March 12, 2015

Mr. Larry Cantwell
Supervisor
Town of East Hampton
159 Pantigo Road
East Hampton, NY 11937

RE: March 5, 2015 Town Board Meeting to Consider Restrictions on the Use of East Hampton Airport

Dear Supervisor Cantwell:

The National Air Transportation Association (NATA), the Aircraft Owners and Pilots Association (AOPA) and the National Business Aviation Association (NBAA) appreciated the opportunity to meet last week with Councilwoman Kathee Burke-Gonzalez and you to discuss the Town of East Hampton's proposal to restrict operations at East Hampton Airport (HTO), and its related airport infrastructure plan.

As the Council deliberates on these important issues, our associations – which represent aviation businesses, pilots and company flight departments and other entities – caution that these proposals could undermine the long-term utility of the airport and will likely result in years of costly litigation.

We understand the concerns that have led to the development of these proposals, and the general aviation (GA) community shares the town's desire to maintain a clean and quiet community of beaches and surrounding protected lands. We also appreciated your acknowledgement last week of the efforts of the GA community to work with the town toward that common goal.

While the development of the HTO proposals under consideration might seem justified, given that they are based on GA traffic growth from 2013 to 2014, a deeper analysis suggests the comparison of traffic between the two years may be a less-than-ideal basis for the proposals under review.

We understand that operations in and out of HTO in 2013 were not representative, due to the 2013 season's adverse weather conditions. Should comparisons of 2014 traffic levels with figures from other years not demonstrate a dramatic rate of growth; continued work with the GA community could lead to additional, effective noise mitigation initiatives.

Furthermore, we understand that town leaders want to be responsive to a reported 25,000 noise complaints from 633 households, but as with the traffic data set, we think these numbers also may deserve a closer look, given that the comments submitted may represent a mix of genuine complaints, and an effort by a concerted minority to drive town leaders toward a radical and unnecessary over-reaction.

We also appreciate the town Board's acknowledgment of the airport's long list of deferred maintenance, and its long-term commitment to the airport's health, as evidenced by its efforts to develop a financial plan to invest in the airport. However, the recent acknowledgment by the town's Budget and Financial Advisory Committee, noting that East Hampton cannot currently reach consensus on the sustainability of HTO if the proposed operational restrictions are imposed, should serve as an important wake-up call.

Indeed, the imposition and structure of the proposed restrictions and investment plan will have a detrimental impact on HTO-based aviation businesses resulting in reduced revenues, investment and job loss. Aviation jobs are good-paying jobs that will not be easily replaced in the community; and while we appreciate your commitment to reviewing and reassessing the restrictions after October 31st, the damage from enactment of one or more of the proposals will have already been done. It is critical that the Town of East Hampton reconsider its action in order to encourage general aviation at the airport, including maintaining healthy businesses at the field.

From a broader perspective, we emphasize that the proposals before the town Board raise significant legal questions. Although the Federal Aviation Administration (FAA) has stated that it will waive the enforcement of certain "grant assurances" at HTO, the agency's ability to waive enforcement is in dispute. In addition, other grant assurances and federal statutes remain in effect. These requirements likely prohibit *any* noise-based restrictions at HTO – and even if they allow some "proprietor's" discretion, the pending proposals (such as to prohibit operations by an entire class of aircraft on certain days) likely would be deemed impermissible. East Hampton also should be alert to the FAA's prohibitions on revenue diversion, which may require any legal costs incurred in defense of restrictions at HTO to be paid out of municipal accounts (i.e., by the East Hampton taxpayer), and would not allow those costs to be assessed to HTO accounts.

Simply put, East Hampton Airport is part of a national system of airports, and operational restrictions like those under consideration present a threat to the national air transportation system that transcends local communities. This is the primary reason why the FAA requires airports that have received federal funds to adhere to grant assurances requiring, among other things, access to all airports on reasonable conditions and without unjust discrimination. This is a critical element in the survival of our nation's system of airports and one the town can expect will be vigorously defended.

Thank you for your ongoing consideration of our views and we welcome the opportunity for further discussions.

Sincerely,

Steve Brown
NBAA, Chief Operating Officer

Jim Coon
AOPA, Senior Vice President Government Affairs

William R. Deere
NATA, Senior Vice President for Government and External Affairs

CC: Kathee Burke-Gonzalez, Councilwoman