Barbarians at the Gate!
Defending Your Local Airport

Tuesday, October 10, 2017 | 10:30 am – 12:00 pm

PRESENTED BY:
Santa Monica Airport Association (SMAA)
Coleman A. Young International Airport Education Association
Zuckert, Scoutt & Rasenberger, L.L.P.
Barbarians at the Gate! Defending Your Local Airport.
Barbarians at the Gate! Defending Your Local Airport.

A barbarian is a human who is perceived to be either uncivilized or primitive. The designation is usually applied as generalization based on a popular stereotype; barbarians can be any member of a nation judged by some to be less civilized or orderly (such as a tribal society), but may also be part of a certain "primitive" cultural group (such as nomads) or social class (such as bandits) both within and outside one's own nation. Alternatively, they may instead be admired and romanticized as noble savages. In idiomatic or figurative usage, a "barbarian" may also be an individual reference to a brutal, cruel, warlike, insensitive person.[1]
Please...

- Silence *ALL* of your mobile devices!
- If you must take a call, exit and return quietly.
- Get engaged and interact via the mobile app or computer
- Don’t hesitate to ask your session moderator for assistance.
GA United Against ATC Privatization

Take Action Today:  www.ATCNotForSale.com

Call: 833-GA-VOICE to Contact Congress and Advocate for Business Aviation

Questions or need assistance?

Please speak with a member of the ATC Not For Sale Team on the exhibit floor or at select educational sessions.
Have you downloaded the NBAA mobile app?

The app includes:

• Full conference agenda with locations and descriptions of education sessions and special events
• An exhibitor directory with booth locations, company descriptions and product and service categories
• An interactive exhibit floor plan
• Ability to create a personal profile visible to other app users so you can network with fellow attendees before, during and after the event
• A timeline displaying the latest posts and photos from fellow attendees in real time and the ability to upload your own status updates and photos
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Social Q&A, Session Evaluations, and Questions

1. Open NBAA App and select NBAA BACE
Social Q&A, Session Evaluations, and Questions

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2. Select “Schedule”
Social Q&A, Session Evaluations, and Questions

1. Open NBAA App and select NBAA BACE
2. Select “Schedule”
3. Select the session
Social Q&A, Session Evaluations, and Questions

1. Open NBAA App and select NBAA BACE
2. Select “Schedule”
3. Select the session
4. In the “Resources” section tap the link titled “Social Q&A, Polling Questions, and Session Evaluations”
Social Q&A, Session Evaluations, and Questions

1. Open NBAA App and select NBAA BACE
2. Select “Schedule”
3. Select the session
4. In the “Resources” section tap the link titled "Social Q&A, Polling Questions, and Session Evaluations”
5. Ask questions at any time. Polls will appear when unlocked. Please complete the evaluations at the end of the session.
Session Descriptions and Speaker Bios

- Provided speaker bios are in the NBAA Events App.
  - Listed under each session in the “Schedule”
  - OR
  - Alphabetical by name or organization under the “Speakers” tab at the bottom of the screen
Using a laptop?

NBAA-BACE Event Information: nbaa.eventsential.org

Participate in Polling, Session Evaluations and Q&A: nbaa.cnf.io
Session Evaluations
Please take a minute to complete the evaluation at the end of the session. Your input is important to us.
Polling Question

Which airport are you defending? Please enter the 3-letter identifier.
Polling Question

Who is in the audience?

A. Pilot
B. Airport Staff
C. Airport Commissioner / Elected Official
D. Community Representative
E. Other
Polling Question

What threats is your airport facing?

Enter your answers throughout the session. We will discuss at the end.
Barbarians at the Gate!
Defending Your Local Airport.
The Santa Monica Municipal Airport Story
Meigs Field (KCGX) – Sudden Closure Mar. 2003
SMO – The Aviation Community Test Case

• **Backroom deal. Dirty politics, no public input.** FAA & City of Santa Monica January 2017 “consent decree” Ambush of aviation community, similar to Chicago’s Meigs Field.

• **SMO crippled, then closed.** Runway from 4,993 ft to 3,500ft in 2017, 2029 closure

• **Sets terrible precedent for remaining US public use airports.**
  
  A.) City was bound by 1948 “In Perpetuity, Instrument of Transfer” WWII-surplus airport clause
  
  B.) City accepted Federal funding for improvements, e.g. blast fence.
SMO – The Aviation Community Test Case


- **SMAA, NBAA, and other SMO stakeholders** fighting “consent decree” in Federal Appeals Court & California State Court. Continuing 40+ year battle to keep SMO open.

- **If SMO falls, automatically 5%, 230+ Public Use US airports under threat closure, due twin precedents of “Instrument of Transfer” &”received Federal funds”**.
The Santa Monica Airport Association (SMAA) exists solely to protect and preserve SMO for current and future generations.

2011 City study SMO $247M+ economic impact & 1,500 jobs

“We are laser-focused on the preservation of SMO.”

Christian Fry - SMAA President
THREE PILLARS OF THE SMAA

Legal Defense

Political Action

Community Outreach
THE CHALLENGE / FORCES OF CLOSURE

The City of Santa Monica
40+ years City of Santa Monica seeks SMO closure and develop

Anti-Airport Activists
City policy influenced by small number of airport-adjacent activists. Approx. 200 people

Dishonest Fear Campaign
City is dishonest with voters about safety, noise, pollution and the economic value of the airport.

The Grand Park Illusion
Development costs estimated by the City at $4M to $6M per acre - $1.2 billion + for all 227 SMO acres. Fantasy.

Local example, former Hughes Airport / Playa Vista dense mixed use development (5nm SMO)

Salivating Real Estate Developers
FAA and State limit building heights inside a 3.8 mile radius around SMO…Mostly City of LA.
1917  Airport operations commence circa 1917
1941  Feds lease property, finance expansion and build runway 21/3 - 5K’ x 150’
1948  Instrument of Transfer - City obligated to maintain as airport “forever”
1984  Operating Agreement between FAA, Users and City of Santa Monica
2016  Eviction threats, airport tenants. Loss of Justice, Typhoon. Eviction notices
2013-16* 5 x Part 16 Complaints filed with FAA (50% of nationwide complaints to FAA)
2017*  Feb 1 Consent Decree and SMAA, NBAA Challenge in US Federal Court *
2017*  Oct 8, SMAA members win Temp. Restraining Order against city on runway shortening.

* Current ongoing legal actions
Barbarians at the Gate!
Defending Your Local Airport.
Coleman A. Young International Airport Story
The Coleman A. Young International Airport Education Association

**OUR MISSION**

To support the renewal of the airport and its neighborhoods through improvements to the existing aviation and educational infrastructure to boost the economic vitality of Detroit and the community.

*A STAND WITH THE AIRPORT IS A STAND WITH THE CITY.*
The Coleman A. Young International Airport Education Association

<table>
<thead>
<tr>
<th>JOBS</th>
<th>EDUCATION</th>
<th>COMMUNITY</th>
<th>FUTURE</th>
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<tbody>
<tr>
<td>Businesses at the airport and throughout Detroit utilize the airport, giving them an advantage for faster growth, increased earnings and greater job creation.</td>
<td>Davis Aerospace Technical High School, formerly located at the airport, can provide students with the foundation for high-paying jobs in the aviation industry. Let’s return it to the airport for complete success.</td>
<td>With proper attention given to the airport, it can act as the catalyst for growth in the surrounding communities with new businesses, better jobs and quality education. Community groups see this value and support upgrades to the airport.</td>
<td>Acting as a gateway from the world to Detroit’s doorstep, the airport provides Detroit a unique advantage to boost its economy and create a more prosperous future for the city.</td>
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KDET at Risk

The Coleman A. Young International Airport Education Association

• A diverse group of individuals seeking to renew the airport for the benefit of the entire city.

• Members include flight departments, FBO operators, business owners, Tuskegee Airmen, national and local aviation organizations, Civil Air Patrol, airport tenants and neighborhood advocates

  ...which share a common vision for success of the city and the airport as an *enabler* of that success.

• Formed in May of 2017 under the leadership of major civic leaders in Detroit.
KDET at Risk

Current Situation at Coleman A. Young International Airport

- No investment in the airport has been allowed in over a decade.
- The current city administration shows strong interest in “repurposing the airport”.
  - City Council appears to be in favor of keeping the airport functioning (7 to 2).
- Upcoming elections are creating additional challenges for the airport.
- The city hired a firm (GRA) to complete Phase I of a three phase study of future airport usage.
- Mayor’s stated intent is to announce the city’s position by end of the year.

Therefore, the future of Coleman A. Young International is uncertain and definitely at risk.
KDET at Risk
Historical Perspective - Coleman A. Young International Airport

• Established October 1927
• Quickly evolved to be one of the premier pioneering airports in the U.S.
• Served as Detroit’s main commercial airline terminal through 1946.
• Remained very active until the mid-90’s.
• Has languished under successive City administrations since then.
KDET at Risk

Current Situation at Coleman A. Young International Airport

• Deliberate disinvestment in the Airport – direct or indirect:
  ➢ City won’t pursue/use available grants for upgrades.
  ➢ City won’t negotiate with private entities wishing to underwrite leasehold improvements.

• Major asset – the Davis Aerospace Technical High School – was removed from Airport property during a period of stress in the public school system.

• However, with the resurgence of the City underway, Business Aviation has grown in importance at KDET.
Barbarians at the Gate!
Defending Your Local Airport.
Current Threats and Challenges
Curfews and Noise Abatement

Mandatory or Voluntary?

- Airports with existing *mandatory* curfews are grandfathered-in prior to the Airport Noise and Capacity Act of 1990 (ANCA)
  - Grandfathered curfews can be changed under limited circumstances
  - Airports must go through a rigorous FAA Part 161 process for new *mandatory* restrictions
- Airports can implement *voluntary* curfews and *voluntary* noise abatement procedures
Polling Question

Does your airport have a curfew?

– Yes – Voluntary
– Yes – Mandatory
– No Curfew
Curfews

Example: East Hampton Airport (KHTO), Wainscott, NY

- July 2015 – Town imposes access restrictions
  - Curfew on all aircraft
  - Extended curfew for “noisy” aircraft
  - Once-per-week trip limit (not implemented)

- November 2016 – U.S. Court of Appeals, Second Circuit strikes down restrictions
  - Airport Noise and Capacity Act of 1990 (ANCA) applies to all public use airports

- June 2017 – Supreme Court denies review

- September 2017 – Town considers Part 161 study; FAA approval required

- Continue to monitor; grants expire in 2021
Curfews

Example: San Carlos Airport (KSQL), San Carlos, CA

• Proposed draft ordinance based on HTO Concept
• Curfew: 9 pm – 6 am
• Shoulder period: 6 pm – 9 pm and 6 am – 9 am
  – Restriction on noisy aircraft
    • 74.5 dBA or higher
      – Pilatus PC-12 – 75.6 dBA
    • Excludes stage rated aircraft
      – Stage Rating is only for jets and helicopters
• Stakeholders and County collaboratively working to find new solutions to reduce noise
Jet ban and Other Restrictions

- Palm Beach County Park Airport (KLNA), Lantana, FL jet ban
  - Another example of pre or post-ANCA debate
  - FAA’s latest position – jet ban was implemented post ANCA and must be vacated
  - Palm Beach County disagrees
  - Airport user files FAA Part 16 complaint

- Slots
Land Use

Example: Frederick Municipal Airport (KFDK)

LAND-USE CHANGE WOULD ENCROACH ON MARYLAND AIRPORT

AOPA is urging officials in Frederick, Maryland, to oppose a real estate developer’s bid to rezone farmland near the city’s airport, citing the city’s obligation as a recipient of federal airport grants to ensure compatible land use in the airport’s vicinity.

The Frederick Board of Aldermen and the mayor should support the position taken by the city airport commission in opposition to the rezoning ordinance, AOPA President Mark Baker wrote in a letter to...
Land Use
Example: Santa Monica Municipal Airport (KSMO)
Obstruction Mitigation

Impact on Instrument Approaches

- 14 CFR Part 77
- Airport sponsor responsible for obstruction mitigation to keep approach and departure imaginary surfaces clear
- Unmitigated obstructions can limit access to airports
Unwarranted Runway Shortening
Example: Runway 28 - East Hampton Airport (KHTO)
Violations of Grant Assurances

Applies to Federally Obligated Airports

- **39 Total Assurances**
- **Most common violations**
  - 22 – Economic Nondiscrimination
  - 23 – Exclusive Rights
  - 25 – Airport Revenues (Revenue Diversion)
- **Others to monitor**
  - 19 – Operations and Maintenance
  - 20 – Hazard Removal and Mitigation
  - 21 – Compatible Land Use
Challenges of Bringing Customs and Border Protection Services (CBP) to the Airport

- Benefits of CBP Facility
  - Convenience for users and tenants
  - Positive economic impact
    - Local jobs and increased fuel sales
  - Reduced environmental Impact
    - No additional take-off/landing
  - Increased margin for safety
    - No intermediate stop

- Community concern
  - Increased traffic and noise
    - Most airports do not see a dramatic increase in traffic or change in type aircraft
Challenges of Bringing Customs and Border Protection Services (CBP) to the Airport

Success: Boca Raton Airport (KBCT), Boca Raton, FL
Challenges of Bringing Customs and Border Protection Services (CBP) to the Airport

Challenge: Long Beach Airport (KLGB), Long Beach, CA
Non-Aeronautical Use of Hangars
Consistent Availability of Aeronautical Services

Example: FBO Eviction at Santa Monica Municipal Airport (KSMO)

Santa Monica Files Lawsuit to Evict KSMO FBOs

The city continues on its push to close the historic airport.

By Pia Bergquist  November 8, 2016

The city of Santa Monica last week filed unlawful detainer lawsuits against American Flyers and Atlantic Aviation, the two major FBOs at the Santa Monica Airport. The FBOs received 30-day eviction notices in September but have continued their business operations. The city’s lawsuits were filed one day after Los Angeles Superior Court Judge James Chalfant denied temporary restraining order requests from the FBOs to prevent the unlawful detainers, according to the Santa Monica Lookout.

Atlantic Aviation is one of two major FBOs at Santa Monica Airport that had lawsuits filed against them by the city. Atlantic Aviation

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

INTERIM CEASE AND DESIST ORDER

This matter is before the Federal Aviation Administration (FAA) pursuant to a September 26, 2016 Notice of Investigation (NOI) FAA Docket Number 16-16-13 issued to the City of Santa Monica (City). The City responded to the NOI on November 4, 2016. Having considered the City’s response, the FAA hereby ORDERS the City to immediately CEASE AND DESIST from taking any actions to evict American Flyers, Inc. (American Flyers) and Atlantic Aviation FBO, Inc. (Atlantic) from Santa Monica Municipal Airport (SMO) until such time as the FAA issues a final agency decision on the NOI.
Airport Privatization

FAA Airport Privatization Pilot Program

- Program established by Congress in 1996
- Number of slots increased to 10 in 2012
  - Minimum of one (1) for GA
    - May be leased or sold
  - No more than one (1) for large hub air carrier airport
    - Air carrier airports may only be leased
- Participating airports:
  - Approved:
    - Luis Muñoz Marín International Airport (SJU)
  - Preliminary Application Accepted:
    - Hendry County Airglades Airport (2IS)
    - St. Louis Lambert International Airport (STL)
    - Westchester County Airport (HPN)
Closure

City Airport's future may not involve flying

Christine Ferretti, The Detroit News  Published 12:02 a.m. ET April 13, 2017 | Updated 9:15 a.m. ET April 13, 2017

Detroit — For the first time in recent history, city officials want to consider the potential of closing Detroit’s troubled municipal airport and converting the land for other uses.

Mayor Mike Duggan’s administration will begin seeking experts Thursday for a study it hopes will change the trajectory of the financially troubled Coleman A. Young Municipal Airport,
Closure

• Airport obligations
  – Acceptance of FAA AIP grants – 20 years
  – AIP Grants to acquire real property – Perpetuity
  – Surplus Property Act – Perpetuity
  – Airports can’t simply pay back the grants
• FAA process
  – Demonstrate benefit to aviation
  – Solicit public input
  – 30-day notice requirement
  – Compliance with Airport Noise and Capacity Act (ANCA)
  – Compliance with National Environmental Policy Act (NEPA)
• Examples of releases
  – Replaced by a new and improved airport
  – Little use, poor condition, unprofitable
  – Congressional override
  – Some unusual and special cases

St. Mary’s, GA Airport (4J6)
Closed June 14, 2017
Barbarians at the Gate!
Defending Your Local Airport.
Rules, Regulations and Compliance Enforcement Tools
Airport Noise and Capacity Act of 1990 (ANCA)

- Act passed by Congress
- Prohibit local “patch quilt” of noise restrictions
- Generally applies to all public-use airports, regardless of whether they are federally obligated or not
Grant Assurances and Deed Obligations

- Federal Grant Assurances
  - 39 total obligations
  - Most large and general aviation airports accept federal grants
    - Obligates an airport for 20 years
    - Compliance in perpetuity if federal funds are used for a real estate purchase
- Deed-based obligations
  - Post World War II – Surplus Property Act
    - Obligates the sponsor to operate as an airport in perpetuity
    - Over 500 airports in the US have deed based obligations
  - Defense Base Closure and Realignment Commission (BRAC)

QUITCLAIM DEED

1. THIS INDEBTURE, made this 19th day of December 1966, between the UNITED STATES OF AMERICA, hereinafter sometimes referred to as Government, acting by and through the Administrator of General Services, under and pursuant to the powers and authority of Article 4, Section 3, Clause 2 of the Constitution of the United States, and the provisions of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (63 Stat. 377), as amended, and the Surplus Property Act of 1946 (58 Stat. 767), as amended, and regulations and orders promulgated thereunder, party of the first part, as grantor, and the CITY OF RENO, a municipality created, operating and existing under and by virtue of the laws of the State of Nevada, party of the second part as grantee.

2. WITNESSETH, that the said grantor, for and in consideration of the assumption by the grantee of all the obligations and interests subject to certain reservations, restrictions and conditions and its covenant to abide by, and its agreement to certain other reservations, restrictions and conditions, all as set out hereinafter, has remised, released and forever quitclaimed, and by these presents does remise, release and forever quitclaim to the grantee, its successors and assigns, under and subject to the reservations, restrictions, conditions and exceptions, all as hereinafter expressed and set out, all right, title, interest, claim and demand which the grantor has in and to that certain property described as follows:
Airport Rules and Regulations

• Minimum Standards
  – Best practice, but not required by FAA
  – Level playing field and expectations

• Rules and Regulations

• Leasing Policy
  – Priority given to aeronautical entities
  – Non-aeronautical tenants pay full market rent
  – Terms long enough to recoup investment (at least 10 years)
Compliance Enforcement Tools

- Regular collaboration with airport management
- Constant collaboration with FAA Airport District Office (ADO), FAA Regional Offices and FAA HQ through NBAA/AOPA
- Part 13 informal complaint
- Part 16 formal complaint
- Litigation (last resort)
Polling Question

Are you aware of any Part 16 Complaints that have been filed at your airport?

(Can be past or present)

– Yes

– No
Barbarians at the Gate!
Defending Your Local Airport.

Early and Constant Airport Advocacy
Building a Positive Image of a GA Airport
Santa Monica Municipal Airport (KSMO) – Human Element
Building a Positive Image of a GA Airport
Educating Pilots, Tenants and Users
Working with Elected and Appointed Officials
Educating the Community

SANTA MONICA AIRPORT PROTEST
Saturday, February 4 – 11 AM to 1 PM
Say NO to AIRCRAFT NOISE and POLLUTION

GUEST SPEAKERS:
Congressman Ted Lieu
Santa Monica Mayor Ted Winterer
Los Angeles Council member Mike Bonin

LOCATION: north side of Donald Douglas Loop North, between 2950 31st and 2951 28th Streets
Educating the Community

Educational Videos

Podcast
NBAA Airport Advocacy Resources
Tools and Support from Local and Regional Groups
Barbarians at the Gate!
Defending Your Local Airport.
Organizing and Running a Successful Airport Association
SMO – Organizing an effective airport association

• SMO / SMAA lessons learned.

• Successful airport association 40+ years.
  — Kept SMO open
  — Grassroots organization

• To overcome current developer-backed city council and secure SMO for the long term will take wider community outreach, education and political action.
SMO – Organizing an effective airport association

• SMAA stepped up it’s game starting May 2016.
  — New Board Members
  — First ever Strategic Plan
  — Doubling membership, tripling fundraising
  — Full time administrator
  — Building a NATO-style alliance of allies
  — Political action
  — Preparing for 2018 & 2020 city elections

• SMAA pleased to share it’s strategy, effective techniques and “cookbook” with similarly threatened airports.

• Without local and regional airports, US general aviation is crippled.
Recipe for an effective airport association

People

Organization

Funding

Effectiveness
Organizing an Airport Association

Detroit City Airport Story
Building Membership and Keeping Members Engaged
Events – At least one free community event per month

2017 Events

January  Disaster Relief
February  Kids in Plans
March    Avoiding LAX travel
April    EAA Young Eagles
May      Military Aviation
June     Helicopters
July     Flight Training
August   Business Aircraft
September Angel Flight West
October  Kids in Planes
November Disaster Relief
December Santa Flies into SMO
Fundraising

- SMAA Funding from memberships and donors
- Tripled fundraising in 2016

Make a donation:
$Other (donate any amount)
2017 Membership payments:
Renew or join today!
$10.00 (Student)
$25.00 (National Supporter)
$50.00 (Pilot)
$100.00 (Tiedown)
$500.00 (Aviation Supporter)
$1000.00 (Aviation Business)
KDET at Risk

Lessons Learned from the Situation

• Every airport in the US has opponents that would like to close them.
• Most people in decision making positions don’t have any understanding about aviation and its value.
• No matter the situation, airports need to know their stakeholders and adversaries.
• Each airport must understand and continually sell their unique value propositions.
KDET at Risk

Lessons Learned from the Situation

• Every business aviation user needs to advocate for the economic value derived from airports.

• Don’t take anything for its face value. Even existing laws need to be viewed as risks.

• Airports need a long range business plan and to constantly communicate the plan.

• Airports should embrace the entire community needs, (e.g. STEM education and security.)

• The actions at each airport affect all other airports.
KDET at Risk

Support Coleman A. Young International Airport

• If Detroit “repurposes” the airport, what is to say your airport isn’t next?
• Please support the Coleman A. Young International Airport Education Association at SupportKDET.org.
• If you know of any person, company or organization that would like to help general aviation, please encourage them to donate.
• The fate of your airport may depend on the fate of KDET.
The Barbarians at our gate....
Thank you NBAA members for supporting our fight to keep SMO open for all.

Join us at: www.santamonicaairport.info
Barbarians at the Gate!
Defending Your Local Airport.

Audience Participation
Session Evaluations

Please take a minute to complete the evaluation at the end of the session.
Your input is important to us.