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## Aviation Group Client Update

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### FAA REACHES SETTLEMENT AGREEMENT WITH CITY OF SANTA MONICA REGARDING SANTA MONICA MUNICIPAL AIRPORT (SMO)

After decades of legal battles concerning closure of the Santa Monica Airport, the FAA and the City of Santa Monica have reached a [settlement agreement](#) regarding SMO.

**Summary.** Pursuant to the settlement agreement, the City shall maintain continuous and stable operation of the airport for 12 years, until December 31, 2028, after which the City has the right to close the airport. The settlement aims to resolve legal disputes facing SMO, which is part of a national aviation-transportation network. On numerous occasions, City officials attempted to curtail access by aviation users and other stakeholders to the airport.

Pursuant to the terms of this settlement agreement, the Airport is to provide continued access for general aviation, including extending leases of a minimum of three years to aviation support businesses. However the City will be permitted to exercise the right to become the exclusive provider of FBO services. The City will also be permitted to reduce the airport's current runway length of 4,973 feet to 3,500 feet in an attempt to limit jet flights, however the City must bear the cost of the work.

**Background.** Since the 1980s, Santa Monica officials have been trying to close the airport but they have not prevailed in legal challenges to various federal agreements requiring the airport to stay open. Some City officials and airport opponents agree with the move to close the airport on the grounds that the airport causes problems of noise, emissions, and the risk of airplane crashes in one of the surrounding neighborhoods. Recently, the FAA ruled that the City must keep the airport open at least until 2023 under the terms of a federal grant the city received to improve the airport. In a separate federal suit, the City has been trying to gain clear title to the airport and nullify its federal obligations to keep the airport open.

If you have any questions or would like further information, please contact Shelley Ewalt.

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McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.