



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

April 21, 2008

Mr. Robert Trimborn
Airport Manager
Santa Monica Municipal Airport
3223 Donald Douglas Loop S.
Santa Monica, CA 90405

RE: Santa Monica Municipal Airport – City Ban on Category C and D Aircraft

Dear Mr. Trimborn:

You have advised aeronautical users of Santa Monica Municipal Airport (SMO) by letter, dated April 14, 2008, that pursuant to a March 25, 2008 City Ordinance, Category C and D aircraft operations are prohibited at SMO effective as of Thursday April 24. Your letter further advises that operators of those aircraft will be subject to misdemeanor prosecutions, fines and possible jail sentences for violating the Ordinance. We have discussed this matter with the airport and with the Santa Monica City Council on a number of occasions and, as you know, the subject of the legality of the Ordinance is now part of an on-going FAA proceeding. While we have not yet concluded that proceeding, our initial view, as we have previously communicated to you, is that the City's ban on operation of these aircraft is unlawful. Accordingly, it is our view that the Ordinance cannot be allowed to go into effect, particularly while the FAA's proceeding is ongoing.

The legality of the ban on Category C and D aircraft at SMO is before the FAA pursuant to a Notice of Investigation under 14 C.F.R. Part 16. On March 26, 2008, one day after the City adopted the new Ordinance imposing the ban, the FAA moved to expedite the Part 16 proceedings, which until that time were stayed by the parties' attempts at negotiation. Presently, we are near to completing the initial determination but the administrative process may extend for some additional time

SMO maintains that Category C and D aircraft presently represent approximately 9,000 aircraft operations or 7 % of total annual aircraft operations. SMO is an important general aviation reliever for Los Angeles International Airport (LAX) in a regional airspace and airport system that is already taxed in terms of available airports. Furthermore, Category C and D aircraft operations have been landing and taking-off safely from SMO for over twenty years. There is no emergency requiring an immediate ban, and there is no basis for a change in the status quo that would bar these operations.

Your enforcement of the Ordinance on April 24, 2008, can only be interpreted as an attempt to divest the FAA of its jurisdiction over its administrative process to which the City, as a federally obligated airport, must adhere. Moreover, your attempted enforcement of the City's Ordinance also suggests a complete disregard for the FAA's authority and responsibility as the final arbiter of aviation safety in the National Air Transportation System.

The FAA cannot countenance enforcement of the Ordinance under these circumstances while the administrative proceeding is underway. Therefore, the FAA requests that, by close of business Tuesday April 22, 2008, you withdraw your letter to the aeronautical users and assure the FAA and those users in writing that the City will refrain from enforcing the ban on Category C and D aircraft operations pending the outcome of the Part 16 administrative proceeding. Please provide this office with a copy of your withdrawal letter by close of business Tuesday April 22, 2008.

Should the City fail to comply with this request, the FAA will issue a cease and desist order requiring the City not to enforce the Ordinance in order to preserve the status quo. In the event that, for whatever reason, the City does not comply with an FAA cease and desist order, we will pursue appropriate remedies through all means available.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Solco', with a large, stylized flourish at the end.

Kelvin L Solco
Acting Director
Office of Airport Safety and Standards