

Can the Federal or State government require that Solberg Airport expand?

No. Airport expansion comes solely at the discretion of the airport owner. However, the FAA and NJDOT stand ready to assist a private airport owner to expand his facility once the decision is made. For example, the FAA granted Solberg \$71,000 in 1990 to develop a Master Plan for the airport expansion; NJDOT, through a federal block grant, later funded \$340,000 for an environmental assessment; and Solberg is currently eligible for \$12.7M in Airport Improvement Program funds to pay for airport expansion.

The airport is not currently expanding. Can Readington Township wait until Solberg Airport starts to expand and then act to stop the expansion?

No. By then, it may be too late. Airport expansion can make giant strides out of the public eye.

In 1996 there was a public hearing on a Master Plan describing a Solberg expansion, with over 1,000 people attending. There was no apparent action in the public view for three years following the hearing. Then on March 25th, 1999 despite the fact that a majority of residents opposed expansion at the hearing, the Mayor of Readington Township received a letter from Emmitt O'Hare, Acting Director of the Division of Aeronautics. The letter announced that the FAA and the NJ DOT had approved the Master Plan with a 4890 foot runway, and given conditional approval to the airport layout plan pursuant to that Master Plan.

Can Readington Township regulate flight patterns at Solberg Airport?

No. "Congress has given the Federal Government the exclusive authority to regulate and control aircraft in flight and their use of airspace. This authority preempts state and local government regulation."¹

¹ Tom Thatcher, Director, NJDOT Division of Aeronautics in correspondence with M. Flynn, Chair, Readington Township Planning Board.

Can Readington Township regulate noise at Solberg Airport?

No. "Congress has given the Federal Government the exclusive authority to regulate and control aircraft noise. This authority preempts state and local government regulation. Regulatory control and oversight over aircraft noise belongs to federal authorities, regardless of whether or not an airport has accepted federal aid."¹

Can Readington Township control types and numbers of planes permitted to land at Solberg Airport?

No. Except "for operational safety matters, any restriction on the 'types and numbers of aircraft permitted to land' at a non-federal aid airport is specifically subject to state NJDOT approval for it to be operative and valid; any restriction on the 'types and numbers of aircraft permitted to land' at a federal aid airport is specifically subject to BOTH federal FAA approval and state NJDOT approval for it to be operative and valid."¹

Can Readington Township block airport expansion through land-use law (zoning)?

No. The State Aviation Act of 1938 gives the Commissioner of Transportation the power to override local zoning decisions with respect to aeronautical facilities.

Furthermore, under regulations issued by the Commissioner of Transportation pursuant to the Air Safety and Zoning Act of 1983:

- Municipalities may not classify airports as non-conforming land uses,
- Municipalities may not implement ordinances which would have the effect of preventing improvements,
- Zoning ordinances are subject to review by the Commissioner of Transportation.

In summary, municipalities cannot block airport expansion through land use ordinances (zoning), and in any case, the Commissioner of Transportation has the ultimate power to weigh local vs. aviation concerns and to override municipal ordinances affecting airports.

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Frequently Asked Questions...

- **Can the FAA require that Solberg expand?**
- **Can Readington Township regulate flight patterns at Solberg Airport?**
- **Can Readington Township regulate noise at Solberg Airport?**
- **Can Readington Township control types and numbers of planes permitted to land at Solberg Airport?**
- **Can Readington Township block airport expansion through land-use law (zoning)?**

Answers Inside...