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## **POINT OF VIEW: SOME SIMPLE NOISE ABATEMENT TALK**

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*The opinion piece below appeared in the East Hampton Press on April 20, 2012  
without headings or bullet point formatting.*

### ***Citizens for a Quieter Airport, founded in 2003 (1,500 signatures), supports current approach***

In 2003, I helped found Citizens for a Quieter Airport because helicopters were flying loud and low over my house. In three months we obtained 1500 signatures on a petition asking the Town Board for an “effective noise abatement program.” Local pilots obtained an additional 1500 signatures on a petition for a “Quieter & Safer Airport”. I’ve served on the Town’s noise abatement committee, authored most of its reports and persuaded the Town to hire special aviation counsel. I’ve worked on solutions to the noise problem with airport manager Jim Brundige since 2005 and with Councilman Dominick Stanzione since 2010. Although the noise problem has not yet been solved, much groundwork has been laid and aggressive solutions are in the works.

### ***Quiet Skies Coalition, founded in 2011 (350 members), opposes FAA Funding***

Last year, a splinter group calling itself the Quiet Skies Coalition, which now claims 350 members, was formed. Mentored by Committee to Stop Airport Expansion founder David Gruber, Quiet Skies has adopted an unshakeable opposition to Federal Aviation Authority (“FAA”) funding. Many Quiet Skies acolytes have been seduced by the apparent simplicity of their argument and the audacity of their claims.

By way of background, FAA funding is accompanied by contractual obligations called “grant assurances” that last for twenty years. Certain of those grant assurances will expire on December 31, 2014 if no further money is taken. Quiet Skies tells people that the only way to achieve noise abatement is to stop taking funds from the FAA, allow the grant assurances to expire and “take back control of our airport.” Sounds simple; it’s not. Let’s look a little deeper.

### ***Peter Kirsch concludes FAA funding won’t compromise Noise Abatement***

On April 18 the Town Board held a public hearing at which special aviation counsel, Peter Kirsch, clarified several misconceptions concerning FAA funding.

- First, with or without grant assurances in effect, the Town does NOT require permission from the FAA to restrict helicopter traffic. But it would have to complete a noise analysis that justifies its actions and which would hold up in court.
- Second, Kirsch said that aviation law requires FAA approval to impose a curfew or other limits on fixed wing aircraft, regardless of grant assurances.

The bottom line: the Town’s ability to enact noise abatement is affected very little by FAA funding and resulting grant assurances.

### ***Kirsch recommended by Noise Abatement Committee; attacked by Quiet Skies***

Peter Kirsch was one of only two or three attorneys in the country whom the noise abatement committee deemed qualified to serve as counsel to the Town. Kirsch has over 20 years of FAA/aviation experience and represented the only airport to successfully ban stage 2 (noisier) jets since Congress passed the Airport Noise and Capacity Act in 1990. Despite his national reputation and accomplishments, his integrity is now being questioned by some Quiet Skies followers.

### ***Helicopter & Other Airport Noise has indisputably declined since 2007***

One of Quiet Skies’ frequent claims is that airport noise has gotten worse. But airport records show that helicopter traffic and other airport traffic have declined by 26% since 2007. Helicopters have also been flying verifiably higher. Furthermore, all helicopters used to fly over about 7 ½ miles of Southampton,

affecting thousands of people. Since 2007, incoming helicopters have been rerouted over Northwest Creek where far fewer people live. More recently, some helicopter flights have been routed over Georgica Pond and the ocean, where even fewer people live.

### ***What does Quiet Skies Really Want?***

How could helicopter noise have increased if helicopter traffic has declined by 26% and the remaining helicopters are flying higher and over fewer people? And Quiet Skies knows that there is a significant probability that the FAA will agree to reroute all helicopters over the Atlantic Ocean and Long Island Sound, relieving still more people of helicopter noise. But these inconvenient truths don't fit Quiet Skies' marketing strategy. Would anything less than a complete ban on helicopters satisfy them? They have not said.

### ***Seasonal Control Tower recommended by Noise Abatement Committee; Quiet Skies Opposes***

The Town's noise abatement committee recommended, and pilots support, a seasonal control tower that would dictate how and where aircraft within 5 miles of the airport can fly. Controllers are hired by the Town but carry the authority of the FAA. Any pilot who fails to comply with controllers' directives could face suspension of his/her pilot's license. You don't have to be a genius to understand how that could improve enforcement of voluntary noise abatement procedures. The control tower is expected to be operational this summer. Yet Quiet Skies, which includes some committee members who formerly supported the control tower, now opposes it.

### ***False Accusation: Administration Expanding Airport.***

Quiet Skies also accuses the administration of expanding the airport. Several years ago, the McGintee administration decided to close one of the two secondary runways (16-34), a net contraction of airport facilities. But due to its state of disrepair, the McGintee administration was first forced to close runway 4-22 "temporarily". The only "expansion" now on the table is the re-opening of runway 4-22 and closing runway 16-34. But without federal funding the Town cannot afford to make essential repairs to do so unless it raises local taxes or neglects other capital assets like roads.

### ***Quiet Skies offers no Plan to Pay Costs of Noise Abatement, Litigation & Repairs***

Aggressive noise abatement initiatives without the FAA's support will most likely result in costly litigation. In the case cited above (banning stage 2 jets), litigation cost approximately \$5 million. Quiet Skies has not said how it would pay for such litigation or for \$5 to \$7 million of airport repairs. With the cost of operating the control tower and measuring noise built into the 2012 budget and even with landing fees doubling, the airport will have no operating surplus to pay debt service on bonds. So arguably, in the absence of FAA funding, local taxpayers would bear the burden of any airport repairs AND of litigation resulting from aggressive noise abatement.

### ***At Least Three More Summers without Noise Abatement?***

In simple terms, because airport noise still adversely affects thousands of people, the Town is moving ahead with an aggressive noise abatement program. Yet a splinter group (Quiet Skies) that mistrusts the FAA wants the Town to wait until 2015 or later for noise abatement although most, if not all, of the benefits could be achieved sooner without additional taxes. And Quiet Skies has not presented a credible plan to pay for litigation and much needed repairs.

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April 20.2012