



City of Santa Monica NEWS ***FOR IMMEDIATE RELEASE***

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Contacts:

Marsha Moutrie, City Attorney
310-458-8336
marsha.moutrie@smgov.net

Rod Gould, City Manager
310-458-8301
rod.gould@smgov.net

Martin Pastucha, Director of Public Works
310-458-8221
martin.pastucha@smgov.net

City of Santa Monica Files Lawsuit Against the FAA to Control Future Use of Santa Monica Airport

The City of Santa Monica has sued the Federal Aviation Administration (FAA) to establish the City's right to control future use of the Santa Monica Airport property, which the City has long owned. The lawsuit, filed in federal court in Los Angeles, asks the court to declare that the City holds clear title to the land. And, it also challenges, as unconstitutional, the FAA's claim that the City must continue to operate the Airport indefinitely, even after contracts establishing the City's Airport obligations expire.

In 1984, the City and FAA entered into a Settlement Agreement with the FAA that obligates the City to operate the Airport until 2015. In anticipation of the expiration of that contract, the City undertook a three-year Airport Visioning Process, intended to identify options for the Airport's future. Hundreds of community members participated in this three-phased process – the largest ever conducted by the City. In April of this year, the Council received a comprehensive report on the results.

After considering the report and conducting a lengthy public hearing, the City Council directed City staff to report back in March of 2014 for further public discussion and a decision about the future use of the Airport land. Meanwhile, the Council also directed staff to continue to explore any and all possibilities for a voluntary agreement with the federal government that

might modify Airport operations so as to significantly curtail adverse impacts on the community.

Since then, City representatives have continued to meet with FAA representatives in Washington. City Manager Rod Gould explains, "We met in Washington many times, and conveyed community concerns and proposed possibilities for changes, including operational changes, that could significantly reduce many of the Airport's adverse impacts. The FAA representatives were polite and respectful. But, they were simply unwilling or unable to agree to any changes that could bring significant relief to Airport neighbors. They believe that the City is legally obligated to continue operating the Airport as it now operates and to keep operating it forever because of the post-War transfers."

The City has owned and operated the Airport since the 1920's. During World War II, the City leased it to the federal government for a nominal amount in support of the war effort. During the War, the City and the federal government worked together to expand and improve the Airport; and, after the war, when the federal leases expired, the Airport was returned to the City through an Instrument of Transfer. The federal government claims that the Instrument of Transfer obligates the City to operate the Airport "in perpetuity" (forever) or forfeit its ownership interest to the federal government. The City disputes this claim based, in part, on the City's near 100-year ownership of the Airport land, the fact that the Airport was merely leased (not sold), and constitutional guarantees that prohibit commandeering property without compensation and forcing local governments to perform the federal government's work.

Speaking of the lawsuit, Santa Mayor Pam O'Connor said, "We need to get these legal questions answered. The community expects us to protect their health, safety and welfare. And, of course, the community's demands for relief from Airport impacts have only increased since last month's terrible crash. We need the court to decide whether the City has control over its land so that, next year, we can make a decision about the Airport's future. Because this dispute is unique and incredibly important, the City Council directed the City Attorney and her staff to partner with the best outside legal team they could find."

The City Attorney and senior members of her office conducted a competitive process that resulted in the City hiring Morrison & Foerster – a global firm with sixteen offices and more than 1,000 attorneys. Explained City Attorney Marsha Moutrie, "We were particularly impressed with the Morrison & Foerster team's litigation credentials, aviation experience, and appellate expertise. I'm certain that they will provide excellent representation in this singularly important case. And we look forward to working with them to resolve the dispute about the City's authority to control the use of its Airport land."

The case will be heard in Federal District Court in Los Angeles. Federal rules give the federal government 60 days to respond to the City's complaint.

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