SPIEGEL & MCDIARMID LLP

Victory: DOT/FAA Vacates and Rescinds Airport Control Tower Closures

May 21, 2013 | *Peter J. Hopkins, Scott H. Strauss*

Spiegel & McDiarmid LLP has successfully represented the Spokane Airport Board and Bloomington-Normal Airport Authority and saved their air traffic contract towers from closure. Spokane and Bloomington were at the forefront of a coalition of airports and member groups that challenged the legality of FAA's closure decision at the agency and before the United States Court of Appeals for the Ninth Circuit. *Spokane Airport Board v. FAA*, No. 13-71172 (9th Cir.).

On March 22, 2013, FAA announced that it intended to close 149 air traffic control towers in order to implement budget sequestration cuts. In response to the *Spokane* litigation, FAA pushed out the closure date to June 15.

Substantial industry and community efforts resulted in Congress's passage on May 1 of the Reducing Flight Delays Act of 2013.

Thereafter, working under an extremely expedited schedule, Spiegel and allied counsel filed their principal brief with the Ninth Circuit on May 6. A copy of the brief can be found at the download link below. Four days later, The Secretary of Transportation announced that all 149 contract air traffic control towers slated for closure will remain open. FAA's Acting Chief Counsel further clarified in a May 13, 2013, letter that the FAA's prior defunding decision was "rescinded and vacated." Soon thereafter the Ninth Circuit dismissed the litigation as moot. The result is a complete victory for the 149 affected communities and aeronautical users nation-wide.

The Spiegel attorneys that represented Spokane and Bloomington in this effort are Pablo Nuesch, Peter Hopkins, Tim Lay, Katie Mapes, and Scott Strauss.

DOWNLOAD ATTACHMENT:
https://www.spiegelmcd.com/wp-content/uploads/2013/05/Joint-Opening-Brief-Spokane-Airport-Bd.-v.-FAA_2013_05_21_05_25_58.pdf

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