



U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
5950 Hazeltine National Dr., Suite 400
Orlando, FL 32822-5024
Phone: 407-812-6331

April 4, 2012

Mr. Michael Powell C.M., ACE
Executive Director
Titusville-Cocoa Airport Authority
355 Golden Knights Blvd.
Titusville, FL 32780

Dear Mr. Powell,

The Federal Aviation Administration (FAA), Orlando Airports District Office (ADO), has received via e-mail the recent comments you forwarded to us concerning aircraft operations and noise associated with the Merritt Island Airport (COI). We are providing you with the following information so that it can be shared with the local communities, the on-airport businesses, and your local government officials.

As you are aware, the Titusville-Cocoa Airport Authority (Authority) has in the past and continues to accept Federal funding to help finance eligible airport development projects at the Merritt Island Airport. As a condition of accepting these Federal Grants, the Authority is subject to the FAA's Grant Assurances. You already have copies of our Grant Assurances and are familiar with and aware of the legal and technical nature of the language in them. Rather than simply repeat the applicable portions of the Grant Assurances that address an Airport Sponsor's obligations with regard to the operation of an airport, we provide you with the following "plain language" responses to the majority of the issues raised in the emails we received from you.

Concerns that private aircraft and training aircraft are flying low over homes at all times of the day and night

On departure and arrival, planes are closer to the ground than when they are in a training pattern or enroute to or from their destination. Ultimately, the pilot is responsible for safely operating the aircraft. If the pilot is operating in a safe manner, they are operating in accordance with Federal Regulations.

The hours of training in an aircraft are an important part of a student learning to operate the aircraft in the safest manner possible and to be able to react to the demands of being a pilot. Part of a pilots training is to learn how to take-off and land an aircraft safely. The constant sound of aircraft "in the pattern" can be annoying, but is a very necessary part of flight training. Flight schools can be a large part of an airports operations. Many airports depend on the revenue generated from the flight schools for the successful operation of the airport. As long as the pilot or student is operating in a safe manner, they are within their rights to operate at the airport and in the surrounding area. They cannot be restricted from using the airport or conducting training operations in the surrounding area.

Requests for the Authority to restrict the times aircraft operate at the airport

Based on Federal Regulations, under normal operating procedures, an owner / operator of a public use airport cannot restrict the operating times of aircraft at an airport.

Perception that there are more aircraft flyovers than ever before

The economy is making a slow recovery and aircraft operations are increasing everywhere. In order to move aircraft safely and efficiently, aircraft are sometimes required to fly different flight paths than they have in the past, especially during certain adverse or challenging weather conditions. In addition, the number of people living near airports has increased and the number of people flying airplanes has increased, therefore there can be a realized increase in aircraft operations. However, the FAA is not aware of any conditions that have recently changed at the Merritt Island Airport that would result in a significant, noticeable increase in aircraft operations.

Concerns that there are too many nighttime flights that are disrupting sleep

The FAA understands that nighttime flights can be very annoying and can disrupt sleep. Nighttime training activities are an essential part of the pilot training curriculum and proven nighttime flying proficiency is required for certain pilot licenses. In addition, many local companies are now doing business nationwide and worldwide, which requires business to be conducted on a 24-hour basis. As previously stated however, under normal operating procedures, an owner / operator of a public use airport cannot restrict the operating times of aircraft.

Requests that the FAA stop or restrict aircraft operations

The airspace belongs to the Federal Government and cannot be governed by local authorities. Once approved by the FAA, the airport owner / operator may give permission to any pilot to fly their aircraft into or out of the airport at any time of the day or night. The pilot of the aircraft must make the final decision whether the aircraft can be operated safely in and out of the airport. The FAA is not the owner or operator of the Merritt Island Airport and cannot restrict the operations of aircraft.

Questions regarding Federal and Local Government authority to regulate local land uses

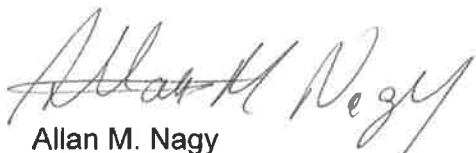
The FAA does not dictate or establish local zoning ordinances or regulate land use and development around an airport - that is the responsibility of the local government. However, the FAA frequently works with Airport Sponsors to encourage the establishment of land uses and zoning ordinances such that lands surrounding airports are compatible with aircraft operations. The owner or operator of publicly owned or privately owned airports have a right to use their property in accordance with local zoning regulations established by the local government. The use of property for an airport and the land uses surrounding the airport are based upon the local zoning and land use ordinances.

Unsafe use of aircraft

If an aircraft is observed to be operating in an unsafe manner, please try to write down the aircraft registration number (the "N" number) on the side of the aircraft and any other information concerning the operation, and call the nearest FAA Flight Standards District Office (FSDO). The nearest FSDO to the Merritt Island Airport is located in Fort Lauderdale (FSDO-19). The phone number for this office is (954) 635-1300.

We hope this information is useful to you. Please let me know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allan M. Nagy".

Allan M. Nagy
FAA Environmental Program Specialist
cc: Bart Vernace, FAA
Pedro Blanco, FAA