transportation systems for regional transportation facilities across jurisdictional boundaries.

A Review of Aviation-related RCWs

The Revised Code of Washington is the compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the legislature and signed by the governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts. While the governing authority for the agency known today as the WSDOT Aviation Division is established under RCW 47.68, general aeronautics provisions are found under RCW 14. However, aviation and airport related laws can be found throughout the Revised Code of Washington.

What follows is a compilation of pertinent state laws related to aviation in Washington State. This list of RCWs is not intended to be a complete collection of all aviation-related laws. However, its purpose is to provide the Washington State Aviation Planning Council with a foundation to develop recommendations regarding specific policies and strategies to meet statewide commercial and general aviation needs.

RCW 14.07: Municipal airports – 1941 act

The act, adopted in 1941, provides for the acquisition and sponsorship of airports by Washington cities, towns, counties, and port districts. The act authorizes these jurisdictions to acquire, maintain, and operate facilities for landings, terminals, housing, repair, and care of dirigibles, airplanes, and seaplanes. The act also gives these jurisdictions the authority to acquire, by purchase,

condemnation, or lease, and dispose of land and other property. However, the power of eminent domain shall not be used by these jurisdictions to acquire any site or other facilities owned by any other city, town, county, or port district. The act does authorize a city, town, county, or port district to appropriate money, or deed and convey property already owned, to any other city, town, county, or port district, for use in acquiring and maintaining sites and other facilities for the aforementioned purposes.

RCW 14.08: Municipal airports – 1945 act

The Municipal Airports Act was expanded in 1945, at which time airport districts were granted the same powers and authority as cities, towns, counties, and port districts. The act declares that municipal airports serve a public purpose and are a matter of public necessity. The act also provides the governing bodies of municipal airports with the ability to appropriate funds and raise taxes for certain purposes, issue revenue bonds, accept federal aid or designate the secretary of transportation to accept federal aid, as well as provide municipalities operating airports with specific powers and authority. In addition, the act authorizes the establishment of county airport districts.

RCW 14.12: Airport zoning

RCW 14.12 was adopted in 1945 and establishes definitions, criteria, and allows local jurisdictions to adopt zoning controls to protect critical airspace from buildings, structures, or other airspace obstructions. If an obstruction reduces the space available for landing, take-off, and maneuvering of aircraft, or if the lives and property of airport users or those near the airport is endangered, then that condition is considered an airport hazard contrary to public interest.

The law declares that creating or establishing an airport hazard is a public nuisance and it is necessary in the interest of the public health, safety, and general welfare that the airport hazard be prevented. In addition, RCW 14.12 declares that preventing, eliminating, removing, altering, mitigating, or marking and lighting airport hazards is considered a public purpose, thus allowing the jurisdiction to raise and use public funding or acquire land or property interests for these purposes. This law also provides direction and guidance to jurisdictions on procedures for adopting zoning regulations in order to prevent airport hazards.

RCW 14.16: Aircraft and airman regulations

RCW 14.16.020 makes it unlawful for a person to navigate any aircraft in Washington unless it is licensed and registered by the U.S. Department of Commerce and conforms with design, construction, and airworthiness standards prescribed by the U.S. government. RCW 14.16.030 makes it unlawful for any person to serve as an airman in Washington unless they have the qualifications

necessary to obtain and hold the class of license required by the U.S. government.

Under RCW 14.16.050, a person navigating an aircraft within Washington shall conform to the air traffic rules established by the Secretary of the U.S. Department of Commerce. RCW 14.16.080 outlines the type of aircraft required to be equipped with a downed aircraft rescue transmitter, while RCW 14.16.090 outlines the type of aircraft required to be equipped with a survival kit and the items that shall be included in the survival kit. It is in RCW 14.16.060 that the penalties a person is subject to for violating any provision of RCW 14.16 are established.

RCW 14.20: Aircraft dealers

RCW 14.20 declares that it is unlawful for a person to act as an aircraft dealer without a valid dealer's license. The remaining sections in RCW 14.20 deal with the information required on an aircraft dealer's license application (RCW 14.20.030), licensing and certificate fees (RCW 14.20.050), surety bond requirements at the time of application (RCW 14.20.070), and grounds for denial, suspension, or revocation of an aircraft dealer's license (RCW 14.20.090).

RCW 14.30: Western regional short haul air transportation compact (Also identified as RCW 81.96)

The Western Regional Short-Haul Air Transportation Compact was proposed by the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The party states recognized that short-haul air transportation is essential to a balanced and efficient transportation system in the West, meeting special needs created by particular geographic and population patterns in both rural and urban areas.

The party states further recognized that it is not economically feasible for commercial airlines to provide a full complement of short-haul air services or to explore fully the capabilities and limitations of the various types and locations of such services. The party states also recognized that careful planning, experimentation, and testing are needed before appropriate short-haul transportation can be developed for all situations in which it would be beneficial to the economy and general welfare of the western states. To meet this need, the party states agreed that a regional compact should be established to organize and conduct a series of demonstration programs to test the feasibility of new short-haul air transportation concepts in the West.

RCW 14.30 (RCW 81.96) created an agency of the party states to be known as the Western Regional Short-Haul Air Transportation Commission. The Commission was charged with the power to establish regional demonstration policy and coordinate with federal policy makers, create a management plan and

implementation programs, designate demonstration arenas and facilities, select demonstration operators, establish a funding plan for the demonstration programs selected, and establish a means of monitoring and evaluating the demonstration programs.

[WSDOT Aviation staff are still checking to determine if the Compact was ratified by at least five other states? If so, is it still in effect today?]

RCW 27.34.390: Vancouver national historic preserve

In 2007, the legislature affirmed that Washington State is a partner in the Vancouver National Historic Reserve as mandated under Public Law 104-333: The Omnibus Parks and Public Lands Management Act of 1998. The state has agreed it will take an active role in supporting the protection, preservation, interpretation, and rehabilitation of the Vancouver National Historic Reserve.

The historic reserve includes the Fort Vancouver national historical site, Pearson Airfield, Pearson Air Museum, Officers Row, Vancouver Barracks, and a section of the Columbia River waterfront. The four legislatively designated partners in the reserve are the National Park Service, the United States Army, the State of Washington, and the City of Vancouver.

The purpose of RCW 27.34.390 is to:

- Confirm the state's role in the development and management of the Vancouver National Historic Reserve;
- Identify the role of state agencies in the Vancouver National Historic Reserve; and
- Establish an account in the state treasury, through the Washington State Historical Society, for funds designated specifically for the Vancouver National Historic Reserve.

RCW 36.64.080: Conferences to study regional and governmental problems – Counties and cities may establish – Subjects – Recommendations

RCW 36.64.080 allows county councils/commissions and any contiguous counties, as well as any city council within the county or counties, to establish a regional agency to study a variety of regional and governmental issues of mutual interest and concern. The regional agency, referred to in RCW 36.64.080 as a conference, may be formed to perform facility studies for airports. In addition, the conference may formulate recommendations for review and action by the member counties and/or cities legislative bodies.

RCW 36.70A: Growth management – Planning by selected counties and cities

In 1990, the legislature determined that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and wise use of our lands, posed a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by the residents of Washington. The legislature concluded that it is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act (GMA) identifies requirements and processes under which counties and cities are required to act. Within the GMA, there are several important sections related to airports. In 1996, the legislature amended the GMA to require cities and counties to protect airports from incompatible development. The legislature was concerned that land use development trends were negatively impacting airport operations from incompatible uses and development.

RCW 36.70A.070: Comprehensive plans – Mandatory elements

RCW 36.70A.070 outlines the mandatory elements within a comprehensive plan, which includes maps and descriptive text covering objectives, principles, and standards. Requirements for jurisdictions vary depending on whether or not they are “fully planning” under the GMA. The GMA establishes thirteen goals to guide development and the adoption of comprehensive plans and development regulations of counties and cities. Moreover, the comprehensive plan must be internally consistent with all elements. New or amended elements of the GMA must also be adopted concurrent with scheduled updates provided in RCW 36.70A.130.

With respect to aviation and air transportation facilities, RCW 36.70A.070 requires that each comprehensive plan include a plan, scheme, or design for a land use element designating the proposed general distribution, location, and extent of the uses of land, where appropriate, for general aviation airports. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions. The land use element shall also provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

RCW 36.70A.070 also requires that each comprehensive plan include an inventory of facilities and services needs. This inventory should look at air, water, and ground transportation facilities and services, including transit

alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. In addition, this inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries.

RCW 36.70A.130: Comprehensive plans – Review procedures and schedules – Amendments

RCW 36.70A.130 requires that each comprehensive plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive plan and regulations to comply with RCW 36.70A.130. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating, at a minimum, a finding that a review and evaluation has occurred, and identifying the revisions made, or that a revision was not needed and the reasons thereof. Additionally, any amendment of, or revision to, development regulations shall be consistent with the comprehensive plan. Comprehensive plans are required to be reviewed and, if needed, revised every seven years by counties and cities.

RCW 36.70A.200: Siting of essential public facilities – limitation on liability

Airports are recognized under RCW 36.70A.200 by the state as essential public facilities (EPFs). All counties and cities fully planning under the GMA are required to develop a siting process for locating EPFs and should not prohibit the siting, expansion, or continuation of EPFs within their comprehensive plan or development regulations. Recent Puget Sound and Western Washington Growth Management Hearings Boards have determined that jurisdictions are required to protect public use airports as EPFs. They have also determined that jurisdictions cannot develop strategies or provisions within their comprehensive plan or development regulations that would render the siting of an EPF impossible, impractical, or incapable of being accomplished. However, they have found that it is appropriate for a jurisdiction to require applicable zoning regulations and mitigation measures under their police powers.

**RCW 36.70.547: General aviation airports – siting of incompatible uses
RCW 35.63.250, RCW 35A.63.270, and RCW 36.70A.510: General aviation airports**

These sections were adopted in 1996 and require all cities and counties, including those cities and counties not fully-planning under GMA, to protect public use airports from the siting of incompatible development, whether publicly owned or privately owned public use airports, through adoption of comprehensive plan policies and development regulations. The plans may only be adopted following formal consultation with airport owners and managers, private airport operators, general aviation pilots, ports, and the WSDOT Aviation

Division. The law requires that comprehensive plans and development regulations be filed with WSDOT Aviation and that each jurisdiction may obtain technical assistance from WSDOT to develop plans consistent with state law.

RCW 43.63A.760: Airport impact mitigation account – Creation – Report

RCW 43.63A.760 creates the airport impact mitigation account in the custody of the state treasury. Moneys deposited in the account, including moneys received from the Port of Seattle, may be used only for airport mitigation purposes within an airport impact area. Only the director of the Department of Community, Trade, and Economic Development (CTED), or their designee, may authorize expenditures from the airport impact mitigation account.

Under RCW 43.63A.760, CTED shall establish a competitive process to prioritize, evaluate, and rank applications for mitigation assistance using objective criteria. Criteria must include the extent to which the applicant is impacted by the airport and any other resources available to the applicant to mitigate the impact, including other mitigation funds. The CTED director shall establish an airport impact mitigation advisory board to assist in developing criteria and ranking applications. The advisory board shall include local governments, the general public, businesses, schools, community services organizations, parks and recreational activities, and others chosen by the CTED director.

Eligible applicants include cities, counties, schools, parks, fire districts, and non-profit organizations. The current airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwila, Kent, and Federal Way, and the unincorporated portion of west King County. In addition, CTED is required to report on account activities on January 1 of each year.

RCW 47.01: Transportation commission

The Washington State Transportation Commission was created under RCW 47.01.051. The Commission's procedures and internal operations are spelled out in RCW 47.01.061, while its powers, functions, and duties are granted in RCW 47.01.071. The Commission shall propose policies to be adopted by the governor and legislature to assure the development and maintenance of a comprehensive and balanced statewide transportation system that meets the needs of Washington citizens for safe and efficient transportation services.

Wherever possible, the proposed policies shall provide for the use of integrated, multimodal transportation systems. The Commission shall also provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs.

In addition, the Commission shall:

- Develop transportation policies based on policies, goals, and objectives based on existing state laws;
- Inventory local and area-wide governmental bodies' adopted policies, goals, and objectives and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;
- Establish procedures for reviewing and revising state transportation policy and for submitting proposed changes to the governor and legislature; and
- Integrate the statewide transportation plan with the needs of the elderly and disabled persons, and coordinate federal and state programs that assist local governments in addressing such needs.

Under RCW 47.01.075, the Commission shall provide a public forum for the development of transportation policy to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. As part of providing a public forum, the Commission shall convene regional forums to gather citizen input on transportation issues at least every five years.

Finally, in order to promote a better transportation system, the Commission may offer policy guidance and make recommendations to the governor and legislature in key issue areas such as:

- Transportation finance;
- Preserving, maintaining, and operating the statewide transportation system;
- Transportation infrastructure needs;
- Promoting best practices for adoption and use by transportation-related agencies and programs;
- Transportation efficiencies that will improve service delivery and/or coordination;
- Improved planning and coordination among transportation agencies and providers; and
- Use of intelligent transportation systems and other technology-based solutions.

RCW 47.04.280: Transportation system policy goals

In 2007, the legislature declared its intent to establish policy goals for the planning, operations, performance of, and investment in, the state's transportation system. These policy goals shall be consistent with the benchmark categories adopted by the state's Blue Ribbon Commission on Transportation on November 30, 2000.

Public investments in transportation should support achievement of these policy goals:

- **Preservation:** To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services.
- **Safety:** To provide for and improve the safety and security of transportation customers and the transportation system.
- **Mobility:** To improve the predictable movement of goods and people throughout Washington State.
- **Environment:** To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment.
- **Stewardship:** To continuously improve the quality, effectiveness, and efficiency of the transportation system.

The powers, duties, and functions of state transportation agencies must be performed consistent with these policy goals.

Please see "Summary of 2007 SSB 5412 Codified at RCW 47.04.280" for further information.

RCW 47.06.040: Statewide multimodal transportation plan
RCW 47.06.060: Aviation plan

Under RCW 47.06, the legislature recognized that the ownership and operation of Washington's transportation system is spread among federal, state, and local government agencies, regional transit agencies, port districts, and the private sector. The legislature also recognized that transportation planning authority is shared on the local, regional, and state levels, and that this planning must be a comprehensive and coordinated effort.

While significant authority is vested with local agencies and RTPOs under the GMA, certain transportation issues and facilities cross local and regional boundaries and are vital to the statewide economy and the cross-state mobility of people and goods. Because of this, the legislature determined that the state has an appropriate role in developing statewide transportation plans that address state jurisdiction facilities and services as well as transportation facilities and services of state interest. These plans shall serve as a guide for short-term investment needs and provide a long-range vision for transportation system development.

The statewide multimodal transportation plan shall include a state-interest component that defines the state's interest in aviation. RCW 47.06.060 declares that the statewide multimodal transportation plan shall include an aviation plan that fulfills the statewide planning requirements of the federal government, coordinates statewide aviation planning, and identifies the program needs for public use and state airports. This component shall also recommend actions in coordination with appropriate public and private transportation providers to ensure that the state interest is being met.

The plan must be consistent with the State Transportation Policy Plan, reflect public involvement, be consistent with regional transportation planning, high-capacity transportation planning, and local comprehensive plans prepared under the GMA, and include analysis of intermodal connections and choices. In developing the statewide multimodal transportation plan, WSDOT shall identify and document potential affected environmental resources such as wetlands, storm water runoff, flooding, air quality, fish passage, and wildlife habitat.

RCW 47.68: Aeronautics

RCW 47.68 outlines the authority of the WSDOT Aviation Division and presents its mandate. In 1947, the state created a new agency, the Aeronautics Commission (now the WSDOT Aviation Division). Under RCW 47.68.070, the agency has general supervision over aeronautics in this state. Its charge is to encourage, foster, and assist in the development of aeronautics in the state and to encourage the establishment of airports and air navigation facilities. In addition, the agency shall cooperate with, assist, and seek to coordinate the aeronautical activities of the federal government, local municipalities, and others.

RCW 47.68.080 authorizes WSDOT to draft and recommend necessary legislation to advance the interests of the state in aeronautics. WSDOT may also represent the state in aeronautical matters before the federal government and other state agencies.

RCW 47.68.100 grants WSDOT the authority to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, air navigation facilities, and air markers and/or air marking systems. This authority extends to include the construction, installation, equipment, maintenance, and operation at airport buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. WSDOT may also purchase, gift, devise, lease, condemn, or otherwise acquire real or personal property, as necessary to permit safe and efficient operation of the airports. In addition, WSDOT may take these actions to permit the removal, elimination, marking, or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards.

Authority to accept, receive, receipt for, disburse, and expend federal, public, or private moneys is granted to WSDOT under RCW 47.68.160. All federal moneys accepted and expended by WSDOT shall be done upon the terms and conditions prescribed by the United States government. All moneys received by WSDOT shall be deposited in the state treasury and kept in separate funds according to the purposes for which the moneys were made available, unless otherwise prescribed by the authority from which such moneys were received.

WSDOT may designate, design, and establish, expand, or modify a state airways system that will best serve the interest of the state according to RCW 47.68.170. WSDOT may chart the airways system and arrange for publication and distribution of such maps, charts, notices, and bulletins relating to the airways as required in the public interest. The system shall be supplementary to, and coordinated in design and operation with, the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, if the facilities conform to federal safety standards.

RCW 47.68.230 makes it unlawful for any person to operate a civil aircraft in Washington unless the aircraft has the appropriate effective certificate, permit, or license issued by the United States government, if required, and a current registration certificate issued by the secretary of transportation, if required. In addition, it shall be unlawful for any person to engage in aeronautics as an airman unless the person has the appropriate effective airman certificate, permit, rating, or license issued by the United States authorizing them to engage in their particular class of aeronautics, if required.

RCW 47.68.250 requires that every aircraft shall be registered with WSDOT for each calendar year it is based or operated in Washington. The registration fee, paid during the month of January, shall be collected at the same time as the aircraft excise tax imposed under RCW 82.48. Registration fees collected shall be credited to the aeronautics account in the transportation fund. A municipality or port district that owns, operates, or leases an airport shall require an aircraft owner to provide proof of registration as a condition of leasing or selling tiedown or hangar space for an aircraft.

Registration shall not be necessary if the aircraft is:

- Owned and used exclusively in the service of any government, so long as it is not engaged in carrying persons or property for commercial purposes;
- Registered under the laws of a foreign country;
- Owned by a nonresident of the state, so long as it is not based in the state for more than 90 days;
- Engaged principally in commercial flying constituting an act of interstate or foreign commerce;
- Owned by the aircraft manufacturer while being operated for test or experimental purposes, or for training crews of the aircraft purchasers;
- Being held for sale, exchange, delivery, test, or demonstration purposes;
- or
- Based in the state in an unairworthy condition, not operated within the registration period, and has obtained a written exemption from the secretary of transportation.

Under RCW 47.68.300, WSDOT may use the facilities and services of other state agencies, as well as other municipalities, to the utmost extent possible.

Likewise, RCW 47.68.300 authorizes and directs those other state agencies and municipalities to make available their facilities and services.

WSDOT Aviation's responsibility to conduct and manage all aerial search and rescue, including search and rescue efforts involving aircraft and airships, is established under RCW 47.68.380. WSDOT Aviation is also responsible for search and rescue activities involving electronic emergency signaling devices such as emergency locator transmitters and emergency position indicating radio beacons.

RCW 47.68.390: Airport capacity and facilities assessment
RCW 47.68.400: Airport capacity and facilities market analysis
RCW 47.68.410: Aviation planning council (Expires July 1, 2009)

In 2005, the governor signed into law Engrossed Substitute Senate Bill (ESSB) 5121, which authorizes a long-term air transportation planning study for general aviation and commercial airports statewide. The legislation is also known as the Washington State Long-Term Air Transportation Study (LATS).

The purpose of LATS is to understand what capacity currently exists in aviation facilities and what will be needed to meet future demand for air transportation. The primary focus of the study will be on commercial aviation as well as the four Special Emphasis Regions identified in the legislation – Tri-Cities, Spokane, Puget Sound, and southwest Washington. The study also includes a review and evaluation of air cargo and high-speed passenger rail transportation.

LATS will study existing conditions, system dynamics, performances, trends, and market factors within the state's system of airports. The process will identify how the system meets current demand and what is needed to meet future air transportation demands regionally and statewide. The study recommendations and findings will be integrated into the WTP, the FAA's NPIAS, and regional and local transportation plans. The study will also assist in aligning federal, state, and regional objectives and priorities as well as help to clarify airport sponsor objectives.

This study will be preformed consistent with ESSB 5121 and Federal Aviation Regulations (FAR) Advisory Circular (AC) 150/5070-7 "*The Airport System Planning Process.*" A consultant team will work together in an effort to develop a statewide aviation system plan and airport capital improvement program framework to address air transportation over the next 25 years.

During Phase III (RCW 47.68.410), a ten member Washington State Aviation Planning Council will be convened to develop recommendations regarding specific policies and strategies to meet statewide commercial and general aviation needs. It is the responsibility of the consultant team and WSDOT to provide the foundation and administrative support for the Council to develop well

reasoned recommendations that reflect an understanding of the underlying issues, the advantages and disadvantages of alternative policies and actions, and an appreciation of the respective positions of Washington residents, businesses, and aviation stakeholders as they pertain to specific system challenges.

The Council shall make its recommendations and submit its report to the legislature, governor, Transportation Commission, and regional transportation planning organizations by July 1, 2009. In accordance with ESSB 5121, the Council is required to:

- Make recommendations, based on the findings of the assessment and analysis completed under Phase I (RCW 47.68.390) and Phase II (RCW 47.68.400), regarding how best to meet the statewide commercial and general aviation capacity needs;
- Determine which regions of the state are in need of improvement regarding the matching of existing, or projected, airport facilities, and the long-range capacity needs at airports within the region expected to reach capacity before the year 2030;
- Make recommendations regarding the placement of future commercial and general aviation airport facilities designed to meet the need for improved aviation planning in the region; and
- Include public input in making final recommendations.

The Council's recommended policies and strategies for meeting future statewide aviation capacity needs will be based on the assessment and analysis completed during Phases I and II of LATS. In order for the Council to fulfill this mandate, they will have to be well informed as to both the nature of the specific issues and the implications of alternative strategies that might be pursued in order to address these issues. The final Washington State Long-Term Air Transportation Plan will be based on action by the governor and legislature.

RCW 47.80: Regional transportation planning organizations

In 1990, the legislature determined that transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Moreover, local jurisdictions and the state should cooperate to achieve both statewide and local transportation goals. The legislature declared it is in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

Under RCW 47.80.020, the legislature authorized the creation of regional transportation planning organizations. Each RTPO shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. In urbanized areas, the RTPO is the same as the metropolitan planning organization designated for federal transportation planning purposes.

Each RTPO shall:

- Encompass at least one complete county;
- Have a population of at least 100,000 or contain a minimum of 3 counties; and
- Have as members all counties and at least 60% of the cities and towns, representing a minimum of 75% of the cities' and towns' population within the region.

WSDOT shall verify that each RTPO conforms to these requirements. In addition, WSDOT shall ensure statewide consistency in the regional transportation planning process:

- Establish minimum standards for development of a regional transportation plan in cooperation with RTPOs;
- Facilitate coordination between RTPOs; and
- Identify, and jointly plan, improvement strategies within corridors important to moving people and goods on a regional or statewide basis through the regional transportation planning process and state planning efforts.

Each RTPO shall prepare, and periodically update, a transportation strategy for the region. The RTPO will also prepare a regional transportation plan consistent with countywide planning policies in county, city, and town comprehensive plans and state transportation plans. This regional transportation plan shall be developed, adopted, and periodically updated in cooperation with WSDOT, public and high capacity transportation providers, ports, and local governments within the region.

With respect to aviation, the regional transportation plan shall identify existing or planned transportation facilities, services, and programs for all modes of transportation, including airports. Emphasis shall be given to those facilities, services, and programs that exhibit one or more of the following characteristics:

- Crosses member county lines;
- Is, or will be, used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
- Significant impacts are expected to be felt in more than one county;
- Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;
- Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and
- Provides for system continuity.

RCW 53.54.010: Programs for abatement of aircraft noise authorized

Under RCW 53.54.010, 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 RCW 53.54.030, to alleviate and abate the impact of jet aircraft noise on areas surrounding the airport. The port commission may utilize one or more of the following programs:

- Acquiring property or property rights within the impacted area;
- Transaction assistance programs, including assistance with mortgages and real estate fees, and other neighborhood remedial programs as compensation for impacts due to aircraft noise and associated conditions;
- Soundproofing structures located within an impacted area; and
- Granting mortgage insurance in cases where private owners are unable to obtain mortgage insurance solely because of noise impact.

An individual property may not be provided benefits under any one of these programs more than once, unless the property is subjected to increased aircraft noise.

RCW 58.17.080: Filing of preliminary plat – Notice

RCW 58.17.080 requires that a city or town provide notice to the secretary of transportation of the filing of a proposed subdivision preliminary plat located within two miles of the boundary of a state or municipal airport. The secretary shall respond to the notifying authority within fifteen days regarding the effect the proposed subdivision will have on the state or municipal airport.

RCW 82.42: Aircraft fuel tax

An 11-cent excise tax on each gallon of aircraft fuel sold, delivered, or used in the state is imposed by RCW 82.42. RCW 82.42 also imposes a use tax per RCW 82.12.020 or retail sales tax per RCW 82.08.020 of 6.5% on every consumer or user of aircraft fuel. However, aircraft are generally exempt if used for:

- Principally for applying pesticides, herbicides, or other agricultural chemicals
- Emergency medical air transport entities
- Certified air carriers
- Local commuter service
- Testing or experimental purposes, or
- Training crews in Washington for purchasers of aircraft who are certified air carriers.

All moneys collected from the aircraft fuel excise tax shall be credited to the aeronautics account in the transportation fund of the state treasury. Moneys

collected from consumers or users of aircraft fuel from either the use tax imposed under RCW 82.12.020 or the retail sales tax imposed under RCW 82.08.020 shall be credited to the state general fund.

RCW 82.48: Aircraft excise tax

RCW 82.48 imposes an annual excise tax for the privilege of using any aircraft in the state. If aircraft ownership is transferred during a year in which the excise tax has already been paid, no additional excise tax shall be imposed. The excise tax imposed for each calendar year shall be as follows.

<u>Type of aircraft</u>	<u>Registration fee</u>
Single engine fixed wing	\$50
Small multi-engine fixed wing	\$65
Large multi-engine fixed wing	\$80
Turboprop multi-engine fixed wing	\$100
Turbojet multi-engine fixed wing	\$125
Helicopter	\$75
Sailplane	\$20
Lighter than air	\$20
Home built	\$20

Aircraft registering for the first time in the state shall pay a pro-rated excise tax for the current and remaining months in which the aircraft is registered. However, the pro-rated amount payable shall be at least \$3. Aircraft are generally exempt from the excise tax if:

- Owned and used exclusively in the service of any government, so long as it is not engaged in carrying persons or property for commercial purposes;
- Registered under the laws of a foreign country;
- Owned by a nonresident of the state, so long as it is not based in the state for more than 90 days;
- Engaged principally in commercial flying which constitutes interstate or foreign commerce;
- Owned by the aircraft manufacturer while being operated for test or experimental purposes, or for training crews of the aircraft purchasers; or
- Being held for sale, exchange, delivery, test, or demonstration purposes.

Of the moneys collected from the aircraft excise tax, 90 percent shall be credited to the state general fund and 10 percent credited to the aeronautics account in the transportation fund for administrative expenses.

Overview of Policy Documents

AIRTRAC (1993)

The Washington State Air Transportation Commission (AIRTRAC), established by the legislature in 1990, was tasked with developing recommendations for an efficient air transportation system that meets the needs of the state's citizens and its growing economy. The culmination of a multiyear program of technical analyses, citizen input, and Commission deliberations, AIRTRAC provided its policy recommendations to the legislature in November 1993.

AIRTRAC's final recommendations related to:

1. the level of state responsibilities;
2. air transportation capacity needs;
3. integrating air and other modes of travel;
4. air transportation and economic development; and
5. environmental mitigation.

These policy recommendations were designed to increase the state's role in air transportation and provide a framework that ensures local jurisdictions take the necessary planning steps to preserve the existing system, address future needs, and mitigate negative impacts.

AIRTRAC's recommendations built upon existing institutional structure, adding air transportation to existing transportation planning efforts undertaken at the state, regional, and local levels. The recommendations supported and enhanced state policy toward multi-modal transportation solutions and growth management. The recommendations also provided significant new state authority, but build upon Washington's "bottom up" approach to planning, leaving most decision-making at the regional and local levels.

In 1993, the Washington State Transportation Commission adopted Resolution 477. Resolution 477 recognized the substantial technical research and analysis generated through the AIRTRAC's process and found the final report and policy recommendations to be in the state's best interest. The proposed program was envisioned to foster the integration of air and surface transportation and called for a well-defined state role in aviation to ensure state leadership in providing airports of statewide significance. Furthermore, it added that the air transportation system of statewide significant airports must meet the needs of Washington's citizens after the year 2000.

AIRTRAC's recommendations and Resolution 477 resulted in two House bills that were not forwarded into law.

Washington State Transportation Commission Policy Objectives

State interest in aviation is guided by the adopted policy objectives of the Washington State Transportation Commission, which is charged with broad oversight of transportation. The eight policy objectives, adopted in 1996, are as follows:

- **Protect Our Investments** by keeping transportation infrastructure in sound operating condition.
- **Operate Transportation Systems** to work reliably and responsibly for the customer.
- **Improve Safety** through continuous reduction in the societal cost of accidents.
- **Provide Viable Mobility Choices** for the customer and expand the system to accommodate growth.
- **Support the Economy** through reduced barriers to the movement of people, products, and information.
- **Meet Environmental Responsibilities.**
- **Cooperate and Coordinate** with public and private transportation partners so that systems work together cost effectively.
- **Continuously Improve** the efficient and effective delivery of agency programs.

Washington State Aviation Policy (1998)

In 1996, the Transportation Commission convened a group of aviation stakeholders to identify key aviation challenges and make recommendations on the state's role in addressing them. This Aviation Policy Advisory Committee included members of the Washington Pilots Association, the Aircraft Owners and Pilots Association, small airports, the Washington Airport Management Association, cities and counties, airlines, state and federal agencies, ports, regional transportation planning organizations, and community groups.

The Aviation Policy Advisory Committee developed a set of policy recommendations that were presented to pilot and aircraft owner organizations, industry groups, and other stakeholders throughout Washington between December 1997 and March 1998. After incorporating comments from these public forums, the Aviation Policy Advisory Committee presented its report to the Transportation Commission. The Transportation Commission adopted Resolution 567 on March 24, 1998, thereby establishing the Washington State Aviation Policy.

The Aviation Policy Advisory Committee set forth four statements to define the state's interest in aviation:

- **Preservation:** It is the state's interest that aviation facilities and services be preserved that provide access for all regions of the state to the nation's air transportation system, provide for emergency management, and support local economies.
- **Safety:** It is the state's interest that transportation by air be safe.
- **Capacity:** It is the state's interest that there be sufficient airport capacity to respond to growth in demand to ensure access across the state, the nation, and the world.
- **Environmental Protection:** It is the state's interest that negative environmental impacts of airports on people and the natural environment be mitigated.

In addition to the four statements in the Washington State Aviation Policy, the state's interest in various modes of transportation is defined in RCW 47.06. This statute requires WSDOT to develop a balanced and multimodal plan, known as the WTP.

Washington Transportation Plan (2007-2027)

In 1991, the federal Intermodal Surface Transportation Efficiency Act required each state to prepare a transportation plan and program providing for development, management, and operation of systems and facilities considering all modes of transportation. The act requires that plans be based on at least a 20-year forecast period and be continually evaluated and updated.

The WTP is also guided by state legislation adopted in 1993 (RCW 47.06). The WTP sets statewide policy and establishes capital improvement needs. The WTP includes transportation facilities and services provided directly by the state, including highways, state ferries, and state-owned airports. It also addresses state-interest modes of transportation. These state-interest modes include public transportation, freight rail, intercity passenger rail, marine ports and navigation, non-motorized transportation, and aviation. The WTP must define the extent of state interest in these modes, and propose investments and advocacy actions needed to meet this state interest.

The WTP sets forth five key investment guidelines: preservation, safety, economic vitality, mobility, and environmental quality and health. The five investment guidelines were used by the Transportation Commission to select investment targets. Recommendations set forth in the WTP are organized by the five investment guidelines.

The WTP was first adopted in 1995 and updated in 2001. The most recent update, completed by the Transportation Commission and prepared for the governor and legislature in 2006, covers all modes of Washington's transportation system: roadways, ferries, public transportation, aviation, freight

rail, passenger rail, marine ports, and navigation, bicycles, and pedestrians. The WTP is required by state and federal law to be regularly updated.

Only two policy recommendations in the WTP are specific to aviation. The Transportation Commission will rely on the recommendations of the Washington State Aviation Planning Council to inform aviation-related policy recommendations in the 2010 update of the WTP.

Common Threads

The following table summarizes the recommendations of AIRTRAC, the Washington State Aviation Policy, and the Washington Transportation Plan. Information is categorized by the following issue categories:

- Preservation of the existing system;
- Provision of new aviation system capacity;
- Inter-modal integration;
- Economic development issues; and
- Environmental issues.

Also included is information regarding policy implantation.

Common Threads & Implementation Status

Preservation			
	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
Land-Use Compatibility	<p>Recommendation: Require land-use compatibility elements in comprehensive plans for areas surrounding airports and a mechanism to enforce them.</p> <p>Implementation Status: <i>In 1996, the governor signed into law provisions to require local jurisdictions to discourage incompatible development through comprehensive plan policies and development regulations.</i></p>	<p>Recommendation: Recommends no legislative changes to allow local governments enough time to implement SB 6422¹. Urges local governments to implement SB 6422 with all due haste.</p>	<p>A key policy recommendation in the WTP is to improve concurrency between transportation and land use decisions to ensure complementary development of land with transportation infrastructure.</p>
		<p>Recommendation: Recommended that the revised procedural criteria further defines terms such as incompatible land uses, adjacent, and discourage to provide more specific guidance in implementing SB 6422.</p>	
		<p>Implementation Status: <i>WSDOT Aviation's Land Use Compatibility Program has established best management practices. No further action is needed.</i></p>	
		<p>Recommendation: Develop a technical assistance program within WSDOT in cooperation with CTED to help implement SB 6422.</p>	
		<p>Implementation Status: <i>WSDOT Aviation's Land Use Compatibility Program provides technical assistance to help local communities implement the Growth Management Act.</i></p>	
		<p>Recommendation: The state should conduct an evaluation of SB 6422 implementation at the end of five years, and develop recommendations for changes as appropriate.</p>	
		<p>Implementation Status: <i>An evaluation was completed in 2005. WSDOT is in the process of updating its guidelines with completion scheduled for late 2008.</i></p>	
		<p>Recommendation: Recommend to the Legislature that the state's Growth Management Act recognize airports as essential public facilities and advocate this position with the Land Use Study Commission.</p>	
		<p>Implementation Status: <i>Airports are recognized as essential public facilities under RCW 36.70A.200.</i></p> <p><i>Several Growth Management Hearings Boards have stated that airports are essential public facilities through case actions.</i></p>	

¹ SB 6422, enacted by the legislature in 1996, requires local governments to protect general aviation airports from adjacent incompatible land uses and incorporate airports into comprehensive plans.

Preservation (continued)

	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
Funding	<p>Recommendation: Take action to prevent the loss of existing airports that are significant to state system.</p> <p>(a) Base state funding for airports on a new functional classification system.</p> <p>(b) Support mitigation in communities impacted by airports.</p> <p>(c) Based upon stringent criteria and as last resort, fund the purchase of privately owned airports.</p> <p>Implementation Status:</p> <ul style="list-style-type: none"> An "Airport Functional Classification" is proposed within LATS Phase II and will be under consideration by the Washington State Aviation Planning Council during Phase III. Support mitigation in communities impacted by airports is the responsibility of the airport. The state has not specifically addressed airport impacts except through the Airport Land Use Compatibility Program. The FAA has several programs in place to address noise and other environmental impacts for NPIAS airports. No provisions have been made available to purchase privately owned airports. 	<p>Recommendation: Pursue increases to the State Local Airport Aid Program to address general aviation airport infrastructure preservation and safety needs as identified in the State Aviation System Plan. Increases should continue the user fee concept, with general aviation users paying for general aviation system investment.</p> <p>Implementation Status: <i>Guidelines adopted in 2003. New funding provided in 2003 and 2005.</i></p> <p>Recommendation: Actively coordinate local, state, and federal funding priorities.</p> <p>Implementation Status: <i>As of 2003 every airport is required to have an up-to-date airport master plan (airport facility plan with capital improvement and funding sources identified). A statewide Airport Capital Improvement Program guidelines will be developed jointly with the FAA in LATS Phase III. The Aviation Planning Council will provide policy guidance and funding guidance.</i></p> <p>Recommendation: Support an increase in general aviation infrastructure funding for safety needs and maintain a system for emergency response, as noted under the preservation recommendations.</p> <p>Implementation Status: <i>New funding approved by the legislature in 2003 which increased pilot registration fees and the aviation fuel tax by .2 cents. In 2005, the aviation fuel tax was raised 1 cent and pilot registration was eliminated.</i></p>	<p>Although not specifically targeted to aviation, the WTP states that ample policy exists to allow for preservation investments at all jurisdictional levels to continue as funding is available. The WTP finds that what is needed is not more policy direction, but additional funding.</p>
Military Facilities	<p>Recommendation: In the event of any future closure secure use of surplus military facilities for public air transportation purposes.</p> <p>Implementation Status: <i>No military airfields have been made available for civil aviation use.</i></p> <p>Recommendation: Explore the viability of joint use of military facilities should circumstances change.</p> <p>Implementation Status: <i>No military airfields have become available since 1993 and the state has not explored the viability of joint use military facilities.</i></p>	<p>Issue not addressed.</p>	<p>Issue not addressed.</p>

New Capacity				
	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027	
	<p>Recommendation: Provide state leadership to ensure that the planning, siting, and expansion of airports address statewide and regional capacity needs.</p> <p>Implementation Status: <i>The state coordinates with regional transportation planning organizations. However, steps have not been taken to include guidance materials local and regional planning process nor provide state-level authority to ensure air transportation is considered in regional plans.</i></p> <p><i>WSDOT Aviation provides technical assistance to local jurisdictions on the preservation and expansion of airports through the Land Use Compatibility program and Local Airport Aid program. Prior to LATS, no information was specifically available to address statewide and regional capacity issues primarily because the Aviation System Plan was not updated as new information became available.</i></p>	Focus was on preservation, not on new capacity.	Calls upon the LATS process to advise the Transportation Commission on aviation-related investments to achieve the outcome of identifying gaps and deficiencies within the air transportation system and providing recommendations on how to address future long-term passenger, air cargo, and airport facility needs.	
	<p>Recommendation: Require regional transportation planning organizations to address air transportation needs in regional transportation plans.</p> <p>Implementation Status: <i>WSDOT Aviation works with regional transportation agencies and requests that they include and address air transportation within their plans.</i></p>			
	<p>Recommendation: Establish an impasse resolution process.</p> <p>Implementation Status: <i>No action taken.</i></p>			Through the General Aviation (GA) Airport Weather Safety Feasibility Study, determine needed weather-related improvements to general aviation airports, to make airports safer and more effective.
	<p>Recommendation: Support and assist with landbanking, based upon stringent criteria.</p> <p>Implementation Status: <i>No action taken.</i></p>			

Inter-modal Integration / Modal Alternatives			
	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
	<p>Recommendation: Encourage alternative modes of travel and intermodal connections.</p> <p>Implementation Status: <i>Alternative modes of transportation have been considered through the Washington Transportation Plan.</i></p>	<p>Recommendation: Expand the state aviation system plan to include the identification of all roadway and transit connections to airports, growth in surface transportation connection needs related to airport activity growth, and communicating these needs and coordinating among jurisdictions that provide the surface transportation connections. These needs should be funded through surface transportation funding mechanisms and not diverted from already limited aviation funds.</p> <p>Implementation Status: <i>The Washington Transportation Commission is responsible for development of the Multi-Modal Transportation Plan.</i></p>	
	<p>Recommendation: Monitor and evaluate the potential of demand management.</p> <p>Implementation Status: <i>No action taken.</i></p>		
	<p>Recommendation: Promote information highways and other technological alternatives to air travel.</p> <p>Implementation Status: <i>No action taken.</i></p>		
	<p>Recommendation: Ensure a choice of modes in the major interstate corridors.</p> <p>Implementation Status: <i>Action completed through the Washington Transportation Plan and regional planning.</i></p>		
	<p>Recommendation: Develop intermodal facilities and make access to major airports via all modes as easy as possible. (a) Ensure that any rail system development provides access from major population centers to major airports. (b) Take transportation systems management actions to improve access to major airports for employees, passengers, and freight.</p> <p>Implementation Status: <i>No action taken.</i></p>		

Inter-modal Integration / Modal Alternatives (continued)

	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
	<p>Recommendation: Support current efforts to create a planning framework that carefully evaluates modal tradeoffs between air and surface modes to guide investment.</p> <p>Implementation Status: No action taken.</p>		
	<p>Recommendation: Ensure that airport access is addressed by surface transportation planning at all levels of government.</p> <p>Implementation Status: Work is coordinated through airport master plans and RTPOs.</p>		
	<p>Recommendation: Use the process of defining the intermodal management system to ensure adequate consideration of airport access issues.</p> <p>Implementation Status: No action taken.</p>		
	<p>Recommendation: Include airports of statewide significance in the statewide multimodal transportation plan.</p> <p>Implementation Status: No action taken.</p>		
	<p>Recommendation: Encourage all regional transportation planning organizations to include airport representatives on their policy boards and technical advisory committees.</p> <p>Implementation Status: Many RTPOs already include airports on their policy boards and technical advisory committees.</p>		
	<p>Recommendation: Make access to airports an issue in the prioritization process for funding through the statewide competitive component of the surface transportation program.</p> <p>Implementation Status: <i>No action, although WSDOT Aviation works with WSDOT, regions, and local agencies on connectivity to surface and other modes of transportation.</i></p>		

Economic Development			
	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
Planning and Policy Development	<p>Recommendation: Include air transportation as an element of statewide economic development policies and activities.</p> <p>Implementation Status: <i>WSDOT Aviation sponsored an Economic Impact Analysis for public use airports to inform the public of airports benefits. Other state agencies also incorporate the importance of airports in their processes.</i></p> <p>Recommendation: Make air transportation a component of regional and local economic development plans.</p> <p>Implementation Status: <i>WSDOT Aviation works with airports and local jurisdictions to include comprehensive plan policies on economic development.</i></p> <p>Recommendation: Include economic development benefits as a criterion for state airport funding.</p> <p>Implementation Status: <i>No action taken.</i></p>	<p>Recommendation: It is important that the State Aviation System Plan include economic information so that the economic impact of airports to and upon local, regional, and the state economies can be factored into the State Aviation System Plan. This information should be shared with local jurisdictions to enhance their aviation planning efforts.</p> <p>Implementation Status: <i>Refer to AIRTRAC economic development policy implementation status updates.</i></p>	<ul style="list-style-type: none"> • WSDOT should work with cities, counties, tribes, CTED, and local economic development councils, regional agencies, and the private sector to evaluate the economic and the economic development impacts of transportation infrastructure and services. • WSDOT should develop performance measures and rating criteria, so that future project selection can provide the best return on investment for growth the state's economy, and implement existing Transportation Commission policies. • Determine a way to measure transportation investment outcomes and identify investments that contribute to regional economies. Identify the dependencies of various clusters on the transportation system. • Identify the transportation system elements critical to maintaining and improving the performance and global competitiveness of these clusters.
Trade/marketing	<p>Recommendation: Work to increase the connectivity between Washington state and national and international markets.</p> <p>Implementation Status: <i>WSDOT Aviation works with other agencies and airports to address connectivity between the state, national, and international markets.</i></p> <p>Recommendation: Together with airport operators, market and promote Washington state's airports in a comprehensive fashion.</p> <p>Implementation Status: <i>WSDOT Aviation, together with airport operators, promote the system of airports in the state.</i></p> <p>Recommendation: Together with airport operators, actively pursue bilateral agreements and new international routes.</p> <p>Implementation Status: <i>No action taken.</i></p> <p>Recommendation: Explore in cooperation with Oregon and British Columbia opportunities to enhance economic development through air transportation.</p> <p>Implementation Status: <i>No action taken.</i></p>		

Environment		Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
Noise Mitigation	<p>AIRTRAC (1993)</p> <p>Recommendation: Require land-use compatibility elements in comprehensive plans for areas surrounding airports and a mechanism to enforce them.</p> <p>Implementation Status: <i>The legislature adopted legislation in 1996 to address airport land use compatibility. A handbook providing guidance on compatibility issues was approved by WSDOT Aviation in 1999. The program includes a technical assistance program and tools to aid local jurisdictions. An update to the 1999 guidance handbook is underway, with approval anticipated later this year.</i></p>	<p>The sense of the Aviation Policy Advisory Committee was that there are no recommendations to pursue amendments to the existing state and federal environmental protection programs. It is understood that all airports are expected to comply with SEPA, NEPA and the federal Airport Noise and Capacity Act of 1990.</p>	
	<p>Recommendation: Require that new development in the vicinity of airports consider noise impacts as part of State Environmental Policy Act (commonly referred to as "SEPA").</p> <p>Implementation Status: <i>Noise is addressed through individual airport master plans, the state's land use compatibility program, and through FAA programs.</i></p>	<p>Recommendation: Establish a mechanism, including but not limited to funding, to allow the mitigation of impacts of regional or statewide transportation facilities, including airports, through a broader regional approach.</p> <p>Implementation Status: <i>In 2003, RCW 43.63A.760 created the airport impact mitigation account, which may be used for airport mitigation purposes within an airport impact area, with authorization from the CTED director.</i></p>	
	<p>Recommendation: Prevent use of state funds for new schools within the 65 Ldn contour.</p> <p>Implementation Status: <i>No action taken.</i></p>		
	<p>Recommendation: Require realtors and sellers to notify clients of noise impacts.</p> <p>Implementation Status: <i>No action taken.</i></p>		
	<p>Recommendation: Require concurrency between airport expansion plans and impact mitigation plans.</p> <p>Implementation Status: <i>State policy under the GMA.</i></p>		
	<p>Recommendation: Review and revise building codes within the 65 Ldn contour to ensure inclusion of noise insulation.</p> <p>Implementation Status: <i>Current building standards significantly reduce noise levels. Individual jurisdictions may require construction within noise areas to enhance building construction standards.</i></p>		
	<p>Recommendation: Support mitigation in communities impacted by airports.</p> <p>Implementation Status: <i>WSDOT Aviation does support mitigation addressed within airport master plans.</i></p>		

Environment (continued)

	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
Wetland Mitigation	Wetland Mitigation not addressed.	<p>Recommendation: WSDOT, in coordination with FAA standards, should take the lead in initiating talks with environmental protection agencies and other stakeholders such as local government and tribes, to develop an off-site wetland mitigation approach for Washington airports.</p> <p>Implementation Status: In 2004, a 28-member Task Force was established to consider hazardous wildlife attractants. Three recommendations were made, which included:</p> <ol style="list-style-type: none"> 1. Develop a Memorandum of Understanding with state agencies on wildlife hazards near airports; 2. Develop a conflict resolution process with state agencies to address conflicts resulting from airport construction projects; and 3. Develop Airport Stormwater Guidance to address hazardous wildlife attractants. <p>Currently WSDOT Aviation is working with the Task Force on developing airport stormwater guidance to address hazardous wildlife attractants. The guidelines are scheduled for adoption later this year.</p> <p>Recommendation: Include airports as an eligible use for WSDOT's wetland banking program</p> <p>Implementation Status: Allowed under current law.</p>	

Other			
	AIRTRAC (1993)	Washington State Aviation Policy (1998)	Washington Transportation Plan 2007-2027
Public Involvement	Not addressed.	<ul style="list-style-type: none"> • The state should provide an effective aviation outreach program to further communication among aviation stakeholders, customers, and local and regional governments. • The state should compile data and information or develop materials to inform its citizens and local decision-makers about the role of aviation in Washington, and assist local governments in conducting their community outreach efforts related to aviation facilities and policies. The state should be available, upon request, to facilitate communications between diverse aviation interests. 	

The Role of the FAA

The Federal Aviation Administration is responsible for the administration of aircraft, aircraft operations, safety, and noise. Federal law preempts local jurisdictions in the area of aircraft safety, navigable airspace, flight operations, and noise control, which are defined as follows.

- Airport operations relates to issues in the air and on the ground, including takeoff, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes, and purpose of aircraft and related issues.
- Safety relates to issues in the air and on the ground, including the placement of runways, taxiways, air navigation facilities, airport design, runway protection areas, and related issues.
- Noise relates to abatement of aircraft noise and emissions in the air, during takeoffs and landings, and on the ground, including regulations on aircraft design and size, types of aircraft permitted at an airport, curfews on flight operations, and other related issues. “Nor can zoning interfere with the rights of airport sponsors authorized by state law.”

The preemption doctrine does not affect the local government’s ability to use its police powers, particularly land use controls, to anticipate, abate, mitigate, and otherwise respond to other land use concerns, provided they are reasonable permitting and mitigation requirements, which includes incompatible land uses.

The FAA, via FAR AC No. 150/5070-7, is also responsible for providing guidance for use in accomplishing effective airport system planning. Federal law 49 USC 47102(8) defines “integrated airport system planning” as “developing for planning purposes, information, and guidance to decide the extent, kind, location, and timing of airport development needed in a specific area to establish a viable, balanced, and integrated system of public-use airports.”

The primary purpose of airport system planning is to study the performance and integration of an entire aviation system to understand the interrelationship of the member airports. The effort involves examining the interaction of the airports with the aviation user requirements, economy, population, and surface transportation of a specific geographic area. The system of airports may include all airports, heliports, spaceports, and seaplane bases in the study area that contribute to the national transportation system, as well as those that serve state and local aviation needs.

The airport system planning process should be consistent with state or regional goals for transportation, land use and the environment. Overall, the planning process includes the elements:

- Exploration of aviation issues in study area;
- Inventory of current system;
- Identification of air transportation needs;
- Forecast of system demand;
- Consideration of alternative airport systems;
- Definition of airport roles and policy strategies;
- Recommendations of the system changes;
- Funding strategies and airport development; and
- Preparation of an implementation plan.

Although the process involves many varied elements, the final product should result in the identification, preservation, and enhancement of the aviation system to meet current and future demand. The ultimate result of the planning process should be the establishment of a viable, balanced and integrated system of airports.

The Role of RTPOs and MPOs

RTPOs provide a means to improve coordination between jurisdictions and foster the local decision-making process. The Metropolitan Planning Organizations (MPOs) are similar to RTPOs except they were established by federal legislation for metropolitan areas. Regional and metropolitan transportation plans are also funneled into the WTP process to support statewide interest in the transportation system and funding options.

Currently, there are fifteen MPOs/RTPOs within the state. San Juan County is the only county within the state that is not represented by an MPO/RTPO. Each MPO/RTPO is required to include an aviation component within its regional transportation plan. The aviation component should include types and function of airports, facility inventory, airport deficiencies, operational data, ground access links, freight mobility, intermodal connections, capital facility needs, and other similar attributes.

APPENDIX A

AIRTRAC Policy Recommendations

Ensure that Existing Capacity is Preserved

Recommendations:

1. Require land-use compatibility elements in comprehensive plans for areas surrounding airports and a mechanism to enforce them (see also recommendation 12).
2. Take action to prevent the loss of existing airports that are significant to the state system.
 - (a) Base state funding for airports on a new functional classification system.
 - (b) Support mitigation in communities impacted by airports (see also recommendation 18).
 - (c) Based upon stringent criteria and as last resort, fund the purchase of privately owned airports.
3. In the event of any future closure secure use of surplus military facilities for public air transportation purposes.
4. Explore the viability of joint use of military facilities should circumstances change.

Ensure that New Capacity Needs are Addressed

Recommendations:

5. Provide state leadership to ensure that the planning, siting, and expansion of airports address statewide and regional capacity needs.
6. Require regional transportation planning organizations to address air transportation needs in regional transportation plans.
7. Establish an impasse resolution process.
8. Support and assist with landbanking, based upon stringent criteria.

Pursue Modal Alternatives and Monitor the Potential for Demand Management

Recommendations:

9. Encourage alternative modes of travel and intermodal connections.
10. Monitor and evaluate the potential of demand management.
11. Promote information highways and other technological alternatives to air travel.

Reduce Future Noise Impacts and Ensure Mitigation of Impacts

Recommendations:

12. Require land-use compatibility elements in comprehensive plans for areas surrounding airports and a mechanism to enforce them, as urged in recommendation 1.
13. Require that new development in the vicinity of airports consider noise impacts as part of the State Environmental Policy Act (commonly referred to as "SEPA").
14. Prevent use of state funds for new schools within the 65 Ldn contour.
15. Require realtors and sellers to notify clients of noise impacts.
16. Require concurrency between airport expansion plans and impact mitigation plans.
17. Review and revise building codes within the 65 Ldn contour to ensure inclusion of noise insulation.
18. Support mitigation in communities impacted by airports, as urged in recommendation 2(b).

Address Economic Development Goals through Air Transportation

Recommendations:

19. Include air transportation as an element of statewide economic development policies and activities.

20. Work to increase the connectivity between Washington state and national and international markets.
21. Together with airport operators, market and promote Washington state's airports in a comprehensive fashion.
22. Together with airport operators, actively pursue bilateral agreements and new international routes.
23. Make air transportation a component of regional and local economic development plans.
24. Explore in cooperation with Oregon and British Columbia opportunities to enhance economic development through air transportation.
25. Make access to airports an issue in the prioritization process for funding through the statewide competitive component of the surface transportation program.
26. Include economic development benefits as a criterion for state airport funding.

Integrate Air and Surface Transportation

Recommendations:

27. Ensure a choice of modes in the major interstate corridors.
28. Develop intermodal facilities and make access to major airports via all modes as easy as possible.
 - a. Ensure that any rail system development provides access from major population centers to major airports.
 - b. Take transportation systems management actions to improve access to major airports for employees, passengers, and freight.
29. Support current efforts to create a planning framework that carefully evaluates modal tradeoffs between air and surface modes to guide investment.
30. Ensure that airport access is addressed by surface transportation planning at all levels of government.

31. Use the process of defining the intermodal management system to ensure adequate consideration of airport access issues.
32. Include airports of statewide significance in the statewide multimodal transportation plan.
33. Encourage all regional transportation planning organizations to include airport representatives on their policy boards and technical advisory committees.

APPENDIX B

Washington State Aviation Policy (1998)

Recommendations

Preservation

It is the State's interest that aviation facilities and services be preserved which provide access for all regions of the state to the nation's air transportation system, provide for emergency management, and support local economies.

- Key Issue – Land Use Encroachment

Recommendations:

- a) No legislative changes are recommended at this time to allow local governments enough time to implement SB 6422.² However, the Advisory Committee urges local governments to implement SB 6422 with all due haste.

It is also recommended that the revised procedural criteria further defines terms such as "incompatible land uses," "adjacent," and "discourage" to provide more specific guidance in implementing SB 6422.

- b) Develop a technical assistance program within WSDOT in cooperation with the Washington State Department of Community, Trade and Economic Development to help implement SB 6422 by providing definitions of terms in the bill, education, outreach and technical assistance for local governments, and conflict resolution support. WSDOT technical assistance should include drawing upon the experience of other states and the Federal Aviation Administration to develop technical guidelines (a "best practices" handbook) to assist in the assessment of compatible land uses in local and regional planning processes. This should address how to evaluate and implement improved compatibility of land uses adjacent to airports identified in local Growth Management Act plans with examples of model ordinances and an integrated planning process which involves all impacted interests.

² SB 6422, enacted by the legislature in 1996, requires local governments to protect general aviation airports from adjacent incompatible land uses and incorporate airports into comprehensive plans.

- c) The state should conduct an evaluation of SB 6422 implementation at the end of five years, and develop recommendations for changes as appropriate.

- Key Issue – Wetland Mitigation Policies

Recommendations:

- a) WSDOT, in coordination with FAA standards, should take the lead in initiating talks with environmental protection agencies and other stakeholders such as local government and tribes, to develop an off-site wetland mitigation approach for Washington airports.
- b) Include airports as an eligible use for WSDOT's wetland banking program.

- Key Issue – Economic Role of Airports

Recommendation:

- a) Include economic information in the State Aviation System Plan, so that the economic impact of airports to and upon local, regional and the state economies can be factored into the system planning processes. This information should be shared with local jurisdictions to enhance their aviation planning efforts.

- Key Issue – General Aviation Airport Preservation Funding

Recommendations:

- a) Pursue increases to the State Local Airport Aid Program to address general aviation airport infrastructure preservation and safety needs as identified in the State Airport Systems Plan. Increases should continue with general aviation users paying for general aviation system investment.
- b) Actively coordinate local, state and federal funding priorities.

Safety

It is the State's interest that transportation by air be safe.

- Key Issues:

- Safety Improvements at General Aviation Airports
- The Importance of Airports in Emergency Response

Recommendation:

- a) Support an increase in general aviation infrastructure funding for safety needs and maintain a system for emergency response, as noted under the preservation recommendations.

Capacity

It is the State's interest that there be sufficient airport capacity to respond to growth in demand to ensure access across the state, the nation and the world.

- Key Issue: Statewide Context of Air Capacity

Recommendation:

- a) Recommend to the Legislature that the state's Growth Management Act recognize airports as essential public facilities to adequately communicate the importance of these facilities to local jurisdictions. In addition, advocate this position with the Land Use Study Commission.

- Key Issue: Regional Mitigation Approaches

Recommendation:

- a) Establish a mechanism, including but not limited to funding, to allow the mitigation of impacts of regional or statewide transportation facilities, including airports, through a broader regional approach.

- Key Issue: Surface Transportation Connections

Recommendation:

- a) Expand the State Aviation System Plan to include the identification of all roadway and transit connections to airports, growth in surface transportation connection needs related to airport activity growth, and communicating these needs and coordinating among jurisdictions which provide the surface transportation connections. These needs should be funded through surface transportation funding mechanisms and not diverted from already limited aviation funds.

Environmental Protection

It is the State's interest that negative environmental impacts of airports on people and the natural environment be minimized.

- Key Issue: Environmental Standards

Recommendation:

None. The sense of the Aviation Policy Advisory Committee was that there are no recommendations to pursue amendments to the existing state and federal environmental protection programs. It is understood that all airports are expected to comply with SEPA, NEPA and the federal Airport Noise and Capacity Act of 1990. However, a committee member did reflect a need to do more to protect the environment from the impacts created by airports.

Increased Outreach for State in Aviation

While not formally recognized as an interest area, the Committee recognized that the critical issues facing aviation in Washington require informed public dialogue and set forth three recommendations relating to public outreach:

- Key Issue: Need for Increased Outreach for State in Aviation

Recommendations:

- a) The state should provide an effective aviation outreach program to further communication among aviation stakeholders, customers, and local and regional governments.
- b) The state should compile data and information or develop materials to inform its citizens and local decision makers about the role of aviation in Washington, and assist local governments in conducting their community outreach efforts related to aviation facilities and policies.
- c) The state should be available, upon request, to facilitate communications between diverse aviation interests.

APPENDIX C

Washington Transportation Plan, 2007-2027

Policy Recommendations

Only two policy recommendations in the WTP are specific to aviation. The Transportation Commission will rely on the recommendations of the Washington State Aviation Planning Council to inform aviation-related policy recommendations in the 2010 update of the WTP.

Safety

- Aviation Study
Through the General Aviation Airport Weather Safety Feasibility Study, determine needed weather-related improvements to general aviation airports, to make airports safer and more effective.

Mobility

- Aviation
Address long-term passenger, cargo, and airport capacity and facility needs.

Complete a statewide airport capacity and facilities study by July 2006, conduct a market assessment of aviation demand, needs, and forecasted needs for the next 25 years by July 2007. Governor-appointed commission (Washington State Aviation Planning Council) to develop recommendations on long-term needs for commercial and general aviation airports by July 2009.

WSDOT should complete the aviation system plan with classification of airports and performance standards.

While not specifically related to aviation, policy recommended under the Preservation and Economic Vitality investment areas are relevant to aviation.

Preservation

- Ample policy exists to allow for preservation investments at all jurisdictional levels to continue as funding is available. The WTP finds that what is needed is not more policy direction, but additional funding.

Economic Vitality

- Regional Economic Development
WSDOT should work with cities, counties, tribes, CTED, and local economic development councils, regional agencies, and the private sector to evaluate

the economic and the economic development impacts of transportation infrastructure and services.

WSDOT should develop performance measures and rating criteria, so that future project selection can provide the best return on investment for growth the state's economy, and implement existing Transportation Commission Policies.

- Economic Sectors and Clusters
Determine a way to measure transportation investment outcomes and identify investments that contribute to regional economies. Identify the dependencies of various clusters on the transportation system.

Identify the transportation system elements critical to maintaining and improving the performance and global competitiveness of these clusters.

APPENDIX C

Summary of 2007 SSB 5412 Codified at RCW 47.04.280