



TOWN OF EAST HAMPTON

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TOWN WILL PETITION SUPREME COURT FOR REVIEW OF NOISE RESTRICTIONS; CONGRESSIONAL REMEDY SOUGHT

After consulting with appellate counsel Kathleen Sullivan and David Cooper of Quinn Emanuel Urquhart and Sullivan, LLP and the Town Attorney, the Town of East Hampton will petition the Supreme Court of the United States to grant review of the Second Circuit Court of Appeals decision throwing out curfew restrictions at the Town of East Hampton Airport. In addition, the Town will lobby federal legislative leaders to enact legislation to provide for more local control of airports owned and operated by municipalities.

“We cannot let stand unchallenged a decision that completely federalizes our small community airport and strips the Town of any meaningful local control of the Town-owned airport,” stated Supervisor Larry Cantwell. “The import of the Second Circuit Court of Appeals decision is to basically federalize every airport in the United States. This is an unreasonable outcome that should be overturned.”

“The Second Circuit’s decision substantially deviates from not only the intent and legislative history of the congressional enactment of the Airport Noise and Capacity Act (ANCA), but is a complete reversal of the Court’s own prior decision in *National Helicopter*. While the Town acknowledges that asking for review from the Supreme Court of the United States is an uphill fight, the outcome of the Second Circuit’s decision gives the Town no choice but to undertake this endeavor,” stated Councilwoman Kathee Burke-Gonzalez, the Town Board liaison to the airport.

“While we exhaust our legal remedies, the Town will continue to seek federal legislative intervention. There is an obvious need for congressional action to clarify the ANCA statute and provide local airports with explicit authority to enact reasonable restrictions of the local airports that they own and operate. The Town looks forward to joining with other local airport proprietors to call on Congress to enact this type of legislation,” concluded Supervisor Cantwell.

The Town will file its petition for a writ of certiorari by the end of January 2017.