



U.S. Department
of Transportation
**Federal Aviation
Administration**

Eastern Region, Airport Division

1 Aviation Plaza
Jamaica, NY 11434

November 6, 2020

Peter van Scoyoc
Supervisor, Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

Subject: East Hampton Airport, East Hampton, New York

Dear Supervisor Van Scoyoc:

Due to the significant federal investment made at East Hampton Airport and the important role it serves in the State of New York, FAA is always concerned by the loss of an airport. We wanted to follow-up and further clarify the options available to the Town of East Hampton concerning the continued operation of East Hampton Airport.

As discussed, we see four options at this time. They are summarized below.

1. Negotiation of an agreement for mandatory restrictions on aircraft operators per Part 161;
2. Closure of the airport after the grant assurances expires (September 2021) and the reopening of the airport;
3. Complete closure of the airport after the grant assurances expires (September 2021); or
4. Continue to operate the airport as a public use airport.

With regards to Option 1, 49 U.S.C. Section 47524(c) states in part that "...an airport noise or access restriction on the operation of stage 3 aircraft not in effect on October 1, 1990, may become effective only if the restriction has been agreed to by the airport proprietor and all aircraft operators, or has been submitted to and approved by the Secretary of Transportation after an airport or aircraft operator's request for approval as provided by the program established under this section."

The word "or" in the excerpt is pivotal, because it highlights the fact that if the Town is able to reach an agreement with the aircraft operators, then there is no review or approval required by the FAA. Please note that new entrants who are not notified may not be subject to the restrictions.

Option 2 considers that the federal grant assurances will expire after September 26, 2021 at which time the federal obligation to keep the airport open expires. The Town can close the airport, use the remaining funds in the airport account as it desires, dispose of the land, or not. The remaining FAA obligations, such as Exclusive Rights, Revenue Use, Civil Rights, are extinguished upon closure. The Town of East Hampton can then choose to change the use of the airport from public to private use.

The Town could also re-open as a traditional public-use airport or as a private-use airport made available to others by the Town through authorized rights or by requiring prior permission. A private-use airport would not be eligible for inclusion in the NPIAS or FAA funding. The Town would still need to comply with New York State private-use airport requirements and standards.

Please note that with either scenario public or private use, the Town must still comply with the 14 CFR Part 157 (Notice of Construction, Alteration, Activation and Deactivation) requirements, airspace requirements, and safety of flight issues as well as maintaining any and all equipment used for the navigation and safety of air traffic as required by FAA polices and regulations. There may also be state and local requirements with which the Town would have to comply.

Option 3 is for the Town to close the airport completely. This would require notice pursuant to Part 157. There may also be state and local requirements with which the Town would have to comply.

In conclusion, we realize that the Town of East Hampton's decision is not simple and while the FAA encourages the preservation of airports, we realize that this is a local decision. We remain available to help answer questions. Please feel free to contact Evelyn Martinez, Manager of the New York Airports District Office at 718-995-5771 as needed.

Sincerely,

David Fish
Director, Eastern Region, Airports Division

Cc: Jennifer Solomon, Eastern Region Administrator
Maria Stanco, Eastern Region Deputy Administrator
Evelyn Martinez, Manager, NYADO
Mary M. McCarthy, Regional Counsel, Eastern and New England Regions
Jim Schultz, General Manager, NY District