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1ST DISTRICT, NEW YORK

COMMITTEE ON EDUCATION
AND THE WORKFORCE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives

Washington, DC 20515-3201

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The Honorable Michael P. Huerta
Acting-Administrator
U.S. Department of Transportation
Federal Aviation Administration
800 Independence Avenue SW
Washington, D.C. 20591

Dear Acting-Administrator Huerta,

In response to requests from local organizations and constituents in my district who are concerned with excessive noise from air traffic over Long Island communities, I ask that your office respond to the attached list of questions related to the East Hampton Airport in my congressional district.

If you require additional information regarding the included questions, please feel free to contact Mark Copeland in my Washington, D.C. office at (202) 225-3826.

Sincerely,



Tim Bishop
Member of Congress

Enclosure

CC: Catherine Lang, Deputy Associate Administrator for Airports
Daphne Fuller, Assistant Chief Counsel for Airports & Environmental Law
Randall Fiertz, Director of Airport Compliance, Office of Airports

1. In the absence of FAA grant assurances, are municipal restrictions to mitigate or reduce noise impacts on the surrounding community permissible? If not, under what basis in law does the FAA assert that the Town of East Hampton's proprietary powers are restricted in the absence of specific grant assurances?
2. Barring emergency situations, in the absence of FAA grant assurances, is it correct that a municipal owner of a general aviation airport may do the following things for the specific purpose of protecting the community from noise? If not, please clarify.
 - Limit hours of operation, including imposing curfews or closing on weekends
 - Limit the number of airport operations per day
 - Exclude particular aircraft types based on associate noise levels
3. According to local organizations, 37 out of 39 grant assurances at East Hampton Airport will remain in effect until 2021; however, grant assurances 22a and 22h and 29a and 29b – the assurances that allow the FAA to substitute its view of the need for noise restrictions for that of the Town as airport proprietor – will become unenforceable, by agreement, on December 31, 2014. Is this correct? If not, please clarify.
4. Should the Town of East Hampton apply for and receive additional AIP funds, would the Town be restricted by a new set of grant assurances that would prevent that them from implementing noise reduction policies, such as those that are currently in effect.
5. According to *National Helicopter Corp. of America v. The City of New York*, 137 F. 2d 81 (2d Circuit, 1998), any restriction properly adopted in the exercise of its powers as a proprietor cannot violate the Commerce Clause of the U.S. Constitution and that the proprietor's exception is an exception to federal control of airspace management. Does the FAA agree that use restrictions that are reasonably related to the legitimate local interest in limiting noise are not an unconstitutional interference with either interstate commerce or federal control of the airways?
6. In the absence of specific grant assurances, on what basis could the FAA bring suit on the Town of East Hampton for enacting noise reduction policies at the East Hampton Airport, such as limits on hours of operation and imposing curfews or closing on weekends.
7. Does the Town of East Hampton have an FAA approved Airport Layout Plan (ALP)? If so, when was it most recently approved by the FAA?
8. The 65 DNL decibel contour in East Hampton is within the boundaries of the East Hampton Airport itself. Given this fact, are there any conditions under which the FAA would consent to use restrictions in order to reduce noise in the community?