

GUESTWORDS: Some Simple Airport Talk

By Jeffrey Bragman

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My East Hampton is a small town. It is not “the beach,” “the Hamptons,” or some docudrama. I raised a son here. I talk politics on Main Street. I wait the winter out with fireside reading. The most important thing to me is living here, not how fast I can get in and out for the season. I like having a small airport. It is an amenity. But ultra-luxury travel is not part of my life.

Like many residents, I have watched with a mix of anxiety and apathy as our small rural airport morphed into a facility capable of handling jets and helicopters. Airport control seemed to be out of our hands. After all, I knew that the Federal Aviation Administration regulated planes in flight, and I thought there was nothing to be done. I was wrong.

For months, I have worked with the litigation team challenging the airport environmental review. The case has revealed that the Town of East Hampton will soon have available indisputable powers to control airport access and use, reduce the quantity of traffic, and curtail noise. Yet an organized airport lobby tied to powerful political insiders is pressing for the town to surrender those powers, even before the public understands the issue or the courts can decide the case. It is time to talk clearly about the airport.

An obvious fact has to be stated. The Town of East Hampton is the owner, or “proprietor,” of its airport. In the absence of F.A.A. funding, a proprietor can control airport access and use to reduce noise. That is the law. Entirely.

Even though the F.A.A. regulates the flight and safety of aircraft, airport owners still have the power to control airport access and use. Access controls are simple common-sense measures. For example, the town could limit hours of operation, set curfews, and limit weekend use. It could set a percentage goal for the reduction of total airport noise and even ban the noisiest aircraft. These powers are legally indisputable. Unless reversed by the United States Supreme Court, they are the law of the land and applicable to East Hampton.

Using our owner’s powers to control airport access does not require any F.A.A. approval. We don’t need help from our congressman. We don’t need lawyers or political insiders to lobby the F.A.A. Litigation is not required. We don’t even have to ask permission. These simple airport

access controls are perfectly legal and within our reach.

Another fact is critical. When a municipality takes F.A.A. grants, restrictions apply that cede airport control to the agency. Some time ago, East Hampton accepted F.A.A. grants. Luckily, our grant restrictions will expire in just two years. When they do, East Hampton could impose simple common-sense airport access controls using ordinary local regulation.

Controlling airport access and use is the only way to reduce the quantity of airport traffic. Aircraft cause noise, which is described in technical jargon as “source noise.” Reducing the quantity of traffic reduces the amount of source noise. The use of local powers to control noise, without having to ask permission, is sensible.

None of the other types of air traffic controls reduce the source of airport noise. Setting mandatory altitudes, using a seasonal control tower, and altering routes merely rearrange air traffic in the sky. They do nothing to reduce the quantity of air traffic. Therefore, they do not reduce the source of noise.

An important criticism of the town’s airport environmental impact statement is that it never explained the existence of local powers to control airport access and reduce noise. It never informed the public that when current F.A.A. grant restrictions expire, the town could exercise such powers. The failure to explain this fundamental issue has fueled much of the confusion about airport regulation.

Instead, the environmental impact statement told a half-truth. It stated only that F.A.A. grant restrictions made it illegal to control airport access and use, omitting any description of proprietor’s powers that become available when restrictions expire. It also claimed that unlimited growth was required by law. Although it described its plan as a “no growth” master plan, in fact it was based on a policy of unlimited airport traffic access.

Think about that study for a moment. It explicitly stated the exact opposite of what the airport lobby now publicly claims. Their advertisements loudly trumpet that continued F.A.A. control is the best way to reduce airport noise. Meanwhile, the town’s environmental impact statement admitted that F.A.A. control makes it illegal to limit airport traffic or control the source of noise. The truth is that aviation and political insiders don’t want the public to understand the availability of simple local access controls that could effectively reduce the quantity of air traffic and noise.

Why does the airport lobby oppose local airport control to reduce noise? The group speaks

only for aviation interests, not for ordinary residents plagued by noise. Pilot members testifying at the last public hearing paid lip service to the problem of airport noise, but in lockstep they promoted a policy of unlimited airport traffic under F.A.A. control. Does it seem logical or persuasive that pilots would prefer limits on airport access? Does an ultra-luxury traveler really want to be restricted as to when he can land and take off because of concerns over noise? Airport access controls annoy pilots and the ultra-luxury traveler. They protect the rest of us.

Another fact must be recognized. Airport noise affects thousands of residents in and near East Hampton, across a large geographic area. The town has logged more than 8,000 complaints in a single year, though callers know that absolutely nothing is done in response. Rather than acknowledge these widespread impacts, the airport lobby has disparaged airport opponents as a tiny group of crank property owners near the airport who selfishly want it closed to boost property values. What is the motive to belittle the opposition?

The spin ostracizes opponents and obscures the truth. Unlimited access serves the convenience of a small group of ultra-luxury travelers while inflicting noise on thousands of ordinary residents. To maintain that policy, the airport lobby touts measures that merely shift noise from place to place. Moving airplanes around in the sky cannot reduce the quantity of air traffic or the source of noise. Only local control of airport access and use can halt the insidious erosion of East Hampton's tranquil rural character.

It is clear that F.A.A. control does not reduce airport noise. If it did, we would all be enjoying the summer sounds of crickets instead of helicopters. For some 20 years, we have been subject to F.A.A. control. It has delivered nothing but more traffic and noise. Any longtime resident can understand this fact just by listening.

In defiance of the facts, airport lobby advertising lauds the benefits of F.A.A. control, as we walk together into the sunset. It is a lullaby. Not long ago, East Hampton tried to impose a sensible nighttime jet curfew and limits on noisy touch-and-go landings. The F.A.A. squelched both measures, citing grant restrictions. If it is so easy to control noise under F.A.A. restrictions, why are our skies noisier than ever? Why is traffic worsening? The truth is that F.A.A. control means a policy of unlimited airport access. It does nothing to reduce the quantity of airport traffic or the source of noise.

Federal Aviation Administration policy is no secret. In binding court decisions, it has unabashedly stated that airports subject to its restrictions lose the power to control access to

curtail noise. When the airport lobby tells us how helpful the F.A.A. will be, I hear Groucho Marx asking, "Who are you going to believe? Me? Or your own lying eyes?" The truth is that the F.A.A. has never consented to local access controls for a grant-funded airport.

Who benefits when we reject local control in favor of unrestricted traffic access, even by invasive and noisy helicopters? It is no coincidence that powerful political insiders are allied with the well-funded airport lobby. Together, they have obscured the facts and opposed local control. Thousands of ordinary residents long for a return to small-town tranquility. Their luxuries are quiet skies and summer nights, not opulent private air travel.

Do we really benefit from the luxury traveler and the jet-and-helicopter-friendly policy of F.A.A. control? Or does it favor those whose only concern for East Hampton is how quickly they can come and go? My vote is for a policy that favors people who stay.

Jeffrey Bragman is an East Hampton attorney. He represents residents who have challenged the airport master plan environmental review. His clients favor strong local controls on airport access and use.