Supreme Court Denies Appeal of New FAA Flight Paths

UPDATE Rejecting arguments by Westport and neighboring communities, the U.S. Supreme Court today refused to reverse a ruling upholding new Federal Aviation Administration (FAA) flight paths.

The decision declining to hear the appeal was rendered without explanation. Westport and its allies had argued that the new flight paths would route more large planes over southwestern Connecticut, damaging the region’s environment.

Last November, Attorney General Richard Blumenthal, in a legal battle initially funded by Westport and a coalition of Connecticut and New York communities, asked the court to overturn a lower court ruling. (See WestportNow Nov. 17, 2009)

Blumenthal said the new flight paths will unnecessarily increase noise and pollution and contended that the FAA failed to follow its own rules and procedures by ignoring vital data and public input.

The FAA, which had said the rerouting is central to its new plan to reduce delays at northeastern airports, had no comment. But officials have indicated that the agency is ready to put its plan into effect.

Westport First Selectman Gordon F. Joseloff, responding to the Supreme Court action, said he expected to meet soon with fellow leaders of communities involved in the lawsuit to determine future action.

“I’m not sure at the moment what our options are,” he said. “That’s why we will get together to discuss it.”

In a statement on Wednesday, Blumenthal said:

“I am deeply disappointed that the Supreme Court has declined to review this case, permitting the FAA’s failure to follow its own rules and procedures in implementing new potentially damaging flight paths.

“The U.S. Supreme Court is allowing the FAA to fly above the law, unchecked and unfairly routing more large planes over southwestern Connecticut without considering public input or environmental damage to the region.

“We will continue to fight the FAA flight plan in the political forum, if not in the courtroom.

“These new flight paths are based on defective data concerning noise and
traffic—discarding less damaging alternatives and disregarding the impact on millions of residents in the region.

“Our coalition of local governments and concerned citizens may have exhausted legal remedies, but we must continue the fight for reform to redirect these flight paths—and compel the FAA to follow the rules going forward.

“My office will continue to collaborate with concerned citizens and public officials to compel the federal government to follow its own procedures, and rescind these fatally flawed flight paths.”

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