



# TOWN OF EAST HAMPTON

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FOR IMMEDIATE RELEASE

April 6, 2017

## **CITY OF NEW YORK JOINS TOWN OF EAST HAMPTON IN SUPREME COURT PETITION**

East Hampton, NY – The Town of East Hampton’s petition to the United States Supreme Court to overturn an extraordinary and unprecedented appeals court decision that would rob East Hampton and thousands of other local airport sponsors of their ability to manage their airports was endorsed yesterday when the City of New York filed an amicus curiae, or “friend of the Court” brief, in support of the Town’s petition.

Two additional briefs were filed on behalf of the Town, as well. The Committee to Stop Airport Expansion, an unincorporated association of residents living near the East Hampton Airport, and the International Municipal Lawyers Association (IMLA), which represents more than 2,500 members composed of local government entities, filed a joint amicus brief. The Town of Southold also supported East Hampton Town’s petition to challenge the Second Circuit Court of Appeals decision.

“The City has a strong interest in ensuring the stability of its programs and in correcting the Second Circuit’s erroneous view that private parties may destabilize the long-held expectations of state and local governments by hijacking the FAA’s carefully calibrated role under ANCA and unleashing a torrent of private litigation under the statute,” wrote the Corporation Counsel for the City of New York. The Court’s “fashioning of a private remedy to enforce ANCA is at odds with congressional intent, undermines the statute’s purpose, and violates constitutional limits on federal-court jurisdiction. Responsibility for protecting local residents from aviation noise has historically been shouldered primarily by local governmental airport proprietors.”

Councilwoman Kathee Burke-Gonzalez, the Town Board’s airport liaison, stated, “Today’s filing by the City of New York illustrates that this issue is all about local control. Whether it is our country’s largest city or a small town like East Hampton, local governments know what is right for their community and should have the ability to make local decisions at their own airport. We welcome the City of New York to our fight to restore local control and protect the welfare of our respective communities.”

In the second brief submitted in support of the Town, the Committee and IMLA assert, "...the Second Circuit held that federal law preempts East Hampton's reasonable restrictions on access to its airport because the Town did not follow procedures set forth in the Airport Noise and Capacity Act of 1990 ("ANCA") when imposing those restrictions. Petitioner ably demonstrates in its brief why the Second Circuit's decision in this case conflicts with this Court's decision in *Armstrong v. Exceptional Child Center, Inc.*, why the court of appeals improperly invoked its equity jurisdiction, how that court misinterpreted ANCA, and how its decision dramatically expands federal regulation of local airports beyond Congress's intention."

"The importance of the City of New York joining in our petition to the Supreme Court cannot be overstated. We are hopeful that the Court will take notice that with the stroke of a pen, the appeals court decision federalized our airport and stripped us – and the tens of thousands of similarly situated airports, including those owned and operated by the City of New York – of the ability to exert local control. We are hopeful that the Supreme Court will recognize this as an issue of national concern and grant review to the Town's petition," concluded East Hampton Town Supervisor Larry Cantwell.

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