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# Aviation Group Sues Over East Hampton Aircraft Restrictions

Residents want less helicopter noise, but charter operators say new rules could kill their businesses



Passengers disembark from a helicopter at the East Hampton Airport on Long Island in this photo from last August.

*PHOTO: KEVIN HAGEN FOR THE WALL STREET JOURNAL*

By **MICHAEL RUIZ**

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An aviation industry coalition is suing to block new restrictions on helicopter flights on Long Island's East End that many residents say will spare them from noise, but business owners say will ruin their livelihoods.

Helicopter flights and the din they bring have been in dispute for decades on the East End, often pitting summer visitors against year-round homeowners. Among those caught in the middle are businesspeople who service the aircraft.

The suit, filed Tuesday in U.S. District Court against the Town of East Hampton, seeks to block the regulations on the grounds that they violate Federal Aviation Administration guidelines, the Airport Noise and Capacity Act of 1990, and the U.S. Constitution's supremacy and interstate-commerce clauses.

"Under federal law, local governments have no authority to regulate or control aircraft in flight, no authority to impose airport noise or access restriction using their police powers, and no authority to enact or enforce airport noise or access restrictions that violate or conflict with federal law and policy," the complaint says.

The suit also argues the new rules for East Hampton Airport "will cause serious and irreparable harm" to charter operators and other airport users.

The restrictions, approved last week by the East Hampton Town Board, will impose curfews from 11 p.m. to 7 a.m. on all flights and 8 p.m. to 9 a.m. on aircraft deemed "noisy," and install a limit of one weekly round trip for each individual aircraft.

The town dropped a fourth rule that would have banned helicopters during weekends and holidays after officials from neighboring towns voiced concerns it would reroute traffic to other area airports, said councilwoman Kathee Burke-Gonzalez.

The town plans to re-evaluate the restrictions at the end of the 2015 summer season, she said.

That means a summer of uncertainty for seasonal businesses like Sound Aircraft Services, said Cindy Herbst, who owns the firm, which is based at East Hampton Airport and a plaintiff in the lawsuit.

"When you're a seasonal business and you lose a season, there's no way to survive the winter months," she said.

The town had expected aviation operators would bring legal action over the restrictions, according to board members. When drafting the rules, the board retained a national law firm with an expertise in airport management, the Denver- and Washington, D.C.-based Kaplan Kirsch & Rockwell.

FAA guidelines require rules be reasonable and without unjust discrimination. The town's rules meet that criteria, said Peter Kirsch, a partner at the firm.

“I’m confident that they will stand up in court,” he said.

The rules are “severe and illegal,” said Loren Riegelhaupt, a spokesman for the Friends of East Hampton Airport, an industry group that opposes the regulations and is also among the plaintiffs.

“Rather than working together to find a balanced, reasonable approach, as they promised, the town has passed restrictions that violate the law and result in dramatic loss in revenue for the airport and town,” Mr. Riegelhaupt said.

Supporters of the rules said the suit had cast a shadow on what they considered a victory. “I think we are now on a trajectory to solve the problem, but it will take longer,” said David Gruber, who has sought for decades to reduce aircraft noise.

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