



**AIRCRAFT OWNERS AND PILOTS ASSOCIATION**

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October 23, 2007

Southold Town Board  
Southold Town Hall  
53095 Main Road  
Southold, NY 11971  
Attn: Elizabeth Neville, Town Clerk

Re: A Local Law to Establish a Minimum Height for Operations of Aircraft Over Town Limits

Dear Members of the Town Board:

On behalf of more than 15,000 New York members – of more than 413,000 nationwide – of the Aircraft Owners and Pilots Association (AOPA), we are writing to register our opposition to the proposed law to limit overflights by aircraft in the Town of Southold, which would seem to interfere with the federal government's pre-emption of the regulation of U.S. airspace.

We respectfully oppose the proposed ordinance due to the fact that all of the navigable airspace in this country is within the sole domain of federal regulation. Congress has acted to vest the Federal Aviation Administration (FAA) with exclusive responsibility for managing the nation's navigable airspace, and federal courts have upheld this principle on several occasions. Additionally, federal law clearly preempts the regulation of aircraft in flight, and provides that only the FAA may impose limitations, aside from a limited exception for noise abatement by an airport operator. We believe that the proposed law would violate federal law and we respectfully ask that the Council withdraw its consideration of adoption.

Please be aware that federal authorities have not ignored the need for pilots to be attentive to the needs of the communities over which they fly. The FAA has issued an Advisory Circular on Visual Flight Rules (VFR) Flights Near Noise Sensitive Areas. Pilots flying under visual rules are encouraged to avoid flying over noise-sensitive areas, if practical, instead of flying over them at relatively low altitudes. Pilots operating noise producing aircraft over noise-sensitive areas should make every effort to stay at least 2,000 feet above ground level (AGL), weather permitting. By recommending this 2,000 feet minimum AGL, the FAA intended to reduce complaints of noise disturbances. Additionally, in departing or arriving at an airport, take-offs and landings should avoid prolonged flights at low altitudes near noise-sensitive areas.

Thank you for your time and consideration of our comments. Should you have any questions or concerns, or should you require any further information, please do not hesitate to contact me or AOPA Northeast Regional Representative, Craig Dotlo at 914-631-4051.

Sincerely,  
  
Gregory Pecoraro  
Vice President, Regional Affairs

cc: Craig Dotlo, AOPA NE Regional Representative