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U.S. Transportation Secretary Asked To Block Ann Arbor Airport Expansion

U.S. Transportation Secretary Ray LaHood has been asked to intervene to block Ann Arbor from moving forward with any plans to extend the primary runway at Ann Arbor Municipal Airport.

Based on a little-used special provision in federal law, Pittsfield Charter Township and the Committee for Preserving Community Quality petitioned the Transportation Secretary to “deny approval and funding for the major runway extension project” because of the safety and environmental risks it poses to Pittsfield residents surrounding the airport.

The Committee is made up of 400 residents from Pittsfield and Lodi Townships, and Ann Arbor and Saline. The Committee has been working jointly with the Pittsfield Charter Township Board of Trustees to oppose the proposed airport expansion for the last four years.

The special legal provision, enacted by Congress as part of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, gives communities the power to petition the Transportation Secretary directly when an airport is located in one community and is governed by another and requests federal funds for airport projects. In this case, the Ann Arbor Municipal Airport is wholly located within Pittsfield Township, but is owned and operated by the City of Ann Arbor – with Pittsfield Charter Township having little authority over airport decisions.

In their 54-page, 31-exhibit petition, Pittsfield Charter Township and the Committee state the airport expansion would bring increased traffic – larger and heavier jets – closer to dense residential subdivisions, posing safety risks, and threatening property values. The lengthened runway would allow planes to approach just 93 feet over houses along Lohr Road, in an area heavily populated with Canadian geese – creating a “perfect storm” of potential risks, the petition told the Secretary. The petition also stated that it could also pose environmental risks, including potential danger to Ann Arbor’s own drinking water supply.

In addition to halting any further actions on the airport expansion, Pittsfield and the Committee are asking the Secretary to order (1) that the Airport Layout Plan allowing for the expansion of the runway to 4,300 feet be vacated, and the prior plan for the current 3,505 runway be reinstated; (2) that federal funds not be used for the expansion because Ann Arbor has not stated a sufficient “purpose and need,”

as required by law; (3) inform Ann Arbor that should the primary runway be extended without the agreement of Pittsfield Charter Township, the City of Ann Arbor would be in violation of contract assurances on federal grants Ann Arbor has already received and signed for airport projects, requiring Ann Arbor to consult with neighboring communities.

In addition, the petition asks that (4), if the Secretary does not grant any of the prior requests, that he order that an Environmental Impact Statement – much more detailed than the Environmental Assessment currently being undertaken – be conducted to assess the impact of the expansion on the surrounding communities. (5) If that is not done, the petition asks that the Secretary direct MDOT to make federal block grant funds available to Pittsfield Charter Township to conduct its own Environmental Assessment or Environmental Impact Statement, and freeze any funding action on any airport expansion until the completion of such studies. (6) Failing that, the petition asks the Secretary to direct MDOT to conduct a written re-evaluation of the project and publish a new draft Environmental Assessment, subject to substantive public participation and public hearings, which were absent previously. And, finally the petition asks, (7) that before any federal funds are utilized for any airport expansion that will “impact the surrounding community in general and Pittsfield Township in particular,” that Ann Arbor must consult and receive approval from Pittsfield Charter Township prior to commencing such action.

Pittsfield Charter Township and the Committee told the Secretary they were foreclosed from objecting when the expansion project was initiated six years ago because Ann Arbor did not disclose its airport expansion plans, in violation of an Ann Arbor City Council resolution of January 2007 to immediately make public its plans, and a longtime airport agreement between Ann Arbor and Pittsfield Charter Township from 1979, violating the rights of the people of Pittsfield Township. Pittsfield Charter Township was not informed of the expansion plans until August 22, 2008, when it was legally too late to file an objection, the petition said. Thus, this appeal to the Secretary was their only recourse to achieve due process of law.

Plans for any airport expansion are currently pending before the Ann Arbor City Council, awaiting the outcome of an Environmental Assessment, which still must be finalized, reviewed, and approved by MDOT and the Federal Aviation Administration.

The Taber Law Group (www.taberlaw.com) of Irvine, CA represents the Committee and the Township in this matter.

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