



County of Rockland

Office of County Executive C. Scott Vanderhoef

NEWS RELEASE

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Vanderhoef calls Supreme Court's dismissal of FAA appeal **"disappointing"**

County Executive vows to continue Rockland's fight against FAA redesign on political front

New City, NY – County Executive C. Scott Vanderhoef called yesterday's dismissal by United States Supreme Court of Rockland County's lawsuit against the Federal Aviation Administration (FAA)'s flawed airspace redesign plan "disappointing," but vowed to continue the fight through the political process.

"This is terribly disappointing but it doesn't come as a big surprise. The FAA violated federal law by not considering issues like noise pollution and environmental impact, and the courts have, in effect, rewarded the FAA for not doing a thorough job," Vanderhoef said. "We lost this battle, but we will work with our Congressional representatives to stop funding for the redesign project. The practical way to continue this fight is through the political process."

Vanderhoef vowed to enlist the help of Congressman Eliot Engel, who has been very active in the county's fight against the FAA, as well as that of U.S. Senators Charles Schumer and Kirsten Gillibrand, who have so far had little involvement.

The Supreme Court yesterday dismissed Rockland's action, filed previously in the United States Court of Appeals for the District of Columbia Circuit, without any explanation or dissent, Vanderhoef said. The Court of Appeals dismissed Rockland's case against the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign Project in June 2009.

The courts' rejection of the case also did not consider serious Clean Air Act stipulations by excusing the FAA from its failure to quantify the impact of increased air emissions from the redesign plan, placing it in potential violation of the Clean Air Act.

Holland & Knight of New York and Washington, DC, filed the lawsuit against the FAA on behalf of Rockland County and its petitioners in September 2007. The basis of the suit included the FAA's use of unreliable methodology to measure potential noise impact, the FAA's failure to adequately address environmental concerns, and possible violations of regulations and the federal Airport Noise and Capacity Act of 1990 in its treatment of alternatives and noise mitigation issues.

