

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRIENDS OF THE EAST HAMPTON AIRPORT, INC.,
ANALAR CORPORATION, ASSOCIATED AIRCRAFT
GROUP, INC., ELEVENTH STREET AVIATION LLC,
HELICOPTER ASSOCIATION INTERNATIONAL, INC.,
HELIFLITE SHARES LLC, LIBERTY HELICOPTERS,
INC., SOUND AIRCRAFT SERVICES, INC., and
NATIONAL BUSINESS AVIATION ASSOCIATION, INC.,

No. 15 Civ. 2246 (SJF) (ARL)

Plaintiffs,

-against-

THE TOWN OF EAST HAMPTON,

Defendant.

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DECLARATION OF MATTHEW S. ZUCCARO

I, MATTHEW S. ZUCCARO, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am the President and Chief Executive Officer of Helicopter Association International, Inc. (“HAI”), one of the Plaintiffs in this action.
2. I am also an FAA certified pilot and flight instructor for airplanes and helicopters. I have logged over 12,000 flight hours. My prior experience includes being a pilot in command for charter and private helicopter operations to and from East Hampton Airport (“HTO” or “Airport”). In the past I have served as voluntary aviation safety counselor to the FAA, in which I mentored new pilots and made recommendations to the FAA about safety issues.
3. I make this declaration, based upon personal knowledge, in support of the Plaintiffs’ application for a temporary restraining order enjoining the Town of East Hampton’s recently-enacted restrictions on access to HTO.

Background on HAI and its Mission

4. Founded in 1948, HAI currently has over 4,000 members that operate across the globe. HAI's members operate approximately 6,000 helicopters and those helicopters log more than two million flight hours per year.

5. HAI's mission statement is to "provide its members with services that directly benefit their operations, and to advance the international helicopter community by providing programs that enhance safety, encourage professionalism and economic viability while promoting the unique contributions vertical flight offers society."

6. HAI provides products and services to the helicopter aviation community. Among other activities, HAI sponsors the world's largest helicopter aviation trade show and provides operational and safety guidance to its members.

7. HAI has developed and manages a program entitled "Fly Neighborly." Fly Neighborly aims to address community concerns about helicopter traffic and noise in the communities our members service and those along our flight paths. The goal of the Fly Neighborly program is to be responsive to community concerns about helicopter traffic and noise. Highlights of the Fly Neighborly program include counseling helicopter operators to fly at higher altitudes, fly over industrial areas and major roadways, identify noise sensitive routes and take steps to avoid them, and adhere to voluntary noise abatement procedures in place at local airports when possible.

HAI Member's Operations to and from HTO

8. HTO is an important destination for many of HAI's Members. Plaintiffs Liberty Helicopters, Inc., Analar Corporation, HeliFlite Shares LLC, and Associated Aircraft Group, Inc. are members of HAI. Many of HAI's members depend on current and future access to HTO.

9. Our members fly a significant number of flights to and from the HTO annually, and operation of these flights represents a significant portion of business for these members.

10. The vast majority of our members' flights to and from HTO occur from May through September. Many of our members' passengers reside in East Hampton or maintain second homes there. Many fly by helicopter from the greater New York City metropolitan area to East Hampton on Thursday or Friday evening, and fly out on Monday morning. Many of our members' flights also involve interstate transportation.

11. Many of our members follow Fly Neighborly guidelines at HTO, including following the voluntary noise abatement procedures in place at East Hampton Airport. In general, HAI's members operating at HTO (1) maintain high altitudes when approaching HTO; (2) climb quickly when departing HTO; (3) avoid having the rotors turning when passengers board and deplane; and (4) avoid operating the rotors for more than five minutes while on the airport ramp. All of these procedures significantly reduce the actual noise impact of HAI's members.

East Hampton's Recently-Enacted Restrictions

12. On April 16, 2015, the Town Board adopted three new local laws restricting access to HTO ("the Restrictions"). I understand that the Restrictions include (1) a mandatory curfew, prohibiting use of HTO between 11:00 p.m. and 7:00 a.m. (the "Mandatory Curfew"); (2) an extended curfew for so-called "Noisy Aircraft" banning use of the Airport from 8:00 p.m.

to 9:00 a.m. (“the “Extended Curfew”); and (3) a one-trip limit during the summer, prohibiting “Noisy Aircraft” from flying more than one trip to HTO per week during the summer season (the “One-Trip Limit”). I further understand that the Restrictions define “Noisy Aircraft” as including any aircraft that has a published Effective Perceived Noise in Decibels (EPNdB) approach (AP) level of 91.0 or greater. Violations of the Restrictions are punishable by a range of monetary fines, injunctions, and/or a ban from using the Airport.

13. Most of our members’ helicopters that fly to and from East Hamptons all under the Town’s definition of “Noisy Aircraft.”

14. The Restrictions are severe, excessive and unreasonable and will harm many of HAI members. Moreover, the Restrictions are not based on sound data.

15. The Town proceeded to adopt the Restrictions on April 16, 2015, without evaluating in a meaningful way whether Fly Neighborly procedures and voluntary noise abatement procedures by helicopter operators (and HAI members) operating at HTO lessened the noise impact on residents of the East End of Long Island.

16. If the Restrictions are enforced, many of our members who fly to and from HTO will be subject to all three of the Restrictions—the Mandatory Curfew, Extended Curfew and One-Trip Limit.

The Restrictions’ Impact on Members

17. The Restrictions will severely harm Members who fly to and from East Hampton and threaten the viability of their business models by reducing or eliminating the frequency of flight operations needed to maintain their businesses. The Restrictions will also disrupt the efficient functioning of the national transportation system and raise safety concerns.

18. The Town's public statements in enacting the Restrictions have reflected a particular intention of targeting helicopter operations. The following helicopters, used by HAI's members operating at HTO, are among those included in the Town's definition of "Noisy Aircraft":

- Bell 430
- Sikorsky S-76
- Eurocopter AS 365N3
- Eurocopter AS 355F1

19. Restricting access to HTO for a significant number of hours per day, and for a significant number of aircraft models, will result in disruption to the National Airspace System, causing congestion at other airports and helipads, and delays in transiting the airspace over the Long Island area.

20. As an organization whose top priority is safety, I am deeply concerned about the Restrictions and the potential implications they have for helicopter safety. Helicopter pilots are trained to make operational decisions, including when to depart or plan to arrive at an airport, based on flying conditions, always maintaining the first priority of safety for passengers, pilots, and people on the ground. The severe fines and threat of an injunction that result from a violation of the Mandatory Curfew and Extended Curfew introduces new factors that put an additional burden on the pilot that is not part of the pilot's decision making. I fear that the Restrictions and the penalties have the potential to reduce safety at HTO.

21. Finally, in addition to harming HAI's members, the Restrictions will harm HTO itself, by significantly reducing Airport revenues, which will in turn deprive HTO of essential funds needed for Airport repair and maintenance. HAI is also a plaintiff in *Friends of the East*

Hampton Airport, Inc. et al. v. East Hampton Airport, FAA Docket No. 16-15-02 (2015), a pending administrative complaint filed with the FAA regarding the Town's failure to properly maintain the Airport even before enactment of the Restrictions. If the Restrictions are enforced, then the Airports revenues—which are currently the only source of funding for Airport maintenance—will causing the Airport to fall further into disrepair.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2015
Coeur d'Alene, Idaho



Matthew S. Zuccaro
President, HAI