



Tony Vazquez
Mayor

City Council
1685 Main Street
Room 209
Santa Monica
CA 90401

September 6, 2016

Kevin C. Willis
Director of Airport Compliance and Management Analysis
U. S. Department of Transportation
Federal Aviation Administration
Office of Airport Compliance and Management Analysis
800 Independence Avenue, SW
Washington DC 20591

Dear Mr. Willis:

This responds to your letter of August 30th, expressing concerns about certain actions recently taken by the City in its capacity as proprietor and operator of the Santa Monica Airport (“the Airport”). The Federal Aviation Administration’s (FAA) concerns include the City Council: adopting a resolution declaring Council’s intent to close the Airport to aviation uses as soon as legally permitted, with the goal of doing so by July 1, 2018; adopting a policy to establish exclusive public proprietary fixed base operations (FBO) at the Airport; adopting a policy supporting leases compatible with surrounding uses; and directing the City Manager to take appropriate and lawful actions to eliminate the sale of leaded fuel at the Airport.

Your letter reiterates your agency’s views of its authority and threatens legal action if the City fails to abide by contractual grant conditions, which your agency contends remain in effect—a contention that the City disputes, and is now challenging in the Ninth Circuit. Finally, your letter “requests” that the City submit both its plan for proprietary fixed base operations at the Airport and its leasing policy for FAA review.

Your letter’s content and tone strike us as alarmist and heavy-handed. The City is committed to acting in accordance with the law. So, for example, the Council’s resolution expressly states that it will close its airport “as soon as ... legally permitted.” (Emphasis added.) Likewise, the City’s leasing policy specifically states that the City will allow uses “required by law.” As to the establishment of a proprietary exclusive fixed base operation, federal law indisputably allows airport proprietors to operate exclusive fixed base operations. Finally, concerning the City Council’s intention to eliminate leaded fuel, the federal government itself has declared a policy of eliminating lead from aircraft fuel by 2018. Indeed, given the clearly recognized damage that leaded fuel causes to human health and the environment, it is shocking that the federal government has resisted so long eliminating lead from aircraft fuel—which was banned from automobile fuel decades ago.

In respect to your request that the City submit plans for providing proprietary FBO services and a leasing policy, we are unaware of any legal requirement mandating such submissions. The City intends to consult cooperatively with FAA personnel, as City staff has, routinely, for years.

Your letter underlines the tension between the FAA's dual missions of protecting aviation safety but also promoting air commerce. The City has a single mission, which the law clearly recognizes—protecting the health, safety and welfare of its residents and the environment—and legal authority to fulfill that mission. Your letter acknowledges the City's "firm views" regarding our rights. To clarify, we have more than "views". As proprietor and operator, we have legal responsibility for the Airport and its impacts; and, we have legal rights, as proprietor, to protect the health, safety and welfare of our residents and the environment. The federal regulations administered by your agency do not trump those rights. Nor do any contractual agreements that may remain in effect between the City and the FAA nullify those rights. That is because, among other things, the City "actions" that you question are expression of policies that are reasonable, nondiscriminatory and well within our proprietary and other legal rights.

Very truly yours,


Tony Vazquez

cc: City Council
Rick Cole, City Manager