



TOWN OF EAST HAMPTON

159 Pantigo Road
East Hampton, New York 11937

LARRY CANTWELL
Supervisor

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July 7, 2017

RE: Support for Federal Legislation to Permit Reasonable Noise Restrictions

Dear East End Supervisors and Mayors:

As you know, for the past several years, the Town has worked tirelessly to address the critical problem of noise at the East Hampton Airport. In April 2015, the Town adopted three local laws imposing use restrictions on certain operations at the Airport after historic efforts to engage public comment, study aviation noise issues and find balanced solutions. In doing so, the Town relied upon the Federal Aviation Administration's position, embodied both in a Settlement Agreement before a federal judge and also in subsequent written statements made by the FAA to then Congressman Bishop. In essence, FAA concluded that, as a result of the Settlement Agreement, the Town was not required to engage in the lengthy FAA bureaucratic review and approval process under the Airport Noise and Capacity Act (ANCA) prior to enacting but could instead, move directly to adopt reasonable noise restrictions.

A group of airport users, backed by several corporations, challenged this position in federal court, arguing, in effect, that FAA's position in the prior Settlement Agreement and its prior advice to the Town was incorrect.

Unfortunately, the Second Circuit Court of Appeals enjoined the Town's three laws. The Appeals Court's decision usurped the Town's local authority and is contrary to the assurances of the FAA written statement to Congressman Bishop. On June 26, 2017, the Supreme Court declined to review the Second Circuit's decision. This places the solution to aviation noise problem firmly at the feet of Congress.

We have asked our delegation – Representative Zeldin, Senator Schumer and Senator Gillibrand – to right this wrong with an amendment to the FAA Reauthorization legislation currently pending in Congress. Our proposed language would simply codify FAA's original intent in the 2005 Settlement Agreement and as previously expressed to Congressman Bishop.

The proposed language drafted by the Town reads:

“The Settlement Agreement entered into by the United States in Civil Action No. CV-03-2634 is ratified and shall be binding, such that:

- 1.) *as of December 31, 2014, the East Hampton Airport shall no longer be subject to Sponsor Assurances 22a, 22h and 29;*
- 2.) *unless the sponsor of the East Hampton Airport wishes to remain eligible to receive future grants of federal funding under the Airport Improvement Program, the sponsor is not required to comply with the requirements under the Airport Noise and Capacity Act of 1990 (ANCA), as implemented by Title 14 C.F.R., Part 161, in proposing new airport noise and access restrictions; and*
- 3.) *the sponsor shall not be in violation of the prohibitions against exclusive rights as set forth in 49 U.S.C. §§ 40103(e) and 47107(a) and Sponsor Assurance 23 by adopting any such new airport noise and access restriction."*

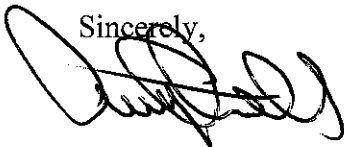
Please help us secure the much needed relief for citizens across the East End by reaching out to the delegation to support this critical amendment. Contact information for the relevant staff is provided below:

Rep. Zeldin Kevin Dowling (Legislative Director)
kevin.dowling@mail.house.gov
(202) 225-3826

Sen. Schumer Garrett Armwood (Long Island Regional Director)
garrett_armwood@schumer.senate.gov
(631) 753-0978

Sen. Gillibrand Deborah Tinnirello (Long Island Regional Director)
deborah_tinnirello@gillibrand.senate.gov
(631) 249-2825

Sincerely,



Larry Cantwell
Supervisor, Town of East Hampton