



## AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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December 13, 2007

The Honorable Thomas Peeples  
Mayor of Hilton Head Island  
One Town Center Court  
Hilton Head, SC 29928

Dear Mayor Peeples and members of the Town Council:

The Aircraft Owners and Pilots Association (AOPA) is a non-profit membership organization that represents more than 414,000 individual pilots and aircraft owners from every state, including more than 4,800 who reside in South Carolina. General aviation aircraft operators utilize all of the 5,200 public use airports in the United States, including the Hilton Head Island Airport; an airport that is included in the Federal Aviation Administration (FAA) national aviation transportation system plan as reported to the United States Congress.

AOPA is active on all levels of both federal and local government. We actively participate in proceedings involving issues related to general aviation, including access to airports and the air transportation network. A central element of AOPA's activities is the maintenance and development of existing airports in communities throughout the United States and the preservation of the aviation infrastructure that supports the air transportation network throughout the country.

We are writing to express our serious concern regarding the Town's plan to conduct a final vote on the Land Management Ordinance (LMO) amendment restricting the length of the Hilton Head Island Airport runway. We believe that, if enacted without further study or amendment, the proposed LMO could have unintended negative consequences for both the airport and the Hilton Head Island community.

For many years, reasonable public access to airports has become increasingly restricted with a resulting detrimental effect on the public interest. AOPA believes that this trend towards a dwindling air transportation infrastructure is largely the result of a lack of understanding about general aviation, aircraft operations, and the nationwide system that exists to support the air transportation infrastructure to allow the public to enjoy the benefit and necessities of air travel. Therefore, AOPA works hard to educate persons about the benefits and importance of general aviation in the United States, including participation in litigation affecting general aviation. Of particular concern to the advancement of general aviation is the unreasonable impact on airports for reasons unrelated to the proper consideration of aviation interests and without due consideration to applicable laws and policies.

The Honorable Thomas Peeples

Page 2

December 13, 2007

The peaceful coexistence of airports and the surrounding airport communities is of great interest to AOPA's members. Most communities understand the value that an airport has to their community, including providing transportation access and emergency services for the residents and for visitors, providing employment and business opportunities, and, in some circumstances, providing income to a municipality. Hilton Head Island Airport plays a key role in your community by, among other things, providing an essential transportation link for the town's tourism industry and serving as a potential staging ground for recovery following a natural disaster.

Clearly, the Town Council has an important role to play in ensuring that airport operations are in congruence with the town's comprehensive plan. However, I urge Council members to refrain from passing this ordinance as written, when currently there may be insufficient evidence to establish that the proposed rezoning will promote public health, safety, convenience, prosperity or general welfare. Code 1976 § 6-29-340. It is our view that this unduly specific restriction on runway length could undermine, rather than support these objectives. We also believe that by unnecessarily binding the hands of the Airport sponsor and other decision makers, the Council's actions may contravene Hilton Head's Municipal Code mandate that zoning should "facilitate the adequate provision of transportation;" and "[ensure the] provision of appropriate and necessary public facilities." Sec-16-1-103 Municipal Code of the Town of Hilton Head Island (1983).

The Town's current rationale for the LMO appears to be based on an understandable lack of familiarity with federal regulations governing airport operation and construction. Staff planner Ms. Heather Colin has recommended that the ordinance be enacted to address ongoing safety concerns due to the current location of the airport and its associated flight paths. Respectfully, I would maintain that safety of aircraft operating in air commerce, including the protection of persons and property on the ground, is primarily the mission of the FAA, not the states or municipalities. 49 U.S.C. § 40103(a)(1), (b)(1); City of Burbank v. Lockheed Air Terminal, Inc., 411 U.S. 624, 93 S.Ct. 1854 (1973).

As you may be aware, the FAA requires extensive feasibility studies, including thorough evaluations of possible safety and health concerns of adjacent communities, before granting approval for any airport expansion. This evaluation process would include consideration of the impact any expansion would have on the Island and its residents. Therefore, given the FAA's already stringent safety regulations, the proposed LMO is unlikely to provide any measurable increase in public health or safety.

Another concern is that the ordinance limiting expansion may put the airport in jeopardy of breaching its grant agreements with the federal government. By law, when accepting federal grant money, the county is required to ensure that the airport remains accessible for public use under reasonable conditions and that the airport remains as self-sustaining

The Honorable Thomas Peebles

Page 3

December 13, 2007


as possible. 49 U.S.C. § 47107 (a) (1), (a)(10), (a)(13). Breaching these contractual agreements could greatly hinder future growth and development of the Hilton Head Island Airport.

In addition, without evidence to establish that a restriction on runway length is in the public interest, the proposed LMO appears to be in direct conflict with U.S. government policy on airport development. FAA policy regulations expressly stipulate that artificial restrictions on airport capacity are not in the public interest. 49 U.S.C. §47101 (a)(9). The regulations further state that, in the interests of promoting safety and efficiency, airport construction and improvement projects that increase airport capacity should be undertaken to the maximum extent feasible. 49 U.S.C. §47101 (a)(7).

As a final matter, we would like to note that while we respect the Town's need to have a continued voice in airport developments affecting the community, there are arguably less drastic measures that could provide for this. It would seem to us that there are already mechanisms in place that will allow the town to be involved, either formally or informally, in the decision making process.

Again, we urge the Town Council members to suspend this item from further consideration and conduct a thorough impact study prior to holding a final vote on this matter. This could save the town from wasting significant time and taxpayer dollars having to defend any litigation brought in this matter or to repeal or rewrite a hastily adopted ordinance.

Sincerely,



Bill Dunn  
Vice President  
Airports