

# USING SMART REGULATION AND SITING TO CUT AIRPORT IMPACTS



*Photo by Pete McBride*

Every day hundreds of planes take off or land at the Aspen Airport, 99% in opposite directions. ASE is known as one of the most dangerous airports in the country.

The Aspen community wants better ways to manage its Airport's local impacts. The County is broadly correct that aviation safety and air traffic control is federally controlled, and noise partly so, and that the Airport may not unjustly discriminate between different aircraft, users, or passengers, nor charge unfair or unreasonable prices (though many think its private aviation fuel monopolist now does so). However, that does not mean there is no way for the community to influence impacts of local concern. There are indeed numerous options.

## ***Taking back control of the FBO***

Aspen Fly Right found many promising tools and powers that have not yet been tried or seriously considered. Many could influence the General Aviation that dominates the Airport's operations and impacts. Choosing in the next few weeks to reassert control over the Fixed Base Operation (even if professionally run by a contractor) could help to solve many problems. If the Commissioners choose instead to maintain the current private monopoly structure, many solutions will get weaker and harder. Whether this momentous choice is properly framed and considered—so far in private—depends on citizens' intervention.

## ***Noise and air pollution***

Aircraft noise will gradually abate with quieter—soon manyfold quieter—airplanes if Aspen welcomes and nourishes technological leapfrogs, not excluding them from its airport planning process but building strategy to exploit them. Standard tools to reduce, deflect, and soften noise once emitted could also be more effectively used. The County could even petition the FAA for tighter local noise standards, complementing emergent federal ones. Aspen Fly Right has suggested, and the Airport Advisory Board seems likely to endorse, many improvements in the Fly Quiet Program. And noise, like other impacts, can be influenced not only by mandates, standards, and prohibitions but also by creative fiscal tools, some already FAA-endorsed.

The Airport may not “unjustly discriminate” between different planes or users, but some discriminations aren't considered “unjust” because they're rationally based on reasonable distinctions that benefit the public. We suggest many such opportunities, often improving safety, efficiency, and fairness to local pilots. Four major kinds of air pollution are not even federally regulated and therefore not preempted, and FAA rules could provide financial flexibility to help abate them.

## ***Stronger finances = more independence***

The Airport's financial health could be improved while keeping charges just and reasonable—another need that becomes far easier to meet if the County chooses to control FBO fuel pricing, keep more money on the airport, and send less away to private-equity firms. This could let the County fund Airport evolution at its own prudent pace—not in a forced march that subordinates urgent terminal needs to the airside. We also suggest ways to ensure that illegally large planes do not land in Aspen, as seems to have occurred recently.

## ***Airport Investment Partnership***

Perhaps the most exciting opportunities might arise from the FAA's versatile Airport Investment Partnership Program. Its law was written permissively, presenting opportunities for creative structures and mechanisms that could give the community even more potential scope to affect local impacts and ensure accountability while preserving past and future federal grants and federal safety regulation. This broad slate of options, not yet locally discussed, looks exceptionally promising—if the FAA relationship is put on a more solid foundation and the County's willingness to open its decision process keeps increasing.

## ***Regional Partnerships***

A final class of options not yet seriously explored involves potentially sharing some private or commercial air traffic or both with neighboring airports, notably Rifle, with equitable protections for already-burdened Rifle residents. Garfield County seems far ahead of Pitkin County in launching an entrepreneurial aviation strategy, Pitkin County may have gained some useful process learnings, and it may be time to catch up and get together.



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