

Cooley

East Hampton Airport Update

Prepared for the Town of East Hampton
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attorney advertisement

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Status of Part 161

- Ongoing evaluation of potential restrictions
 - Time of day (curfews)
 - Options to reduce the frequency of problematic airport operations
- Consultants
 - Data gathering for noise study (HMMH)
 - 2018 Airport survey (HR&A)
 - Data gathering for cost-benefit analysis (HR&A)

Status of Part 161

- Consultation with the FAA:
 - Overall approach to the Part 161
 - Noise study challenges (and opportunities)
 - Day Night Average Sound Level (DNL) 65 decibels (dB)
 - Supplemental noise metrics (community standards)
 - Noise contour mapping issues
 - FAA provided limited, non-binding feedback
 - Other developments
 - Volpe (DOT) research with FAA and ERHC

Legislative Efforts

- In 2018, the Town worked with Senators Schumer and Gillibrand to propose an amendment to the FAA Reauthorization Act
 - Temporary nighttime curfews
 - Required the FAA to implement an Air Traffic Management Plan for HTO within 1 year
 - FAA requested to provide “technical support” for the amendment
- Ultimately, the proposed amendment was not included with the legislation

Assessment of Current Options and Potential Outcomes

- Part 161
 - Curfews *likely* achievable
 - Limited relief
 - Frequency restrictions *may* be significantly more challenging
 - Litigation risk
- Legislative options
 - Continue to pursue customized legislation to address the noise problem unique to HTO
 - There is willingness to help

Consideration of Alternate Solutions

- “Visioning” process to evaluate alternative uses for airport land to restore and preserve the quiet and rural environment of East Hampton
 - Public process to align alternative use with Town objectives and residents’ interests
 - Clear path to resolve the noise problem after 2021
 - There is sufficient time to present options for alternative use of airport land if other efforts fail
- Prepare for airport closure in 2021, subject to negotiation of acceptable terms for possible access at some point in the future
- Alternatives can be pursued, studied, and planned in parallel with a Part 161 and/or legislative efforts

Conclusions

- Dramatic increase in helicopter arrivals and departures from 2016
- The Part 161 process has significant limitations
 - Intended for large airports with defined routing for air carriers that is easier to study
 - Under current regulations, the FAA has limited discretion notwithstanding its apparent willingness to be flexible
 - Years of litigation could result if the outcome is positive (or negative) for the Town
- A legislative fix could work, but the political climate in Washington is uncertain
- Consideration of alternative uses for airport land now will inform the decision whether to close the airport in 2021