



**DRAFT**

## **Agenda and Summary**

### **Falcon Field Ad-hoc Task Force**

**June 4, 2009**

#### **Presentation, Discussion – Legal Parameters, Peter Kirsch**

Mr. Kirsch introduced himself and the group introduced themselves. NLewis made it clear that he's been retained by the City for legal advice and counsel, given the complexity of airport-relates rules and law. He is not here to provide legal advice to the task force. Mr. Kirsch began down the list of questions provided to him by the task force.

**Can we enforce limits to touch and go's:** As long as the purpose of doing so is reasonable and doesn't discriminate unjustly. Based on his experiences, if something is mandated, becomes more complicated and the FAA becomes involved. If there are agreed upon rules created, the City has more influence over a decision.

**Can the City say no to more training op's:** As long as Falcon Field is not at saturation, the economic arguments have not stood up to the reasonableness test. Other airports have created limits when congestion becomes problematic. Similar to how roadways are monitored and sometimes restricted. Until grid-lock and over-saturation exists—only then can and do some cities prohibit truck traffic. Need to find a unique phenomenon at this airport that requires the change. For example, with summer heat ... is there a congestion issue from 5-7 a.m. that requires restrictions at that time?

**Can the City limit FBO's or other businesses at Falcon:** What is the objective? If objective is to ensure development occurs in accordance with the City's long-term vision for the airport, then the City can create min. standards that ... as long as they are reasonable, can assist.

**Can City eliminate COOPs at airport?** Every aircraft owner has right to fill their own aircraft. Beyond that, most airport operators regulate fuel sales. Again, regulations must be reasonable.

**Can the City reduce the number of training operations at Falcon?** Explained Fort St. Louisa, FL example. They built a runway three miles from the airport. Now, all training op's conducted there. A reasonable accommodation. Task force members asked about use of northern runway. Mr. Kirsch reminded the task force that if this was an agreed upon procedure, community would be more successful in implementing with FAA assistance.

**If airport creates expectations or rules and make it clear to FAA that they are voluntary, safety and weather permitting, etc., can Council adopt?** His experience is that airports are most successful and have higher likelihood of long-term success with agreed upon rules.

**Can we mandate a preferred take-off/landing pattern?** Aircraft in flight is an area that FAA influences. Need to work with tower.

**Can City limit touch and go's from 9 p.m. to 6 a.m.?** His experience—airports most successful when this is an agreed upon rule that is followed voluntarily.

**Can City implement landing fees?** As long as the purpose is reasonable. Generally based on weight, percentage of gross volume of business at airport. Very staff intensive to coordinate and implement. May be a financial consideration for the City and airport.

**What are pros/cons of a Part 150?** Pros—creates data. Increases public discussion. Creates ability for airport to receive funding from FAA to complete sound mitigation, but only for areas within 65 DNL. Possible cons—Can stir up dissent/polarization in that expectations are sometimes created that cannot be achieved. Bright line on 65 DNL only. "Solutions" not offered outside of 65 DNL. Once you complete one, must be updated every 5-10 years. Most success in airports seeking agreement and reasonable compromises.

Bottomline. City cannot unjustly discriminate. City must always act reasonably. Airport/City have more influence of things like land uses off airport, agreed upon rules, reasonable min. standards and on-airport land uses. Mandated items and aircraft in flight involve FAA influence.