

June 18, 2015

By E-Mail and FedEx

Mark Epley, Mayor
Village of Southampton
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RE: Proposed Local Law – Use of Village Heliport

Dear Mayor Epley:

I write to you on behalf of the National Business Aviation Association, Inc. (“NBAA”). NBAA represents over 10,000 member companies which own and operate over 11,000 general aviation aircraft (including both fixed-wing aircraft and helicopters) to facilitate the conduct of their businesses or which are otherwise involved with business aviation.

NBAA understands that on June 23, the Village's Board of Trustees will consider a proposal to impose operational restrictions at Southampton Heliport (87N) - i.e., limiting operations by any particular helicopter to three flights per week between July 1 and September 15.

As you may be aware, Southampton acquired the heliport from the federal government in 1975. The underlying deed imposed various obligations on the village, including that Southampton “use the property for public airport purposes for the use and benefit of the public, on reasonable terms and without unjust discrimination.” N.B., those commitments remain in effect in perpetuity – and consistent with the Surplus Property Act (49 U.S.C. § 47151, et seq.) and well-established FAA precedent, they prohibit the town from imposing operational restrictions on 87N users.

Indeed, the Village itself already is on notice of its deed-based obligations. In 2006, Grotell Consulting prepared a “Southampton Heliport Action Plan” for the Village, which warned that access restrictions at 87N would be “in direct violation of the Quitclaim Deed. The Village agreed to maintain the heliport for public-use and benefit.” Accordingly, if the town were to adopt the above proposal, there is no question that Southampton would be in violation of its deed and subject to FAA enforcement.

Accordingly, we strongly urge the Board of Trustees to withdraw the proposal from consideration, and carefully consult with experienced aviation counsel regarding its obligations in operating the heliport – as well as with heliport users and their representatives – before taking any further actions.

Sincerely,



Steve Brown
Chief Operating Officer, NBAA

CC:

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