

PRESS RELEASE

At its regularly scheduled Board of Directors meeting today, the Tweed New Haven Airport Authority voted to bring a lawsuit against the State of Connecticut that seeks a determination that the state statute which limits the length of the main runway at Tweed to 5,600 feet is illegal,” according to John Picard, the chair of the Authority’s Board of Directors. This case is to be filed in U.S. District Court in the next week.

Hugh Manke of Updike, Kelly & Spellacy, counsel to the Authority, explained that “federal statutes pre-empt any state action that interferes with federal control of air service facilities and safety plans for airports in the national commercial air service system.” “Runway length”, he added, “has a direct bearing on service and safety, and federal statutes clearly place those matters exclusively in the hands of the Federal Aviation Administration (FAA).”

Tim Larson, Executive Director of the Authority, described Tweed as “an airport at a critical juncture. Commercial carriers are interested in servicing the Southern Connecticut market but will not consider coming to Tweed until the runway is lengthened.” “In addition,” he said, “our current carrier, American (formerly US Airways), may discontinue our existing service when in the next few years they replace the current Dash-8 aircraft with planes that require a longer runway.”

“More than \$35 million of public funds have been invested in this airport,” Larson said, “and that investment makes no sense if there is no commercial service here.”

“The airlines are telling us they need a minimum runway length of 6,000 feet and that they prefer 6,600 feet to accommodate wind and weather conditions. We can do either extension within the existing boundary of the airport,” Larson said.

An environmental assessment would be the first step after the statutory limit is lifted by the court,” Manke said. “Public hearings are a standard part of the process of evaluating the environmental assessment and of pursuing various permits that may be required.”

“Some Board members have asked what changed since 2009 when the statute was passed,” Larson said. “The answer is that the market has changed and we need to respond to the market. We are staying within our footprint, and Tweed’s Master Plan which was adopted many years ago calls for an extension of the runway if the market requires it.” “Merger of airlines has narrowed the choice of aircraft and of service options, and Tweed needs to respond with a longer runway.”

“Easy access to the national commercial air service network is important to the liability of the Airport and to the continued growth of the New Haven region. The next step toward making that happen is to win the lawsuit.”

Resolution #432
Approval of Lawsuit Seeking Declaratory Judgment

November 18, 2015

WHEREAS the Authority is charged with the management and operation of Tweed New Haven Airport pursuant to Sec. 15-120g et seq. of the Connecticut General Statutes, as amended; and

WHEREAS Connecticut General Statutes Section 15-120j(c) restricts the main runway at Tweed to 5,600 linear feet based on circumstances in 2009 when it was believed that the current runway length was sufficient to attract scheduled commercial carriers to serve Tweed from destinations such as Orlando, Chicago and Washington, D.C.; and

WHEREAS repeated discussions with air carriers in the past six years have made it clear that the aircraft which are owned by air carriers interested in serving Tweed's market require a longer runway to operate safely; and

WHEREAS due to the phasing out of the Dash-8 aircraft in the next two years, American Airlines is likely to require a longer runway to provide any scheduled air service at Tweed; and

WHEREAS the Authority wishes to seek a declaratory ruling from the U.S. District Court that Connecticut General Statutes Section 15-120j(c) is illegal and invalid because Federal law provides that control over the nation's airspace, including determinations as to the length and character of runways and taxiways, is exclusively within the jurisdiction of the federal government, and state governments are pre-empted from making such determinations; and

WHEREAS success in this lawsuit will enable the Authority to conduct an Environmental Assessment, with opportunity for public hearings, of the impacts of paving a portion of the Runway Safety Areas and seek approval from the FAA, the CT Department of Energy and Environmental Protection (DEEP) and other agencies, as required.

NOW THEREFORE BE IT RESOLVED that the Tweed New Haven Airport Authority, having discussed the current statutory obstacle to lengthening the runway, and having reviewed various political and legal options, and having been advised by counsel, now vote to file suit against the State in Federal court seeking a declaratory judgment invalidating Connecticut General Statutes Section 15-120j(c).