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Aviation companies seek to halt their evictions from Santa Monica Municipal Airport—Reported by Dan Weikel

Two aviation companies at Santa Monica Municipal Airport asked the federal government this week to halt their pending evictions, which are part of the city's strategy to reduce aircraft operations and eventually close the facility.

Atlantic Aviation Inc. and American Flyers — private firms that supply a variety of aircraft services such as pilot training and maintenance — requested that the Federal Aviation Administration issue a cease-and-desist order against the city of Santa Monica to stop their removal at least temporarily. FAA officials declined to comment Wednesday on whether they would take action. Earlier this month, the agency's director of airport compliance threatened the city with legal action if it continued to pursue policies to force out aeronautical tenants and shut down the facility that was once home to Douglas Aircraft Co.

Santa Monica served both companies with eviction notices on Sept. 15 and ordered them to leave the airport by Oct. 15. Since June, Atlantic, American Flyers and other aviation tenants have been refused new leases and threatened with eviction at any time.

City officials say that under federal regulations airport operators have the right to establish exclusive government-run aviation businesses that provide the same services as private companies such as Atlantic and American Flyers.

Santa Monica officials say they want to eliminate the sale of jet fuel and leaded aviation gas for piston-engine aircraft, which has been provided by both firms, because the fuels are a threat to public health. They are considering replacing them with unleaded gas and biofuels.

City officials also contend that federal law does not prohibit them from evicting Atlantic Aviation and American Flyers.

"The city of Santa Monica is exercising its right under federal law to establish a municipal fixed base operator, a precedent successfully established in other cities such as Naples, Fla., and most recently, Ft. Wayne, Ind.," Nelson Hernandez, senior advisor to the Santa Monica city manager, said in a prepared statement.

The operator of Naples Municipal Airport, for example, has had an exclusive right to sell fuel since 1969. An aviation company that ignored that exclusive arrangement and violated its lease was successfully evicted from the airport.

Santa Monica officials and local residents have been trying to close the airport for decades. They say they are concerned about noise, potentially harmful air pollution, the proliferation of jet aircraft and the possibility of crashes into nearby homes.

Attorneys for Atlantic Aviation and American Flyers want the FAA to halt the evictions at least until two federal complaints they have filed against the city can be resolved. Atlantic lodged its complaint with the FAA the day before it received the eviction notice. American Flyers filed its complaint Wednesday. Both challenge the city's policies to reduce flight operations, force out aviation tenants and close the facility within two years if legally possible.

The complaints basically allege that Santa Monica is violating federal regulations and agreements dating back to 1948. They state the airport must be available for public use without "unjust discrimination" to all types, kinds and classes of aeronautical activities.

Richard Simon, the attorney for American Flyers, said the main allegation is denial of access to the airport. Evicting tenants without justification, he added, is a violation of federal regulations. "The city doesn't seem to know what it is doing," Simon said. "They are stumbling their way to try to do things that will harm this airport while court actions are pending. In my view, this is just foolish. I think the FAA will find that so as well."

The complaints will be reviewed during an administrative process in which both sides present their positions and evidence to a high-ranking FAA official. The decisions can be appealed once within the agency and later in federal court.