

# The Palm Beach Post

LAKE WORTH

## Why the county finally gave up its 20-year fight to ban jets at Lantana Airport

*Palm Beach County rescinded a jet ban at Lantana airport after a federal appeals court ruling; residents are upset.*

**Mike Diamond** Palm Beach Post

Published 5:04 a.m. ET Dec. 13, 2022

The skies and runways are now open again for jets at Lantana Airport.

The county's legal skirmish with the Federal Aviation Administration over a decades-old jet ban at the airport has come to an end.

After spending tens of thousands of dollars in legal fees to challenge the FAA, county commissioners decided it was time to move on after staff cautioned that further appeals could result in the loss of millions of dollars in federal aid needed to improve the county's four airports, including Palm Beach International.

The decision follows an 11th Circuit Court of Appeals ruling that upheld the FAA's position in concluding that the federal agency was within its rights to order the county to rescind the jet ban. The FAA determined that the county's ban was "unreasonable and unjustly discriminatory."

"The county has vigorously defended the jet restriction for more than 20 years," said Laura Beebe, the county's director of Airports. "With the recent U.S. Court of Appeals decision, we unfortunately have no further opportunity to maintain the restriction without violating federal law."

Residents in nearby Atlantis and Lake Osborne Estates have long complained of excessive noise and air traffic congestion at Lantana Airport.

"I'm unable to hear myself talk," said Mary Adams, president of Lake Osborne Estates association. "The noise goes on for hours and hours with planes and helicopters sometimes just 40 feet above my roof. Windows shake, animals jump. And no one is held accountable."

She and others cite specific times when certain aircraft fly close to their homes. They say their complaints to the FAA take months to process and are often whitewashed.

While the county agreed that it was pointless to further challenge the FAA, it called on airport lawyers to press the FAA to respond to the noise and congestion complaints of residents.

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Beebe said her agency will continue to engage the FAA regarding further opportunities to mitigate noise and enhance safety at the Lantana Airport.

“In addition to submitting the Corrective Action Plan required by the FAA, we will be requesting the FAA to conduct a safety assessment of jet operations at the airport and an environmental review under the National Environmental Policy Act in connection with its approval of the Corrective Action Plan. The County has also initiated a Part 150 Noise Compatibility Study for the Lantana Airport, which was paused due to the litigation.”

## **A 2016 incident at Lantana Airport started the litigation on jets**

Lantana Airport is part of a four-airport system operated by the county. Lantana has three relatively short runways and no tower. It acts as a reliever for Palm Beach International Airport with slower-moving general aviation traffic (not scheduled passenger service) diverted from that larger, busier airport. It is just 7 miles from Palm Beach International. Between 1982 and 2021, Lantana received more than \$6 million in federal funds so it is required to adhere to FAA rules, the appeals court ruled.

The incident that sparked the litigation was when Errol Forman, a retired commercial pilot who once flew Boeing 727 jets, landed a Cessna jet at Lantana in May 2016 despite a county ordinance that prohibited his landing there. The county threatened to fine and even jail him.

“That bit of unexpected rough air triggered even more turbulence,” the appeals court noted.

Forman complained to the FAA that the jet ban violated an agreement the county had made with the FAA in exchange for federal airport funds. The FAA agreed. The county and the

town of Atlantis then sued the FAA to keep the jet ban.

Atlantis Vice Mayor Alan Kaulbach said the county and his town “fought the good fight.” He said the focus now must be on the study to look at the environmental and noise impacts of the air traffic at Lantana Airport.

William Coakley, another Lake Osborne Estates resident, has been monitoring air traffic at Lantana. He said there are more landings and takeoffs there than at PBI.

“There are four to five hours every day of uninterrupted aviation,” Coakley told county commissioners, noting that there are several flight schools operating at Lantana. “The FAA does not care but this is a real issue for those of us that live nearby.”

*Mike Diamond is a journalist at the Palm Beach Post, part of the USA TODAY Florida Network. He covers county government. You can reach him at [mdiamond@pbpost.com](mailto:mdiamond@pbpost.com). Help support local journalism. Subscribe today.*