2000

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THE NEW HAVEN AIRPORT
A FAILURE OF LOCAL CONTROL

Daniel Levin
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May 2000
I. Introduction

“No single factor has as much impact on our ability to grow our economy as the airport.”
— Barbara Johnson, Chair, Greater New Haven Chamber of Commerce

One and a half million Connecticut residents live closer to Tweed-New Haven Airport than any other commercial airport. Yet travelers today can reach only two other cities from New Haven and cannot take a jet flight. No other commercial airport in New England provides air service to fewer of its surrounding residents than Tweed-New Haven. Around the area, community and business leaders cite the lack of an adequate airport as a key roadblock in the economic development of New Haven.

Airports are a critical piece of infrastructure for a modern city, and a strong airport is the most important piece of infrastructure currently lacking in the City of New Haven. This paper examines how New Haven ended up in this unfortunate predicament and the steps the city is taking to remedy the problems with its airport. I will suggest that a series of mistakes motivated by a devotion to local control dating back to the airport’s founding led to the current inadequacy of New Haven’s airport, and discuss how recent changes in the airport’s governance structure,

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2 The New Haven Airport was named Tweed-New Haven Airport in honor of its first manager, John H. Tweed, in 1961. Through this paper I will refer to the airport as the sources refer to it. Thus, I will only refer to the New Haven airport as Tweed or Tweed-New Haven when discussing events after 1961.
3 USAirways is the only commercial carrier serving New Haven with flights to Washington, DC and Philadelphia. Turbo-prop aircraft serve both routes. This does not include general aviation (non-commercial aircraft traffic), which accounts for a substantial portion of the air traffic in New Haven. The focus of this paper is on the history and prospects of New Haven as a commercial aviation center, and thus I do not discuss general aviation.
away from purely local control, may bring a brighter future for air travel in New Haven and southern Connecticut.

There is no tradition of strong regional government in Connecticut. In the early part of the twentieth century power was concentrated at the state level, and increasingly over the course of the century it has devolved to the municipal level. Thus, historically, there have been two governance possibilities for public airports in Connecticut — state control or local, municipal control. Bradley Airport in Hartford, the state’s largest airport, has benefited from the former; New Haven has suffered from the latter. Though the airport obviously serves a population that extends well beyond the city limits, until recently, the City of New Haven jealously guarded its control over its airport. This historical insistence on local control has significantly hindered development of a suitable airport for the southern Connecticut region. However, recent changes in the airport’s governance structure, which vest control in a regional authority, have reversed this historic trend.

Airports are not friendly neighbors. Today no sensible planner would locate an airport in the middle of a residential neighborhood, but that is exactly where the New Haven airport falls.

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4 See Tweed-New Haven Airport Authority, Air Services Development Committee, Briefing Paper 1-4 (Sept. 9, 1997) (unpublished manuscript, on file with author) [hereinafter Briefing Paper].
7 An airport today might be considered a locally undesirable land use (LULU) and one would expect a decision to site an airport would meet considerable opposition from nearby residents. Much of the LULU literature focuses on siting hazardous waste facilities but the same kind of analysis could be applied to an airport. See Don Munton, Introduction: The NIMBY Phenomenon and Approaches to Facility Siting, in HAZARDOUS WASTE SITING AND DEMOCRATIC CHOICE 10-23 (Don Munton ed. 1996). In New Haven, however, the situation is a little different. When the land for the airport was selected in the 1920s it was undeveloped and there were relatively few neighbors (and aircraft were much smaller and had not yet become a truly viable means of transportation). See infra text accompanying notes 31-38. It is only because development has encroached on the airport since its founding that the airport finds itself surrounded. See infra appendix 5 (showing the amount of residential development around the airport).
The airport lies to the southeast of downtown New Haven astride the border between New Haven's Morris Cove neighborhood and East Haven. Historically, the airport's physical location has caused many of its problems. The airport's neighbors have fought expansion and growth of the airport at every turn, and while the City of New Haven has for the most part consistently supported its airport, the Town of East Haven has been its consistent foe.

The two towns share few similarities. New Haven, the third largest city in Connecticut, hosts a population of approximately 120,000, 58% of which is minority, while East Haven has just over 26,000 residents 95% of whom are white. Economically, as well, the two towns are quite distinct. While the poverty rate in New Haven is more than four times that in East Haven, and the median income in New Haven is significantly lower than in East Haven, New Haven has a wider income distribution. Twenty-seven percent of New Haven residents over 25 have at least a bachelor's degree, compared with only 14% of East Haven residents. Among the

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8 The only notable exception to this came during the 1980s when then Mayor Biagio DiLieto, who hailed from New Haven's East Shore, expressed some discomfort with the airport, which created noise and pollution for his home constituents See United Mayors, UPI, Nov. 22, 1983, available in LEXIS, Nexis Library, UPI File (noting Mayor DiLieto's "shock and anger" at a proposal by United Airlines to serve the New Haven airport).


12 The poverty rate in 1998 was 21.29% in New Haven, see New Haven Profile, supra note 10, and 4.86% in East Haven, see East Haven Profile, supra note 11.


14 As an indication of this, East Haven had a higher median price for the sale of residential homes in 1996, $107,900, as opposed to $79,500 in New Haven. But 39 homes in New Haven sold for over $200,000 (3% of sales) and 10 homes for over $300,000 (0.8% of sales), while in East Haven only 9 homes sold for over $200,000 (2% of sales) and just one for over $300,000 (0.2% of sales). See New Haven Profile, supra note 10; East Haven Profile, supra note 11.

15 See New Haven Profile, supra note 10.

16 See East Haven Profile, supra note 11.
five largest employers in New Haven are Yale University and SNET.17 Big Kmart and Super Stop & Shop make the top five list in East Haven.18 With so little in common, it is not unsurprising that the two towns share few similar goals. The demographic and economic differences between them have given New Haven and East Haven little common ground, and airport development has suffered because of that.

Despite numerous expansion projects and improvements over the nearly seventy years of the airport’s existence, limited availability of land, and lack of political will have for many years limited the amount air service in New Haven. A series of mistakes by New Haven beginning with the airport founding, when the city sited the airport in Morris Cove, and continuing into the 1950s and 1960s, when the city rebuffed efforts to create a truly regional airport in southern Connecticut, have hampered the growth of the airport. These missteps stem from New Haven’s historical insistence on maintaining control over the airport, first by locating the facility within its borders and then by refusing to go along with plans for a regional airport. In 1997, however New Haven finally abandoned its long-standing devotion to local control and spearheaded an effort to create a regional authority separate from city government to control the airport. The history of the airport contains many failures, but the recent transfer of control from the City of New Haven to the Regional Airport Authority may mean a new chapter in the airport’s troubled history.

17 Rounding out the top five in New Haven are Yale New Haven Hospital, The Hospital of Saint Raphael, and The United Illuminating Company. See New Haven Profile, supra note 10.
18 Laurel Woods, New Haven Moving Equipment and Talmadge Park Health Care complete the top five employers list in East Haven. See East Haven Profile, supra note 11.
II. Building an Airport in New Haven

The 1920s were a heady time for air travel in America. Charles Lindbergh crossed the Atlantic, and the nation began to take note of the possible civilian uses for aircraft. In 1925 the aircraft pioneer Orville Wright testified before Congress, “The greatest present drawback to the use of aircraft for civil purpose such as commerce, mail, travel and sport, is the lack of suitable airports.” At the time, most American airports were privately owned and run. During the 1920s, however, a trend toward public ownership of airports emerged, and by 1933 half of the expenditure for civilian airports in the United States came from public sources.

New Haven joined this growing throng of cities investing in airports. In 1922 Mayor David E. Fitzgerald appointed a commission to foster local interest in aviation and plan for the creation of an airport in the city. The Mayor’s Advisory Air Board enthusiastically reported that New Haven was ripe for an airport. No more than two other cities in New England, the Board concluded, could attract more air activity than New Haven. But despite their bold prediction about the potential of New Haven as an air travel center, the Advisory Air Board recommended the creation of a small airport. The recommendation called for an airfield with two dirt runways, an administration building, and storage buildings, but no hangars, and estimated the cost of land acquisition and improvements at $311,000. The Board declined to endorse a more ambitious proposal, which called for three runways and additional buildings and

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21 See id. at 9-10.
22 See id. at 10.
23 50% of airport expenditures for civilian airports came from private sources, 47% came from municipal governments, 2% from states, and just 1% from the federal government. See id.
25 See $325,000 Airport Bond Issue Given Mayor’s Approval, NEW HAVEN EVENING REG., May 7, 1929 (New Haven Airport File Folder 1929-1960, New Haven Public Library [hereinafter Airport Folder 1929-1960]).
lighting at a cost of over $400,000.\textsuperscript{26} Even amidst high hopes, the New Haven airport would have a rather modest beginning.

In 1927 New Haven received authorization from the state legislature to establish an airport.\textsuperscript{27} The legislature authorized New Haven to acquire property within city limits either by purchase or condemnation and authorized the city to issue up to $200,000 in airport bonds.\textsuperscript{28} By the 1920s, however, relatively few large tracts of open land suitable for an airport remained in New Haven.\textsuperscript{29} The Board eventually selected a tract that spanned the New Haven-East Haven border at Morris Cove just to the north of Long Island Sound, four and three-quarters miles southeast of the center of New Haven, and one-half mile from the center of East Haven.\textsuperscript{30}

At the time, the Morris Cove site seemed like a suitable choice for an airport, but the siting decision has hindered growth and development of the facility ever since. The site had some obvious attractions. It was close to downtown New Haven and the area was accessible by road as well as a streetcar with its terminus to the north of the site.\textsuperscript{31} Much of the land surrounding the tract was subdivided into small lots and privately held, although relatively few of the lots had been developed.\textsuperscript{32} As airports grow, however, they consume land, and the Morris Cove site did not offer that in great abundance. The proximity to downtown New Haven and East Haven may

\textsuperscript{26} See id.
\textsuperscript{27} Until 1959, the Connecticut Constitution did not delegate power to municipalities beyond electing officials and department heads. Municipalities were considered to be subdivisions of the state and could only exercise those powers strictly granted to them by the legislature. See Bruskin, supra note 5, at 792.
\textsuperscript{28} See An Act Authorizing the City of New Haven to Establish an Airport and to Issue Bonds Therefor, No. 267, 1927 Conn. Spec. Acts 289. t
\textsuperscript{29} See City Airport Dedication Tomorrow Comes 18 Years After First Flight Here, NEW HAVEN REG., Nov. 1929 (Airport Folder 1929-1960).
\textsuperscript{30} Floyd Newton, New Haven Municipal Airport Opens August 29th, NEW HAVEN, Aug. 1931, at 3, 3.
\textsuperscript{31} See 3 SANBORN MAP CO., INSURANCE MAPS OF NEW HAVEN, CONNECTICUT Nos. 366, 367 (1923) [hereinafter SANBORN]; Newton, supra note 30, at 3.
\textsuperscript{32} See SANBORN, supra note 31.
have recommended the site in 1927, but, as time has passed and the two municipalities have spread, development from both sides has constrained airport growth.\textsuperscript{33}

The needs of airports were not well understood in the 1920s. Most airports founded in that decade sat on similarly small parcels of land as New Haven’s airport.\textsuperscript{34} Lack of adequate land for expansion, the root of many of the airport’s historical problems, did not register as an area of major concern to the city. Planners were far more concerned with locating airports close to the city center than allowing ample room for the airport to grow. A Harvard School of City Planning study, published in 1930, urged airport planners to consider future expansion in site selection.\textsuperscript{35} But when the Harvard city planners actually asked airport officials around the country about the principal factors determining the selection of airport sites, the respondents listed proximity to population centers, proximity to a highway, and low cost of land as the three most important factors.\textsuperscript{36} New Haven scored well on all three of these counts. New Haven, however, was not the only airport in its cohort to ignore the need for available land to expand into. Only two of the respondents listed opportunity for expansion as a principal factor in site selection.\textsuperscript{37} Though the researchers at Harvard recognized that the future of aviation might require more land for airports, in a world of political tradeoffs proximity to the city center far outweighed looking further into the country for larger tracts of land.

\textsuperscript{33} To see the extent of the development surrounding the airport today see infra appendix 5.
\textsuperscript{34} A study of the 76 largest airports in the country conducted by the Harvard School of City Planning in 1930 found an average acreage of 338 acres. A much larger survey of 803 airports by the Commerce Department found that 88% of airports sat on fewer than 200 acres. See Henry V. Hubbard et al., \textit{Airports: Their Location, Administration and Legal Basis} 12-13 (1930).
\textsuperscript{35} See id. at 13-14.
\textsuperscript{36} Of 76 respondents, 33 listed proximity to population center as a principal factor, 24 listed well located in relation to a highway, and 23 listed low cost of land. See id. app. 6 at 145.
\textsuperscript{37} See id. Ironically, When the surveyors asked airport managers for their suggestions and criticisms as to conditions at their airports of 38 municipal airport managers who replied 16 wanted more land, by far the greatest response. The average acreage of those airports was 289 acres, slightly larger than New Haven. See id. app. 4, at 143.
The tract itself was 236 acres of undeveloped land, 179 acres on the west side of
Thompson Avenue and 57 acres to the east of Thompson Avenue.\textsuperscript{38} Approximately 100 acres on
the west side of Thompson Avenue, where the airport itself would be located, were heavily
wooded and the remainder of the land was swamp and meadow land.\textsuperscript{39} A series of small hills
rose to the north and northwest.\textsuperscript{40} Wetlands lay to the south and east of the site.\textsuperscript{41} Although
perhaps unforeseeable to the planners, the wetlands have proved a modern obstacle to airport
improvements.\textsuperscript{42}

The political boundary that runs through the airport has limited development as much as
the physical location. Since the airport was a municipal endeavor, the city planners had assumed
they would locate the facility within New Haven.\textsuperscript{43} Part of the desire to keep the facility within
city limits sprang from the limits in transportation in the 1920s — a close site obviously
facilitated access — but some of the desire to keep the airport nearby stemmed from local pride.
When the planners failed to find a suitable location with the city itself, they found one at least
partially in the city. Although the planners lauded their good fortune in securing a site so close
to the city,\textsuperscript{44} the location was far from ideal. The city’s failure in foresight in locating the airport
across a boundary line virtually guaranteed future strife between its hosts. No evidence exists
that the planners looked further afield for a suitable site, but a larger parcel of land, or one that
offered more possibilities for growth might have significantly eased later airport development.

\textsuperscript{38}See Newton, supra note 30, at 3; see also SANBORN, supra note 31..
\textsuperscript{39} See Newton, supra note 30; infra appendix 1.
\textsuperscript{40} FLOYD M. SHUMWAY & RICHARD HEGEL, NEW HAVEN: A TOPOGRAPHICAL HISTORY 8 (1988).
\textsuperscript{41} For a map showing the wetland locations see infra appendix 3.
\textsuperscript{42} Interview with Van Selden, Executive Director, Tweed-New Haven Airport Authority, in New Haven, Conn.
(Mar. 29, 2000).
\textsuperscript{43} The 1927 General Assembly act specifically gave the city authority to “establish and maintain an airport within
the limits of [New Haven].” An Act Authorizing the City of New Haven to Establish an Airport and to Issue Bonds
\textsuperscript{44} See Airport a Reality: City Ready for Place on Map, NEW HAVEN REG., Aug. 16, 1931, at 4. (Airport Folder 1929-1960).
Because in 1927 the General Assembly had authorized the city only to acquire land in New Haven, and the site lay partially in East Haven, the purchase required another special act of the legislature. In 1929 the legislature fulfilled New Haven’s wish and passed an amendment to the Airport Act. The 1929 Act provided that, “The City of New Haven is authorized to establish and maintain an airport within the limits of said city and the Town of East Haven and to acquire property as a site for such airport, either by purchase or by condemnation proceedings under the provisions of the general statutes.” The Act also increased the ceiling on New Haven’s authorization to issue debt to $500,000. Although not widely commented on at the time, the amendment was astonishing. New Haven had been granted the power to take land in East Haven without the town’s permission for its airport.

At the same session the General Assembly also adopted legislation that exempted from taxation “all property owned by any town or city, which is located in another town and used for the purposes of an airport.” Together these statutes clearly reflect the legislature’s enthusiasm for aviation and its desire to increase the number of municipal airports in the state without regard to their desirability to the towns into which they intruded. By allowing New Haven to build an airport that encroached on East Haven land without requiring the town’s permission, and by making the land tax exempt, the legislature enabled the creation of the New Haven airport. But at the same time it also sowed the seeds of long-term conflict between New Haven, which would

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45 See An Act Amending and Act Authorizing the City of New Haven to Establish an Airport and to Issue Bonds Therefor, No. 266, § 1, 1929 Conn. Spec. Acts 849, 849.
46 See id. § 2.
47 The procedure used for condemnation would be the same as for the taking of land for state institutions, a process in which a disputed matter was referred to a state referee, as opposed to the procedure generally employed by municipalities, in which three disinterested people served as referees. This theoretically made it even easier for New Haven to exercise eminent domain within East Haven, because the former referee was likely to be more sympathetic to land condemnation for an airport than the latter set of referees. See id.; East Haven v. New Haven, 271 A.2d 110, 116 (Conn. 1970).
own and manage the airport, and East Haven, which would lose land and tax revenue every time the airport expanded into it.

In May 1929, shortly after General Assembly amended the Airport Act, the Mayor of New Haven approved the issuance of $325,000 in debt to finance the purchase of land and construction of the airfield. For $65,000 the city purchased the parcel of land in Morris Cove recommended by the Advisory Air Board.\(^4^9\) In 1930 the New Haven Board of Aldermen amended the City Charter to create a Board of Airport Commissioners (the Airport Board) consisting of six New Haven residents appointed by the Mayor to run the new airport.\(^5^0\) Although consistent with the decidedly local outlook of the airport’s founders, the decision to limit the Airport Board to only New Haven citizens made it that much harder to build regional support for the airport in the future.\(^5^1\) Later that year the Board appointed John H. Tweed manager of the airport, a post he would hold for 30 years. Shortly after his retirement in 1961, the airport was renamed Tweed-New Haven Airport in his honor.\(^5^2\)

Construction on the new airport began on November 11, 1929 and lasted for about a year and half. The engineering firm Westcott & Mapes, Inc. cleared and graded the land for the field. Engineers filled Morris Creek, which had flowed through the center of the property, and dredged a new channel for the creek along the west edge of the field. In place of the creek, workers installed 12.5 miles of underground pipes to drain the field. About 65 acres of the improved land

\(^{49}\)See Newton, supra note 30, at 3.
\(^{50}\)See 1929 Journal of the Board of Aldermen of the City of New Haven 458 (giving the text of the charter amendment); 1930 Journal of the Board of Aldermen of the City of New Haven 65 (approving the charter amendment).
\(^{51}\)A proposal by the New Haven Chamber of Commerce in 1963 to amend the City Charter to allow non-New Haven residents to serve as commissioners on the Airport Board was never acted on by the Board of Aldermen. See infra text accompanying notes 130-133.

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were seeded with grass and would serve as the landing area.\textsuperscript{53} Although the plan called for two
dirt runways, one 500 feet by 2800 feet and the other 500 feet by 3400 feet,\textsuperscript{54} the completed field
would allowed distances only of 2300 feet to 2850 feet depending on the wind direction for take-
offs and landings.\textsuperscript{55} To clear the approaches the City of New Haven cut down all the trees on the
east side of Thompson Avenue. Additionally, two private landowners, Anderson Gym
Corporation and Arnold Estates “graciously” permitted the cutting of trees on their property.\textsuperscript{56}
Although the original Air Advisory Board estimate had put the whole cost at $311,000, the city
exhausted the original $325,00 debt issue and was forced to raise an additional $150,000 through
a second round of airport bonds in order to complete construction.\textsuperscript{57} In the end airport
construction cost the City of New Haven $475,000, or roughly $2.80 per capita.\textsuperscript{58}

In addition to the airfield itself, the airport boasted an administration building containing
an office for the for the airport manager, one for the state flight surgeon, and an examining room
for private pilots, as well as an adjoining small garage for fire-fighting equipment. Workers also
built two storage buildings, one for field equipment and the other housing a flood light capable
of illuminating the whole landing area.\textsuperscript{59}

On August 29, 1931 the nearly 15,000 New Haveners\textsuperscript{60} who turned out for the airport
dedication witnessed the first official landing at dawn, flight demonstrations, formation flying

\textsuperscript{53} See Newton, supra note 30, at 4.
\textsuperscript{54} See Airport Bond Issue given mayor’s Approval, supra note 25.
\textsuperscript{55} See Newton, supra note 30, at 5. Short runways have been the boon of the airport ever since. See infra appendix 1.
\textsuperscript{56} See Airport a Reality; City Ready for Place on Map, supra note 44; see also infra appendix 1 (showing the plan of the
original field drawn up by the engineering firm of Wescott & Mapes). For the environmentally and socially
concerned, the Register reassured its readers that the poor of the city had consumed the timber from the felled trees
over the winter. See id.
\textsuperscript{57} See id.
\textsuperscript{58} See Cassagneres, supra note 61.
\textsuperscript{59} See Newton, supra note 30, at 5.
\textsuperscript{60} See Nearly 15,000 See Program of Dedication, NEW HAVEN REG., Aug., 1931 (Airport Folder 1929-1960).
and a bomb dropping contest. The Mayor of New Haven and the Governor of Connecticut shared the honor of presiding over the groundbreaking ceremony. Inauspiciously, despite the fact that much of the airport land lay within East Haven, the mayor of that town was not among the dignitaries present to celebrate the grand opening. Reviewing the airport’s founding, Floyd Newton, Chair of the Airport Board, praised the work that had been done, and lauded the facility as “one of the leading airports in the country with the most modern equipment of any port in New England.”

III. The Early Years of Operation: Struggle and Growth

In 1934 the first commercial air service arrived at the New Haven airport, and, with only an interruption during World War II, at least one commercial airline has served the airport ever since. But many of the problems that have reoccurringly plagued the airport began to appear within a few years of the facility’s inauguration. Even in its early years the airport suffered from a lack of land and the inadequate facilities. And even in its early years the airport began to encounter the limitations inherent in its site in Morris Cove — the need to acquire land to expand and the precarious political position astride the border between New Haven and East Haven.

Despite Floyd Newton’s boast that the New Haven airport stood among the leading airports in the country, within six years of opening the airport was approaching obsolescence. The original grass and dirt landing area could not accommodate larger planes or increased service. To keep pace with technological developments, the runways required lighting,

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62 See id.
63 Newton, supra note 30, at 3.
64 See Air Service to Elm City Inaugurated, NEW HAVEN REG., [n.d.] Oct., 1934 (Airport Folder 1929-1960).
lengthening, and surfacing.\textsuperscript{65} When the newly created federal Civil Aeronautics Authority (CAA)\textsuperscript{66} surveyed the airport in 1938, it concluded that the airfield needed nearly three-quarters of a million dollars in improvements to meet even the authority's lowest, class three, specifications. Without the improvements the airport would lose its standing with federal authorities.\textsuperscript{67}

Expanding the field, however, required more land, and land acquisition demanded money. In January 1938 the City of New Haven, strapped for funds by the Great Depression, had refused to contribute $22,000 in order to secure a Works Progress Administration (WPA) project at the airport to which the federal government would have contributed $100,000.\textsuperscript{68} But the threatened loss of air service forced the city finally to allocate $50,000 for land purchases and improvements at the airport.\textsuperscript{69} At a minimum, the airport needed to acquire 35 acres of land beyond Thompson Avenue to make the most basic improvements to the length of the runway and the approaches.\textsuperscript{70} But in a rare moment of far-sightedness the city purchased a much larger tract, 125 acres of land east of Thompson Avenue in East Haven, for $19,000.\textsuperscript{71} With the additional

\textsuperscript{65} See Officials Find City's Airport is Inadequate: Increase in Size of Planes Makes it Antiquated for Transport, Mail Service, NEW HAVEN REG., July, 1937 (Airport Folder 1929-1960).

\textsuperscript{66} See id.

\textsuperscript{67} The Civil Aeronautics Authority (CAA) was created by Congress in the Civil Aeronautics Act of 1938 and charged with establishment and maintenance of airports and airway navigational aids. The Reorganization Act of 1939 authorized President Roosevelt to reorganize the CAA, which he did 1940, at which time it was renamed the Civil Aeronautics Board (CAB). See HARDAWAY, supra note 20, at 13

\textsuperscript{68} Without CAA approval the airport could not host commercial air service. See Changes in City Airport to Meet Requirements of Federal Government Will Cost $729,354, NEW HAVEN REG., Aug., 1938 (Airport Folder 1929-1960).

\textsuperscript{69} See id.

\textsuperscript{70} Local Airport Improvements Given Approval, NEW HAVEN REG., [n.d] 1940 (Airport Folder 1929-1960).

\textsuperscript{71} See Officials Find City's Airport is Inadequate, supra note 65.

\textsuperscript{72} See Local Airport Improvements Given Approval, supra note 70. The Airport manager Jack Tweed pushed the city to purchase the larger parcel of land. He argued that the entire Arnold Estate tract would provide an “immense” amount of land for future development. See Changes in City Airport To Meet Requirements of Federal Government Will Cost $729,354, supra note 68 Tweed was far sighted in pushing for the larger acquisition, but his prediction that the land would meet all future needs was the first in a series of overly optimistic prognostications that failed to adequately predict the growing space demands of aircraft. The airport would continue to buy new tracts of land through the 1950s until development of the surrounding area and increasing tension between the airport and its neighbors would make physical expansion impossible.
land secured — less than ten years after its grand opening — the city, with the help of the WPA, embarked on the first major expansion of the airport.

Like so much of America, the real boost for the airport came not from New Deal spending but from the outbreak of World War II. Federal spending on airports had increased dramatically over the course of the 1930s. From just 1% of airport expenditures in the country in 1933, federal spending on airports increased to 71.4% of spending by 1940, and, during the war years between 1941 and 1944, federal dollars accounted for 89.6% of airport expenditures. Municipal spending declined over the same period from 47% of expenditures in 1933 to 9.5% between 1941 and 1944.  

This increase in federal spending made the New Haven expansion project possible.

In the summer of 1940 the War Department placed New Haven on the preferred list of airports for civil defense. The designation allowed the WPA to increase funding for the project and provided extra incentive to complete the improvements. But work could not commence until East Haven agreed to close Thompson Avenue, which, because of the purchase of the Arnold Estate property to its east, now bisected airport land. On August 13, 1940, New Haven and East Haven signed an agreement to close the street. In return for East Haven’s assent, New Haven agreed to construct a new road and reimburse East Haven for any damage claims that might arise from improvement. To replace Thompson Avenue, New Haven built a new road south of where that avenue had run. The length of road within New Haven was named Uriah

73 The most dramatic decrease during the period was in private spending on airports. From 49.7% before 1933, private spending fell to just 0.4% from 1941-1944. State spending was not a major factor during this period, accounting for 2% of dollars spent on airports in 1933 and declining to 0.5% from 1941-1944. See HARDAWAY, supra note 20, at 10-11.


75 See infra appendix 2-3 (showing maps of Uriah Street and the dead-ends of Thompson Avenue).

Street, and the portion in East Haven was named Ora Avenue.\textsuperscript{77} The deal removed the last major hurdle to the expansion program.

The improvement project proceeded in fits and starts throughout the war. In an inauspicious start the WPA completed surfacing the first runway in the fall of 1940 only to be forced to plow the entire runway up in June 1941 because workers failed to lay the stabilizing soil base properly.\textsuperscript{78} Despite the runway fiasco, in the summer 1942 the Civil Aeronautics Board (CAB)\textsuperscript{79} dedicated the airport to wartime activities by suspending American Airlines commercial service.\textsuperscript{80} And in the spring of the next year the War Department itself took over the lease of the airport.\textsuperscript{81} The change spurred the WPA to shift more men and resources into the airport project to accommodate the war effort.\textsuperscript{82} As part of the improvement effort the War Department also condemned thirty-three acres to the north of the airport along Dodge Avenue in East Haven from fourteen private landholders. This land addition brought the total size of the airport to over three hundred acres.\textsuperscript{83} When the War Department returned the airport to the city on January 31, 1945 two runways had been surfaced; drainage, electrical lighting, and fencing improved; and a new street and bridge had replaced the old Thompson Avenue.\textsuperscript{84} The airport had undergone its first major expansion. But even though the New Haven airport emerged from the war years with a far more modern facility and a precarious peace with its neighbors, no civic booster would appear this time to claim that New Haven boasted the finest airport in New England.

\textsuperscript{77} See Town of East Haven v. City of New Haven, 271 A.2d 110, 112 (1970). The agreement between East Haven and New Haven would become an object of litigation in the late 1960s when New Haven attempted to close Uriah Street to make way for another round of airport expansion. See infra text accompanying notes 159-160; infra appendix 1 and 2 (showing location of Thompson Avenue and Uriah Street).

\textsuperscript{78} See $20,000 Airport Runway Built Despite Warnings Must Be Floughed Up, NEW HAVEN REG., June 1941.

\textsuperscript{79} The CAB replaced the CAA in 1940. See supra note 67.

\textsuperscript{80} See Service Here is Suspended, NEW HAVEN REG., June 27, 1942.

\textsuperscript{81} See Airport Lease Signed by U.S. War Officials, NEW HAVEN REG., Apr. 1943.

\textsuperscript{82} See Airport Waits Cleaning Up of Flying Orders, NEW HAVEN REG., July 1942.

\textsuperscript{83} See U.S. Acquires 33 Acres Near City Airport, NEW HAVEN REG., Sept. 1942.
The New Haven airport benefited from wartime investment, but the great Connecticut beneficiary of wartime investment in airports was not New Haven but Hartford. Hartford, like New Haven had founded a municipal airport in the 1920s, Brainard Field, which was owned and operated by the city of Hartford. But in 1941 the state legislature approved the acquisition of 1700 acres of land in Windsor Locks, just north of Hartford, for an Army fighter plane base. The Army had indicated that it wished to have an air base in or near Connecticut as part of the country’s air defense, and the War Department developed the land, building all the runways and buildings required by the airport. In 1948 the War Department returned the airport to the State of Connecticut, and in 1949 the General Assembly approved a bond measure to convert to civilian use and improve what had been dubbed Bradley Field (in honor of an airman who perished in the field’s first aircraft accident). The much greater size of Bradley and its control by the state rather than a single municipality has allowed it to grow into far more formidable airport than New Haven.

IV. The Postwar Airport

A. Expansion or Obsolescence

The airport faced a constant battle during the postwar years to keep pace with advances in aviation. Newer planes demanded longer runways; and longer runways demanded more land, more money, and the cooperation of New Haven and East Haven for further development. None of these things proved easy to obtain as the airport struggled to expand during the two decades following the end of the war.

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84 See Army to Quit City Airport on January 31, NEW HAVEN REG., Dec. 17, 1944; see also Airport Waits Cleaning Up of Flying Orders, supra note 82.
85 See HENRY V. HUBBARD ET AL., AIRPORTS: THEIR LOCATION, ADMINISTRATION AND LEGAL BASIS app. 2, at 136 (1930).
Emerging from the war New Haven badly trailed its counterparts in the region. The Hillsgrove airport in Providence, Rhode Island, which like New Haven had only a 4000 foot runway (but better runway approaches), handled 100,000 passengers in 1947 — twenty five times the number to pass through New Haven.\textsuperscript{87} And Bradley Airport in Hartford boasted a budget twice the size of New Haven’s and twenty-four commercial daily flights as opposed to the handful that operated out of New Haven.\textsuperscript{88} By 1950, Bradley handled 118,000 passengers.\textsuperscript{89} The major comparative advantage of the Providence and Hartford airports was state control. While New Haven struggled under municipal control, both its state financed regional competitors thrived.\textsuperscript{90}

In 1946 the Connecticut General Assembly threw a further impediment in New Haven’s path when it passed an act governing takings of land for airports that superseded the 1929 law authorizing the establishment of the New Haven airport. Although New Haven had been able to complete all its land acquisitions for the airport through purchases, the specter of the eminent domain power originally given to New Haven by the legislature no doubt facilitated the acquisitions.\textsuperscript{91} But after the war the legislature began to realize that modern airports would be big and noisy and generally cause a nuisance to their neighbors.\textsuperscript{92} In response to this concern, the General Assembly enacted a new law mandating that municipalities obtain approval before

\textsuperscript{87} See Elm City Checks R.I. Airport, supra note 94
\textsuperscript{88} See Adequate Airport Backers Cite Needs, SUNDAY REG. MAG., June 8, 1947. Bradley had an annual budget of $40,000 as opposed to $20,000 in New Haven. Bradley’s budget, of course, came from the General Assembly while the Board of Aldermen held the purse strings for New Haven. See id.
\textsuperscript{89} See History, supra note 86.
\textsuperscript{90} See Hubbard, supra note 85, at 52 (noting the creation of Rhode Island state airport); History, supra note 86 (for the creation of Connecticut’s state airport).
\textsuperscript{91} The amendment to the original airport act granted New Haven the power to take land both within its own borders and in East Haven for the airport. See An Act Amending and Act Authorizing the City of New Haven to Establish an Airport and to Issue Bonds Therefor, No. 266, § 1, 1929 Conn. Spec. Acts 849, 849. The knowledge that New Haven had the power of eminent domain may have made landowners more willing to sell, since they knew they would have to part with their land one way or another.
taking land or any other interest in another municipality for the establishment or expansion or improvement of an airport.93 The new law removed the threat of eminent domain from New Haven’s arsenal and meant that no expansion could go forward on the East Haven side of the airport without that town’s permission.

New Haven felt the effects of the change in the law almost immediately, because despite the wartime improvements to the airport, within two years of the end of the war airport facilities once again stood on the brink of obsolescence. The two runways completed by the WPA project ran 4200 feet (the main north-south runway) and 4100 feet (the northwest-southeast runway),94 but only two years after the Army withdrew airport manager John H. Tweed told the *New Haven Register* that the airport needed a runway of 5000 feet.95 American Airlines, which resumed its Boston and New York service after the end of the war was in the process of upgrading its DC-3 planes, capable of landing and taking-off on the short New Haven runways, to Convair-240s, which demanded 5000 feet of runway.96 To his credit, Tweed recognized that air travel would increasingly come to dominate rail travel over the latter part of the twentieth century, but the airport manager optimistically (but wrongly) reassured the city that a 5000 foot runway would suffice for the indefinite future.97 In addition to lengthening the existing runways, airport

93 See CONN. GEN. STAT. § 15-79 (1958) repealed by CONN. GEN. STAT. ANN. § 13b-43 (1999). Although the General Assembly subsequently repealed the 1946 act as apart of a general overhaul of the state aviation law, the particular provision discussed here was not subsequently changed. It now appears in the code at CONN GEN. STAT. § 13b-43.

94 See Elm City Party Checks R.I. Airport for Possible Improvements Here, NEW HAVEN REG., Aug. 9, 1948.

95 See Adequate Airport Backers Cite Needs, SUNDAY REG. MAG., June 8, 1947.

96 See Elm City Checks R.I. Airport, supra note 94

97 See Adequate Airport Backers Cite Needs, supra note 88. In a profile on the airport, Tweed told the Register Sunday Magazine that “I don’t see the need of ever lengthening them [the runways] beyond this [5000 feet]. It would not be practical for a city of this size... It will be up to the airlines to control development of their ships to a practical size for intermediate fields such as we have here.” *Id.* It is possible that Tweed was simply trying to reassure the city and community that the airport had a definite goal for expansion, and did not want to scare the city or its taxpayers who were being asked to foot the expansion bill. It is also possible that Tweed either inaccurately predicted the development of modern aircraft, or over-optimistically assessed the power of airports to force the market to produce planes for shorter runways. The latter probably would only have been possible with widespread collusion among airports, something that seems highly unlikely given the politicized nature of decision making.
backers wanted to build a third runway, which had originally been part of the WPA project but had never been completed.\textsuperscript{98} This cross-wind (east-west) runway would allow the airport to function in more weather conditions and achieve a higher Civil Aeronautics Board rating. Tweed also complained of outmoded lighting at the field, and an inadequate administration building, which had capacity for only nine people in its waiting area when ten to twenty passengers embarked on each flight not to mention the friends and family members who accompanied them to the airport.\textsuperscript{99}

Selling further improvements required Tweed and the Airport Board to convince the city that the airport represented a good investment. The City of New Haven and the federal government together had spent just over $2 million on the airport, with the city contributing approximately $600,000 to that sum. The present value of the airport, however, stood at only slightly above $1 million. Tweed projected that the airport would require $200,000 immediately and eventually around $2 million to become a good middle-sized airport. Perhaps worse, the airport, as of 1947, was spending about $13,000 a year out of the city budget, but yearly revenue ranged only from $1000 to $2400. Even with the planned improvements Tweed and the Airport Board did not foresee a self-supporting airport for many years.\textsuperscript{100}

In order to create a convincing case for airport improvements the Airport Board drafted a fifty-year master plan for the airport. The plan listed a 5000-foot main runway as the airport’s highest priority. The plan also called for major improvements to the taxi strips surrounding the runways, new contact lighting to facilitate night landing, tree removal around the ends of the runways, a small amount of land acquisition, and a number of infrastructure improvements, the

\textsuperscript{98} To see the location of the proposed east-west runway see infra appendix 2.
\textsuperscript{99} Adequate Airport Backers Cite Needs, supra note 88.
\textsuperscript{100} See id. The exact expenditures cited by Tweed and the Airport Board on the airport are as follows:
largest of which would be the construction of an air-traffic control tower.\textsuperscript{101} The master plan estimated the total cost of improvements at $2.5 million.\textsuperscript{102}

Even before completing the master plan, however, the Airport Board began working to lay the groundwork for another round of improvements. In 1948 the Board hired a realty company to survey land near the airport and obtain options for purchase. The company identified two properties, both in East Haven, one parcel near the end of Thompson Avenue, which the airport needed for the planned third runway, and another parcel fronting on Dodge Avenue, required for lengthening the secondary runway (northwest-southeast).\textsuperscript{103} The land purchases were eventually completed in early 1949.\textsuperscript{104}

While the Airport Board worked on finalizing the master plan, its chairman, Allen Hubbard, appeared before the New Haven Board of Aldermen in December 1948 to request funds for the first phase of improvements. To help plead his case and convince the aldermen of the importance of the airport to city, Hubbard engaged in some old-fashioned interest group politicking and arranged for three employees of Aero Industries, an aircraft repair company based at the airport, to appear at the hearing. The employees testified that lengthening the runway meant, "their bread and butter." The inadequate runway, they claimed, led planes to bypass New Haven and was forcing Aero Industries out of business.\textsuperscript{105} Sensitive, perhaps, to the

<table>
<thead>
<tr>
<th>Total expenditure, federal and city</th>
<th>$2,024,438.37</th>
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<td>New Haven's contribution</td>
<td>$595,890</td>
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<tr>
<td>Present value of airport</td>
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\textsuperscript{101} See 50 Year Plan Completed by Airport Board, NEW HAVEN REG., Nov. 17, 1949. The federal government built a control tower at the Bridgeport, Conn. airport during the war, but bypassed New Haven. See Municipal Airport Here Given a Major Setback, NEW HAVEN REG., Dec. 1940 (Airport Folder 1929-1960).
\textsuperscript{102} See 50 Year Plan Completed by Airport Board, supra note 101.
\textsuperscript{103} See Board to Seek More Land for City Airport, NEW HAVEN REG., Apr. 16, 1948. For a plan showing the proposed, but never built, third runway see infra appendix 2.
\textsuperscript{104} The City of New Haven paid $20,175 to purchase to the land. See Finance Board Asked to Buy Airport Tract, NEW HAVEN REG., Jan. 28, 1949.
\textsuperscript{105} See Improvements for Airport Win Approval, NEW HAVEN REG., Dec. 21, 1948. The employees were prescient, sometime in the next several years Aero Industries closed up shop. In the closest year for which I could find the
plaint of their constituents, the Board of Aldermen authorized the Mayor, William C. Celentano, to sign a $60,000 grant to allow the project to get underway. A matching grant from the Civil Aeronautics Board allowed the first phase of improvements to get underway. The first phase included improvements to the administration building and new lighting around the field. The critical runway expansion project would have to await further funds and the completion of the master plan.

Once the Board completed the master plan in November 1949 Hubbard returned to the Board of Aldermen and secured another grant to begin the runway improvements. The aldermen allocated $174,000, once again matched by a grant from the CAA, to fund expansion of the main runway (north-south) to 4,760 feet. By the Fall of 1950 the Airport Board had secured a contractor and obtained final clearance from the Board of Aldermen, and the runway addition was completed in 1951.10

No sooner it seemed had the airport completed the first phase of improvements than familiar complaints reemerged. Despite spending $300,000 the airport was still unsuitable for night use and unable to handle all types of commercial aircraft. And even with the improvements the airport continued to run significant deficits. In a twenty-fifth anniversary retrospective in 1956, airport boosters lamented that the airport still lacked modern equipment to

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107 See id.
108 The additional 240 feet called for in the master plan to bring to the total length to 5000 feet required more money and more land and would not be completed as part of the 1950-1951 renovation.
111 See City Airport Still Unsuitable for Night Use, NEW HAVEN REG., Jan. 16, 1952.
112 For example in 1955 total expenditures at the airport were $48,944 versus total receipts of $10, 279. See The Story of New Haven's Municipal Airport, supra note 113.
operate in all weather conditions and to support a wider variety of aircraft. The boosters cited four pressing needs: an electronic homing device to help planes land in fog, storms, or darkness; a traffic control tower manned by the CAA, a third, east-west, runway; and finally a longer main runway of 6000 feet.\(^{11}\) The final item is the most surprising. Less than ten years after Tweed proclaimed that a 5000 foot runway would suffice indefinitely, and six years after the fifty year master plan echoed that sentiment, airport backers had already revised that length upwards by twenty percent.\(^{14}\) The airport boosters, however, failed to realize their plans. The airport is still waiting for a 6000-foot runway.

B. Airport Zoning

Expanding operations at the airport required not only improving the facility itself, but controlling what kind of development occurred around the airport’s perimeter. The airport’s surroundings were largely undeveloped in the 1920s, but development in East Haven and New Haven had spread towards the airport over the years. When the Connecticut General Assembly took up the question of airport zoning in 1953, the debate pitted the pro-airport development forces in New Haven against opponents of airport expansion in East Haven.

Connecticut was actually among the forefront of states to enact an airport zoning regime.\(^{15}\) In the 1930s the legislature granted the State Aviation Commission the power to “establish safety zoning regulations governing the area adjacent to any airport.”\(^{16}\) This early zoning regime centralized power at the state level. But as airports began to grow and demand

\(^{11}\) See The Story of New Haven’s Airport, supra note 105.

\(^{14}\) Tweed himself called for an expansion of the main runway to 6000 feet later that same year. See Modern Facilities Needed at Airport, Says Manager, NEW HAVEN REG., Aug. 2, 1956.

\(^{15}\) Through 1938 only 11 states had adopted statutes governing airport zoning. See JOHN M. HUNTER, CIVIL AERONAUTICS AUTHORITY, TECHNICAL DEVELOPMENT REPORT NO. 21, SURVEY OF STATE AIRPORT ZONING LEGISLATION 1 (1939).
more space in the postwar period the General Assembly revisited its airport zoning regime and, in 1953, considered a more comprehensive bill requiring municipalities containing airports to restrict development in designated airport hazard zones to protect approaches to the airport.\textsuperscript{117}

The proposed legislation added teeth to the state's airport zoning regime. The State Aviation Commission would be responsible for designating airport hazard zones around airports. Protecting these zones would insure that planes had adequate visibility and could approach and take-off from the runways at shallow angles. But although the state commission would designate the zones, the bill required the municipalities themselves to adopt, administer, and enforce regulations protecting these hazard zones. Thus the legislature in neat turn significantly restricted development around airports, while passing the political accountability of the program to the municipalities. Particularly important for the New Haven airport, the bill provided that when an airport was owned or controlled by one municipality and any airport hazard area was located outside that municipality, the two municipalities might create a joint zoning board. Each board would have two representatives from each municipality.\textsuperscript{118} By giving New Haven a voice in East Haven's zoning decisions, this proposed legislation promised to help New Haven protect the airport's borders.

Not surprisingly the City of New Haven, the Airport Board and the New Haven Chamber of Commerce all backed the legislation, and East Haven, always wary of any airport development and fearful of a bill that would require the town to participate in enacting and enforcing zoning restrictions to protect the airport, staunchly opposed it. Allen Hubbard, Chair of

\textsuperscript{116} CONN. GEN. STAT. § 3096 (1935). The act, however, did not prescribe any specifics, such as the requirements for the size of protection zones around airports or building height limits near the airports. See id. Six other states mandated the size of the zoned area around airports, and three explicitly imposed building height limits. See HUNTER, supra note 115, at 4.

the Airport Board, appealed to East Haven by claiming that expansion would benefit the town as well as New Haven and the entire region and that the airport required only a minimal amount of land, all undeveloped swampland, for expansion. Somewhat less diplomatically, Hubbard also publicly accused East Haven officials of shortsightedness for opposing the bill.\textsuperscript{119} Hubbard’s plea and barb, however did not sway East Haven officials who, joined by the town’s chamber of commerce, opposed any expansion of the airport and feared that the zoning restrictions would unduly burden East Haven.\textsuperscript{120} Town officials reminded the legislature that seventy-five percent of the airport lay on tax-exempt property in East Haven, and limiting future development around the airport (and in particular allowing the airport to expand) could further diminish the town’s tax rolls.\textsuperscript{121} But East Haven’s opposition notwithstanding, the zoning bill passed the state legislature in 1953, and the City of New Haven and the Town of East Haven, pursuant to the new statute, established the joint zoning board in January 1954.\textsuperscript{122}

Despite losing the battle over the zoning legislation, over the next decade East Haven continued to oppose airport expansion while the Airport Board continued its drive to modernize and expand the facility. Not confident that the zoning board would effectively protect the airport, and in order to pave the way for future expansion, the Airport Board acquired several parcels of land in East Haven during the 1950s. In 1956, the airport purchased a $4700 piece of property to the south of the airport along Morris Creek. This piece of property was, as Hubbard

\textsuperscript{118} See id. § 5 (codified as amended at 15 CONN. GEN. STAT. § 15-92 (1999)).
\textsuperscript{119} See Hubbard Sees Airport Plan Aiding Town, NEW HAVEN REG., Mar. 12, 1953.
\textsuperscript{120} See Airport Expansion Hits East Haven Opposition, BRIDGEPORT HERALD, Mar. 3, 1953; City Airport Hearing Set for April 7, NEW HAVEN J. COURIER, Mar. 26, 1953.
\textsuperscript{121} See City Airport Hearing Set for April 7, supra note 120.
had assured the Town of East Haven, primarily swampland.\textsuperscript{123} But two years later the Board announced that it was acquiring 35 houses and lots in East Haven. A $220,000 federal grant, matched by a combination of city and state funds was used to purchase the properties all located around the ends of the north-south runway. The removal of the homes protected the approach to the runway,\textsuperscript{124} but the purchase did little to soothe tension between East Haven and New Haven as the properties went off of the town’s tax-rolls.

C. A Southern Connecticut Regional Airport

As New Haven modernized its airport during the 1950s, around the state and nation regulators and lawmakers began to think of the efficiency possible from consolidating air service in one airport in every geographic region. Since southern Connecticut contained two struggling airports — New Haven and Bridgeport — only twenty-one miles apart, the region caught the eyes of those who wanted to impose a more rational system of commercial air travel on the nation’s airports. In many respects plans to concentrate air travel for the region in one airport made a good deal of sense. Southern Connecticut might well have been better served by just one regional airport, instead of two competing facilities. Furthermore, the Bridgeport airport was probably better suited to develop into the regional facility. It had a federally run control tower, more room to expand, and lay closer to the wealthy Connecticut suburbs in Fairfield County. But New Haven was unwilling to sacrifice the airport it had worked so hard to build on the altar of regional planning, and during the span of a dozen years the city fought off two attempts to create a southern Connecticut regional airport in Bridgeport. The victories, however, were illusory, and the region suffered from New Haven’s insistence on maintaining a locally controlled airport.

\textsuperscript{123} See Land Purchased for North-South Airport Runway, NEW HAVEN REG., June 24, 1956.
\textsuperscript{124} City Airport will buy 35 Houses, Lots, NEW HAVEN REG., Feb. 12, 1958.
The first attempt to consolidate the New Haven and Bridgeport airports came in 1952, just a year after the completion of the first round of postwar improvements. Alfred P. Morano, the congressman representing Fairfield County in the United States House of Representatives, introduced legislation calling for the Civil Aeronautics Board (CAB) to close the airport in New Haven and merge its operations with the Bridgeport airport (actually located in Stratford) in Fairfield County. The Bridgeport airport had a CAB run control tower, which the New Haven airport lacked, but the CAB had threatened to shut down its operation in Bridgeport because of lack of traffic. Morano hoped that by consolidating operations in Bridgeport the airport could generate enough traffic to justify the continued operation of the control tower. Morano’s proposal was not unreasonable. The two facilities were close together and concentrating resources at one location could have meant better air service for all of southern Connecticut. But both out of local pride and the fact that they had just invested some $300,000 in airport improvements New Haven officials and business groups did not share this view. Eventually, a concerted effort by the Mayor, city leaders, and Connecticut’s two senators ultimately convinced Representative Morano to drop his proposal.\(^{125}\)

A second and more serious attempt to concentrate air service in one of southern Connecticut’s two airports emerged ten years later. The CAB embarked in the early 1960s on a program to designate regional airports around the country. These airports would then be eligible for federally funded improvements (such as a CAB manned controlled tower, which New Haven still lacked) and more commercial airline service.\(^{126}\) Between 1962 and 1964 New Haven found itself locked in a battle with Bridgeport for the CAB regional designation for southern

\(^{125}\) See City Airport Still Unsuited for Night Use, supra note 111; Airport Board Asks Senators to Fight Move to Close Field, NEW HAVEN REG., Jan. 19, 1952; Morano Asked to Quit Airport Closing Drive, NEW HAVEN REG., Jan. 22, 1952; Celentano Bids Morano Drop Airport Plan, NEW HAVEN REG., Jan. 22, 1952.

Connecticut. Although Bridgeport received the designation, the CAB ultimately dropped thewhole program, allowing the New Haven airport to continue to host commercial flights and seekfederal funding. While the controversy eventually came to naught, the debate marked one of thebrief periods in the history of the airport when New Haven and East Haven were able to muster some modicum of cooperation. Ironically, although New Haven saved its airport, the city’sfailure to comprehend the benefits of a regional airport ultimately impeded development of air service in southern Connecticut.

The cooperation between East Haven and New Haven during the fight for the CAB regional designation arose out of the possibility for mutual benefit. Allen Hubbard, Chair of the Airport Board, appealed to East Haven and other surrounding communities’ sense of cooperation for joint economic benefit. Addressing East Haven directly, the chairman emphasized that the town stood to gain a great deal. He assured East Haven that new construction following the regional designation would occur almost entirely within land already owned by the airport. Only small sections of additional land might be needed to maintain clear flight paths.127 Hubbard also reassured East Haven that the joint New Haven-East Haven zoning board would review the program.

The most important carrot the Airport Board offered to East Haven was the potential give-back of some airport land in East Haven for use by the town in its planned industrial park. The airport was negotiating to acquire forty undeveloped acres of land to the south of the airport, some of which lay within East Haven. At the same time the airport offered to lease or sell to East Haven forty to fifty acres on the east side of the airport for industrial development.128 The prospect of regaining some of the airport land and the potential synergy between an expanded

airport and an industrial park (particularly for airfreight) convinced East Haven to support the regional bid. Frank Messina, President of the East Haven Chamber of Commerce, which had steadfastly opposed airport development throughout the 1950s, told the New Haven Register: “Naturally, my greatest interest is in the future welfare and proper development of East Haven, along with concern for the greater New Haven area. If a greater majority of our people benefit by the proposed expanded facility at Tweed-New Haven Airport we will be delighted.”129 If not exactly a ringing endorsement of regional cooperation, Messina’s statement at least signaled East Haven’s willingness to work with New Haven for regional benefit.

The most ambitious plan to emerge from the newfound spirit of regional cooperation came from the New Haven Chamber of Commerce. In the midst of the regional designation fight, a Chamber planning committee released a proposal to create a regional airport commission with one representative from each community in south central Connecticut.130 The proposal noted: “With a newly emerging regional conception of organization and planning . . . it would appear logical that more talent be made available for administration of a truly regional airport.”131 Although the Airport Board endorsed the Chamber’s proposal,132 the city guarded its control over the airport. The Board of Aldermen never even debated the charter amendment that would have been required to change the airport governance structure.133 By failing to consider regional

129 The Airport . . . Its Problems and Plans for the Future, supra note 126; see also Area Groups Support Airport Plea, NEW HAVEN REG., July 1, 1962 (noting the support of the East Haven Chamber of Commerce for the regional airport bid, as well as the support of the Branford Chamber of Commerce); Chamber Steps Up Effort to Mobilize Support in Regional Airport Fight, NEW HAVEN J. COURIER, July 25, 1962 (Noting the support of the East Haven Chamber of Commerce). In 1961 the New Haven Municipal Airport was renamed Tweed-New Haven Airport in honor of John H. Tweed, the first and longtime airport manager. See The Airport . . . Its Problems and Plans for the Future, supra note 126.
131 Id.
133 No reference to the any proposed charter amendment to alter the airport governance structure or change the six member Airport Board appears in the Journal of the Board of Aldermen of the City of New Haven between 1963 and 1966.
governance at the very moment when the airport enjoyed regional support, New Haven missed an excellent opportunity to lay a foundation for a stronger New Haven airport.

Although New Haven managed to assemble the support of neighboring communities for its bid, the State of Connecticut and Eastern and Allegheny Airlines, the only two commercial carriers serving New Haven, backed Bridgeport’s bid for the CAB designation.134 Ironically, Bridgeport faced strong opposition from its neighboring communities. Stratford, the town in which the Bridgeport airport was actually located, opposed the bid, as did the neighboring town of Milford.135 Like New Haven, Bridgeport hoped that the regional designation would allow it to lengthen its runway and improve its facilities. Stratford feared that expansion would consume the last available industrial land in the town,136 and Milford feared that increased air traffic into the facility would mean more danger and nuisance for residents of that town.137 Stratford even held a town referendum, in which citizens voted to oppose any expansion at the Bridgeport airport.138 Nevertheless, the state chose to support Bridgeport after a State Aeronautics Department study showed that, although development of the Bridgeport airport would cost some $400,000 more than New Haven, the Bridgeport could expand to include two seven thousand foot runways, while New Haven could never accommodate more than one. The state concluded that the possibility of developing two full-length runways outweighed the higher cost improvements in Bridgeport.139

134 See State Backs Bridgeport as Regional Airport Site, NEW HAVEN REG., Aug. 16, 1962.
135 See Bridgeport Bid for Regional Airport Strongly Opposed by Milford Board, NEW HAVEN REG., Sept. 5, 1962; Chamber Steps Up Effort to Mobilize Support in Regional Airport Fight, supra note 129.
136 See Chamber Steps Up Effort to Mobilize Support in Regional Airport Fight, supra note 129.
137 See Bridgeport Bid for Regional Airport Strongly Opposed by Milford Board, supra note 135. Milford Planning Board member, Dr. George Martelon told the New Haven Register, “Airplanes over Milford have created a considerable danger and nuisance with some planes flying as low as 500 to 1000 feet over Laurel Beach . . . In fact, I would be pleased if they closed [the Bridgeport Airport].” Id.
139 See State Backs Bridgeport as Regional Airport Site, NEW HAVEN REG., Aug. 16, 1962.
The combination of state and airline support tipped the balance for Bridgeport. Despite the strong support of the New Haven community and the endorsement of neighboring towns, the city could not convince the CAB examiner to recommend New Haven as the regional airport. Bridgeport, however, would never grow into the regional facility regulators hoped. Proud Connecticut localism thwarted Bridgeport's attempt to take advantage of its victory. Shortly after the CAB designated Bridgeport as the regional airport for southern Connecticut, the town of Stratford purchased a 170-acre parcel of land adjacent to the airport, effectively blocking any expansion. Facing political pressure and an extended legal fight, the CAB subsequently abandoned the program, rendering its decision meaningless and preserving New Haven as a commercial airport.

The fight over the regional designation highlights the importance New Haven placed on having its own airport. Rather than approaching the debate by asking which facility could better serve New Haven and the whole region and which facility stood a better chance of developing into a first-rate regional airport, New Haven leaders saw the whole debate as a referendum on the importance of New Haven. Mayor Richard Lee, the great champion of urban renewal, testified in front of the CAB about the "dynamic resurgence of New Haven as a core city," and attacked Bridgeport's bid. The Chamber of Commerce urged the city to investigate the use of

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141 See Airport Development Backers Vow Renewed Efforts For Improvements, NEW HAVEN REG., Apr. 20, 1963.
142 See Stratford Blocks Plan to Extend Airfield Strip, NEW HAVEN REG., July 16, 1963. Stratford had already filed suit asking for a declaratory judgement on the legality of Bridgeport taking land in Stratford by eminent domain for airport purposes. By buying the land outright, however, Stratford could effectively preclude any possibility of it being used for airport expansion. See City Renews Fight to Get Airport Here, NEW HAVEN REG., July 9, 1963.
143 See City Airport Appeal Imminent, NEW HAVEN REG., July 29, 1964.
145 See Lee Blasts Park City at Airport Hearings, NEW HAVEN REG., Oct. 10, 1962. Lee attempted to appeal to state self-interest, declaring that should Bridgeport gain the regional designation, "Connecticut taxpayers would will be supporting a field that serves Westchester County 'more conveniently than it serves some Connecticut communities.'" Lee Urges Support for Regional Airport, NEW HAVEN J. COURIER, May 19, 1962.
federal renewal funds for airport improvements.\textsuperscript{146} For the city that had been the darling of Washington’s urban renewers,\textsuperscript{147} failure to gain the federal designation as the regional airport threatened city pride. Although Yale University Provost, Kingman Brewster, lamented to the CAB, “we don’t want to find ourselves in a transportation backwater,”\textsuperscript{148} a transportation backwater is exactly what he got. One regional airport for southern Connecticut made sense, and when it became clear that the state and the airlines supported Bridgeport, New Haven might have been well-served by throwing its support behind development of the Bridgeport airport.

The regional consensus that had developed around the regional airport bid was short-lived. In the midst of the CAB hearings on November 17, 1962 the first jet airplane landed at the newly designated Tweed-New Haven Airport,\textsuperscript{149} a private jet bearing passengers for that days Yale-Harvard football game. Several residents near the airport called to complain about the noise, but otherwise the event provoked little fanfare.\textsuperscript{150} But two years later, as proposals for commercial jet flights into the airport began to surface, the Representative Town Meeting in East Haven voted unanimously to oppose any proposal for expanding the airport to accommodate jets.\textsuperscript{151} In the coming years the subject of jets and the expansion of the airport necessary to accommodate them destroyed whatever cooperation had been established between New Haven and East Haven and led to a series of legal battles between the city and the town over the fate of the airport.

\textsuperscript{146} See Chamber Urges Renewal Funds Be Sought for Airport Work, supra note 130. In fact a previous city study had already indicated that the airport would not qualify for urban redevelopment funds. See Airport Board Gives Endorsement to Regional Development Plan, supra note 132.


\textsuperscript{148} Id.

\textsuperscript{149} The Airport was renamed after John Tweed in 1961.

\textsuperscript{150} See Yale Game Brings First Commercial Jet to City Airport, NEW HAVEN REG., Nov. 18, 1962.

\textsuperscript{151} See East Haven United Foe of Jet Port, NEW HAVEN REG., Nov. 11, 1964.
V. Jet Aircraft and the Period of Highest Hostility

Beginning in the late 1960s the airport embarked on its final major physical enlargement project. In order to upgrade the facility for commercial jet aircraft the City of New Haven acquired seventy-five acres of land in East Haven for use as a “clear zone” for approaches to the airfield and obtained two grants totaling $750,000 from the FAA, one in 1967 and the other in 1969, to lengthen the main north-south runway to its present length of 5600 feet and to build the airport’s first control tower.\(^{152}\) In 1967 workers added 829 feet to the south end of the main runway,\(^{153}\) and in December 1929 the new control tower opened.\(^{154}\) The improvements allowed Eastern Airlines to use the airport for jet flights, and opened the door for other carriers to provide jet service into New Haven.\(^{155}\)

The airport improvements, however, sparked bitter resentment in East Haven. Residents of the town were particularly opposed to development that threatened East Haven’s shoreline, which lay to the airport’s south. “We have few assets in town and we have to preserve what we have,” explained East Haven city attorney, Anthony DeMayo at a state hearing. The town claimed that further development would take up to one-third of East Haven’s shoreline.\(^{156}\) Adding insult to injury for East Haveners, New Haven had neither asked for nor obtained the town’s permission to acquire the land in East Haven — land that was then removed from the

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\(^{152}\) See United States v. City of New Haven, 447 F.2d 972, 973 (2d Cir. 1971); Town of East Haven v. City of New Haven, 271 A.2d 110, 113 (Conn. 1970).

\(^{153}\) See Town of East Haven v. Eastern Airlines, 331 F. Supp. 16, 20-21 (D. Conn. 1971); see also Airport to Close for Two Month, NEW HAVEN J. COURIER, Feb. 14, 1968 (noting that the airport closed for two months during the summer of 1968 for re-paving of the lengthened runway).

\(^{154}\) See Cassagneres, supra note 62.

\(^{155}\) See Tweed-New Haven Looks to a Brighter Future, NEW HAVEN REG., Sept. 29, 1969. Eastern began to fly jets into New Haven as soon as the runway expansion was completed, but had discontinued its service in 1968 when pilots complained of poor airport conditions. See Airport to Close for Two Months, supra note 153. Eastern resumed its jet service in the Fall of 1968 for three months and then temporarily halted again until service finally recommenced in 1970. During this period Allegheny Airlines, the other commercial airline servicing New Haven, did not fly use jets at the facility. See Eastern Airlines, 331 F. Supp. at 20-21.

\(^{156}\) See Charges Fly at Airport Hearing, NEW HAVEN REG., Mar. 29, 1968.
town’s tax rolls. Unable to stop development through political channels, however, the Town of East Haven took its battle to the courts.

Shortly after New Haven announced its intention to expand the runway to the south, the Town of East Haven and a group of residents filed suit in state court seeking an injunction to stop the expansion. East Haven brought two claims; both intimately grounded in the troubled history of regional cooperation over the airport. East Haven’s first claim charged New Haven with violating the 1940 agreement between the two municipalities when it closed Uriah Street to make way for airport expansion. The town also accused New Haven of violating state law by expanding the airport into or on any land in East Haven without the town’s permission. Although the state’s highest court held that New Haven could close Uriah Street, the court held that New Haven had violated state law by purchasing land in East Haven with the town’s

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157 See CONN. GEN. STAT. § 12-74 (1999); Town of East Haven v. City of New Haven, 271 A.2d at 115.

158 East Haven based its first claim on the agreement signed between the town and New Haven in 1940, which had paved the way for the first runway expansion. At that time East Haven had agreed to allow New Haven to close Thompson Avenue, which ran through the middle of the airport. To replace it, New Haven had built a new road to the south — designated Uriah Street in New Haven and Ora Avenue in East Haven. When New Haven acquired the 75 additional acres of land in 1967 the airport found itself in the same position it had in 1940, with the road encroaching on the planned runway extension. In order to complete the project the New Haven Board of Aldermen voted in April 1967 to close Uriah Street. East Haven, which filed suit immediately following New Haven’s action, claimed that New Haven had violated the 1940 agreement between the municipalities. See Town of East Haven v. City of New Haven, 271 A.2d at 111-16.

159 East Haven claimed that state law prohibited any municipality from taking or purchasing land in another municipality for the improvement or expansion of an airport without the approval of that municipality. See 1929 Conn. Pub. Act 135 (codified as amended at CONN. GEN. STAT. § 12-74 (1999)). East Haven argued that when New Haven publicly announced its intention to expand the airport, it had not obtained the approval of the town, and, in fact, it went ahead with the expansion project despite East Haven’s objections. See Town of East Haven v. City of New Haven, 271 A.2d at 117. The 1946 statute did not actually include the word purchase, and the City of New Haven argued that it applied only to takings, but the court held that the statute was designed to protect municipalities from both unauthorized purchases and takings. See 1946 Conn. Pub. Act 10; Town of East Haven v. City of New Haven, 271 A.2d at 119.

160 See Town of East Haven v. City of New Haven, 271 A.2d at 120.
permission\textsuperscript{161} and enjoined the airport from using the newly acquired land in East Haven for any expansion project.\textsuperscript{162} The court order precluded using the runway addition, which depended on the new land for its clear zone, and would probably have put a permanent end to jet flights into the field had the federal government not intervened to rescue the airport. In the end, the runway was closed for less than a year before the FAA succeeded in convincing a federal judge to overturn the state court order.\textsuperscript{163}

The same year East Haven sued in state court, the town and a group of twelve homeowners living near the airport sued the two commercial carriers serving New Haven, Allegheny and Eastern airlines, and the City of New Haven itself claiming, among other things, that airplane overflights constituted a taking of their property without compensation. In addition to damages, the plaintiffs sought an injunction against further operation of the airport. Although the court found that in regards to seven of the homeowners — those living immediately adjacent

\textsuperscript{161} By passing a new set of airport regulations in 1946, the court explained, the General Assembly had effectively repealed the 1929 act that had originally empowered New Haven to purchase or take land in East Haven without obtaining permission. The court noted that while the legislature had clearly been encouraging airport development in 1929 by allowing New Haven such broad powers (and, the same year, exempting airport land from taxation), see 1929 Conn. Pub. Act 135 (codified as amended at CONN. GEN. STAT. § 12-74 (1999)), times had changed by 1946, and the intent of the 1946 act was to protect municipalities from major unwanted intrusions by airport expansion. See Town of East Haven v. City of New Haven, 271 A.2d at 119. By purchasing land in East Haven and subsequently expanding the airport using that land, the court held that New Haven had violated the 1946 airport act. See id. at 120.

\textsuperscript{162} The court defined expansion both as the physical use of the land or the maintenance of clear zones over the land. See Town of East Haven v. City of New Haven, 271 A.2d at 120.

\textsuperscript{163} Following the conclusion of the suit and facing a contempt order from state court, the City of New Haven closed the disputed portion of the runway in August 1970. See Contempt Order, Conn. Super Ct. Aug. 26, 1970. Within weeks, however, the Federal Aviation Administration brought a suit in federal court to dissolve the contempt order. The FAA argued and the court agreed that ordering the runway closed interfered with the regulation of air traffic, a field entirely preempted by Congress. In June 1971 the court issued a preliminary injunction, subsequently made permanent, allowing New Haven to re-open the runway and saving the airport from likely extinction. See United States v. City of New Haven, 447 F.2d 972 (2d Cir. 1971) (affirming unreported preliminary injunction of the district court suspending the contempt order against New Haven); United States v. City of New Haven 367 F. Supp. 1388 (D. Conn. 1973) aff’d, 496 F.2d 452 (1974). The federal court stressed that it was not addressing the legality of New Haven’s acquisition of the East Haven land, only the ability of state courts to enjoin airport operations. The court did note that undoing the transaction would require the former owners to be cited in as necessary parties and would after considerable effort and possible future litigation result only in recasting the transaction in a different form. See United States v. City of New Haven, 367 F. Supp. at 1341 & n.7.
to the ends of the runway — the operation of aircraft at low altitudes over their homes constituted a taking, the court refused to grant an injunction closing the airport.\textsuperscript{164}

Its court fights largely unsuccessful, East Haven attempted one additional legal maneuver to impede airport operations. In November 1976 East Haven instituted eminent domain proceedings to take three parcels of airport property for use as part of the East Haven industrial park.\textsuperscript{165} Although the court did not allow East Haven to exercise its power of eminent domain on land already committed to a public use,\textsuperscript{166} the proceedings demonstrate how far the relationship between the two municipalities had deteriorated over the decade since the airport extended the main runway to 5600 feet.

New Haven had long recognized the compatibility of the industrial park and the airport. It was the possibility of committing some airport land to the industrial park that had won East

\textsuperscript{164} See The Town of East Haven v. Eastern Airlines, 331 F. Supp 16 (D. Conn 1971), aff'd, 470 F.2d 148 (2d Cir. 1972). The twelve homeowners testified at trial to the tribulations of living near a commercial airport. Plaintiffs testified to broken windows from the vibrations of planes, especially the jets introduced by Eastern in 1967, passing over their homes, buildup of soot, the smell of jet fuel, and the tremendous noise during the takeoffs and landing of aircraft. See Eastern Airlines, 331 F. Supp. at 21-26. One plaintiff, Andrew Proto, described living in fear of injury from plane crashes — at least three private planes had crashed in his neighborhood over the years. See id. at 21. (Indeed, some months after the trial, the only commercial air crash in the history of the airport occurred when an Allegheny Airlines flight crashed approaching the south end of the main runway in a fog. 28 people died in the crash.) See Death at the Airport, NEW HAVEN REG., June 13, 1971. Another plaintiff introduced sound measurements he had made with the help of a professional sound expert, testifying that the noise created by and Eastern 727 aircraft taking off measured 102 decibels (db(A)) outside and 80 db(A) inside. In comparison the noise 50 feet from an interstate highway measures approximately 90 db(A) and the noise from a ringing telephone 78 db(A). See Eastern Airlines, 331 F. Supp. at 25.

Although the judge pointed out that all twelve plaintiffs had acquired their property after the airport opened in 1931 and should have known that aircraft might pass over or near their homes, the court held that because of their frequency and low altitude the flights constituted a taking under federal law of the property of the seven plaintiffs whose homes lay directly in the flight paths. See id. at 33. The court explained that under Supreme Court precedent the “taker” of the easement in the properties was the City of New Haven, the operator of the airport, not the airlines themselves. See id. at 33 (citing Griggs v. Allegheny County, Pa., 369 U.S. 84 (1962)). After an additional hearing to at which real estate experts for both sides testified to the decrease in market value of the properties, the judge awarded damages to the seven plaintiffs. See The Town of East Haven v. Eastern Airlines, 333 F. Supp. 338 (D. Conn. 1971). The court refused, however, to grant the plaintiffs' request for an injunction closing the airport. See Town of East Haven v. Eastern Airlines, 331 F. Supp. at 30. The court also refused the Town of East Haven’s request for damages, holding that the town itself had not suffered any damage. See id. at 36.

\textsuperscript{165} The industrial park lay to the southeast of the airport, and the town wanted to expand the park onto three undeveloped parcels of land owned by the airport, totaling about 80 acres of land. See City of New Haven v. Town of East Haven, 402 A.2d 345 (Conn. Super. Ct. 1977)

\textsuperscript{166} See City of New Haven v. Town of East Haven, 402 A.2d at 355.
Haven’s support during the fight for the CAB regional designation, and an airport Master Plan released in 1975 once again noted the compatibility of an industrial park adjacent to the airport. Unlike residential development, an industrial park was much less sensitive to noise and disturbances from the airport. In fact, the Master Plan again floated the possibility of giving some of the land on the southeast of the airport to East Haven for the industrial park, if East Haven would cooperate with the airport over further development and joint zoning regulations. The Master Plan recommended that of three possible methods of controlling land use, direct purchase, acquisition of aviation easements, and application of zoning and building codes, the third was both the least costly and most feasible for New Haven. The plan noted the difficulty of implementing zoning regulations around the airport because of the multiple jurisdictions involved but recommended cooperation between the two towns. Although it did not explicitly recommend a quid pro quo, the plan endorsed the idea of using some airport land in East Haven for the industrial park. Cooperation, however, was not forthcoming and instead of a friendly swap of land for the implementation of zoning regulations and support for other airport projects, the two municipalities concluded the 1970s as they had began them — deeply at odds over the future of the airport.

VI. The Modern Airport

The 1975 Airport Master Plan expressed both great hope for the future of Tweed-New Haven Airport and also recognition of the serious limitations imposed by the airport’s

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167 For the location of the parcels of land see infra appendix 4.
169 See TWEED-NEW HAVEN AIRPORT A MASTER PLAN, supra note 168, at 7-12 to –13. The airport litigation and the temporary closing of the extension of the main runway had led enplanements to fall from a high of 53,975 in 1967, the first year that Eastern provided jet service from New Haven. See City Again Threatened with Loss of Tweed-New Haven, NEW HAVEN REG., July 1, 1968.
increasingly developed environs. In fact, the drafters of the master plan turned out to be prophetic. Service did expand over the twenty year period forecasted by the planners, while at the same time the physical and political constraints placed on the airport by its geographical location prevented the kind of development the planners had hoped for.

The Master Plan based many of its recommendations for improvements on a rosy estimate of increasing passenger enplanements. The report forecasted that enplanements — the number of people boarding aircraft in New Haven — would rise from 37,000 in 1973 to approximately 124,000 in 1985 and over 400,000 in 1995. Based on these predictions, the planners recommended the expansion of the main runway by 900 feet from 5600 feet to 6500 feet and the construction of a new 80,000 square foot terminal to replace the 6000 square foot existing facility. The report, however, paid careful attention to the constraints affecting the airport. The drafters carefully detailed the surrounding development, which had grown substantially over the years. Residential development bordered the airport to the west, south (including a relatively new development), north and northeast. To the southeast and east lay a buffer zone of undeveloped and marsh lands compatible with airport use, although a residential development lay beyond the buffer zone. To the southwest, tidal wetlands bounded the airport. The planners tried to propose a land use regime sensitive both to the needs of the airport and the surrounding development. The Master Plan suggested limited acquisition of property within the highest noise zone closest to the airport. Otherwise, the planners hoped that zoning regulations implemented jointly by New Haven and East Haven would help to control land use around the facility.

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170 See Tweed-New Haven Airport A Master Plan, supra note 168, at 2-1.
171 See id. at 2-4.
172 See id. at 6-5; see also infra appendix 3 (showing wetlands on map).
173 See id. at 7-10; see also infra appendix 4 (showing property to be acquired).
Although the hoped for cooperation between New Haven and East Haven over land use regulation never emerged, the airport did grow in fits and starts over the twenty years forecasted by the planners. East Haven hardly embraced Tweed-New Haven, but the airport managed to avoid the kind of legal turmoil that had engulfed the facility during the 1970s. The municipalities even managed to work out a deal in 1983 designed to create a larger buffer zone around the airport. In return for East Haven turning over 95% of property tax revenue from aircraft parked on town land to New Haven, the city agreed to give East Haven money to acquire properties along Twiss Street and to pay East Haven real estate taxes on land it owned near the airport. Although it took nearly ten years for the two sides actually to perform the bargain, the deal marked a return to political instead of legal resolutions of airport disputes.\textsuperscript{174}

Service to the airport expanded and contracted over the twenty years forecasted in the Master Plan, but never come close to the optimistic projections of the planners. Eastern jet service ceased in 1975, but, despite objections from East Haven residents, jets did return to the airport for a brief period in 1985 and 1986 when Air Wisconsin provided jet service to Chicago.\textsuperscript{175} Jet Service returned again to Tweed in 1991 when United Airlines launched service to Chicago and lasted until United abandoned the service in 1996. During this period the airport witnessed its highest period of activity with annual enplanements of over 100,000 passengers a

\textsuperscript{174} See Allan Drury, \textit{Council Moves to Settle Airport Spat}, \textit{NEW HAVEN REG.}, Jan. 6, 1993, at 11. Under the agreement worked out in 1993, East Haven agreed to turn over the property tax revenue, which it had stopped paying in 1988, to a trust fund that would be used to acquire properties. \textit{See id.}
year, peaking at 132,614 in 1992. And in 1995 the airport constructed a new 12,500-foot terminal building — a far cry from the 80,000 square foot facility recommended by the Master Plan — but an improvement over the existing 6000 square foot building.

VII. Airport Authority

The cancellation of the United Airlines service was jarring blow to the airport. Shortly after United’s final departure the Mayor of New Haven, John DeStefano, asked the Regional Growth Partnership, an economic development organization focusing on southern Connecticut, to study the airport and make recommendations. This study led to the creation of a new regional governance organization for the airport. The Tweed-New Haven Regional Airport Authority took control of the airport under a lease from New Haven in 1998 and is working to improve service and solve the problem that has plagued the facility since its inception — the difficulty of operating a facility that could benefit the whole region but imposes high costs, in the form of noise and nuisance, to a small cohort of nearby residents.

United’s withdrawal from New Haven motivated a reexamination of the airport. United cancelled its Chicago service after losing over $12 million in five years. The flight had averaged

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175 See Air Wisconsin Flying High, NEW HAVEN REG., Feb. 17, 1985. Though opposition from nearby residents was not strong enough to prevent the introduction of the jet service, that did not stop one East Haven resident from testifying at a public hearing that, “Our No. 1 battle is to defeat the Chamber of Commerce. We are going to boycott all downtown New Haven business.” Tweed not right for jets, foes say, NEW HAVEN REG., Nov. 16, 1984. The Air Wisconsin service also sparked the only piece of litigation against the airport during this period when Richard and Donna Melillo sued the airport claiming that flights over their property had been taken by the jet overflights. The court held that the plaintiffs could not recover because the taking had actually occurred during the first period of jet activity from 1967-1975. The Melillo’s did not purchase their home until 1979 and claimed that jet overflights between 1985 and 1986 constituted the taking. As the court found no substantial difference between the 1985-1986 activity and the earlier period of jet flight the court found that no further taking had occurred. See Melillo v. City of New Haven, No. CV 88027734TS, 1997 WL 408737 (Conn. Super. Ct. July 11, 1997), aff’d, 732 A.2d 133 (Conn. 1999).

176 See Tweed Sets a Passenger Record, NEW HAVEN REG., June 1, 1993; Return of Jet Service a Big Boom to Tweed, NEW HAVEN REG., May 2, 1993.

just 50% capacity – approximately 3 to 4 too few passengers per flight to break even.\textsuperscript{178} The problem, however, was not simply lack of demand for the flight. Because of the short length of Tweed’s runway and nearby obstructions aircraft had to lift-off quickly and climb steeply. This necessitated weight restrictions on planes during takeoff. These weight restrictions capped passenger capacity at between 52 and 87\%.\textsuperscript{179} In addition, the lack of modern navigational aids combined with the runway problems meant more cancellations of service in New Haven than elsewhere.\textsuperscript{180} These factors, not necessarily lack of demand for the service, limited the number of air travelers, prevented the flight from being profitable, and led to United’s departure.

In response to the termination of jet service at Tweed, in the spring of 1996 Mayor DeStefano asked the Regional Growth Partnership (RGP), an organization of business and community leaders from the fifteen town greater New Haven area, to undertake a study of the airport and to prepare a report with recommendations for presentation to the region.\textsuperscript{181} In January 1997, the RGP task force came back with a report that focused on three areas — governance and ownership of the airport, market demand and marketing potential, and the physical facility. Of the proposals made by the task force, the most far reaching called for the transfer of control of the airport from the City of New Haven to a regional airport authority consisting of city, town, and business representatives.

The task force report noted the large market of potential customers for the New Haven airport and attempted to explain why the airport was failing to capture those passengers and what kind of improvements were required to make Tweed a viable regional airport. Tweed’s “primary

\textsuperscript{179} See id.
\textsuperscript{180} The cancellation rate at New Haven averaged 5\%, and reached 25-30\% in the worst months. Industry standard is 1\% or less. See id.
\textsuperscript{181} See id. at 1.
service area,” the area within 15-20 driving miles, has a population of 630,000. Include the airport’s “secondary service area,” the area more than 20 driving miles away but closer to Tweed than any other commercial airport, and Tweed serves a population of 1.5 million people.\footnote{See infra appendix 6.} In 1996, Tweed captured only 13\% of enplanements by passengers living in the primary service area,\footnote{See id. at 3-4. And for half of 1996 the jet service to Chicago was still in place. In comparison, in 1995 Bradley International Airport in Hartford had a capture rate of 60\% and Providence, RI a capture rate of 77\%. See THE REG’L AIR SERVICES TASK FORCE, REG’L GROWTH PARTNERSHIP, TWEED/NEW HAVEN AIRPORT STUDY 4 (1997) (New Haven Airport Folder 1991- , New Haven Public Library).} and only 6\% of traffic from full natural service area (both primary and secondary).\footnote{See OUTREACH MANAGEMENT CONSULTING GROUP, YALE SCHOOL OF MANAGEMENT, TWEED-NEW HAVEN AIRPORT MARKETING REPORT 8 (1998) [hereinafter SOM STUDY] (on file with author); AIR SERVICES DEVELOPMENT COMM., TWEED-NEW HAVEN AIRPORT AUTH., BRIEFING PAPER 3 (1997). The capture percentage has steadily decreased since 1996 to approximately 4\% today. Interview with Van Selden, Executive Director, Tweed-New Haven Airport Authority, in New Haven, Conn. (Mar. 29, 2000).} The study concluded that improving passenger usage and the number of airlines serving the airport required the reintroduction of jet flights.\footnote{See TWEED/NEW HAVEN AIRPORT STUDY, supra note 183, at 5. At the time of the study, the airport was served by three carriers, Continental Express with flights to Newark, United Express with flights to Washington/Dulles and Baltimore, and USAir Express with flights to Philadelphia, Pittsburgh, Baltimore, and Washington/National. Service at the airport has only declined since the study was concluded. See id. at 3. Currently only USAir operates service from Tweed to Washington/National and Philadelphia. Interview with Van Selden, supra note 184} The task force established a goal of jet service to several major hubs within one thousand miles of the airport. In order to achieve better air service the report recommended physical improvements, including the clearing of runway obstructions, an increase in runway length to 7000 feet, and improved navigational aids, as well as promotion and marketing of the airport to increase the number of passengers using Tweed.\footnote{See TWEED/NEW HAVEN AIRPORT STUDY, supra note 183, at 8.}

The most important recommendation from the task force, however, was the governance structure it proposed. After undertaking a review of the governance of a number of airports across the country the task force identified five alternatives — the status quo (airport governed by New Haven as a department of city government), state ownership and operation, selling the airport to a private party, a regional authority of city and town representatives, or a regional
authority of city, town and business representatives. Because the genesis of the report had been the Mayor’s dissatisfaction with the inefficiency of the status quo, the task force did not consider that as a viable alternative. The task force also dismissed the idea of state ownership noting that the state had recently invested $100 million in Bradley Airport and was unlikely to want another state airport. Sale of the airport was similarly dismissed as infeasible because privately owned airports cannot receive FAA funding. That left the task force with only the regional authority model. Noting that business users were an important airport constituent and that business representatives would help diversify the interests represented in an authority and bring significant management expertise, the task force recommended the creation of a governing authority with representatives from the City of New Haven, the neighboring towns, and the business community. The task force recommended that the Authority lease the land, buildings, easements, right of ways, and all other assets of the airport and be charged with all elements of airport management.

The recommendations of the RGP task force were enthusiastically received around the area. At a news conference Mayor John DeStefano of New Haven, Mayor Henry Luzzi of East Haven and business and community leaders voiced support for the task force’s recommendations. Both DeStefano and Luzzi endorsed a proposal for new state legislation to establish an airport authority with nine members appointed by the Mayor of New Haven and two by the Mayor of East Haven. Although the task force had wanted to set aside seats on the authority for representative appointed by business groups, the politicians’ proposal reserved appointment power for themselves. In addition, DeStefano announced that the city would undertake a series of improvements including the extension of the overrun areas at the north and

187 See id. at 10.
188 See id. at 11-14.
south ends of the runway, the removal of obstructions, and the installation of navigational lighting aids. Finally the Mayor announced that he would push for the designation of Tweed as a regional airport by the state, making tax-exempt property at the airport eligible for payments in lieu of taxes from the state.\textsuperscript{190}

The state legislature passed the Tweed-New Haven Airport Authority Act on July 1, 1997. The Act followed the recommendation of the task force and vested full authority to govern and run the airport in a regional authority. The representative structure of the Authority, however, more closely followed the politicians' proposal. The legislature established a fourteen member board of directors for the Authority, nine members appointed by the Mayor of New Haven, two by the Mayor of East Haven, and three by the South Central Region Council of Governments.\textsuperscript{191} Although politicians are free to appoint business representatives to the authority the Act does not explicitly reserve any spaces for business interests. The Act empowered the Authority to lease the airport land and all related property from the City of New Haven and the Town of East Haven and gave the Authority a wide range of powers to run the airport, including the right to charge fees for services and to issue debt to raise capital.\textsuperscript{192} One important power, however, was notably absent from the statute — the state legislature did not give the Authority the power of eminent domain. Eminent domain had actually been included in

\textsuperscript{190} See id. at 15.
\textsuperscript{191} See Office of the Mayor of the City of New Haven, Strengthening Tweed a 1997 Priority (Feb. 5, 1997) (press release, on file with author). In 1997 the Connecticut General Assembly made municipally owned airports eligible for state grants in lieu of taxes at a reimbursement rate of 45%. See CONN. GEN. STAT. ANN. § 12-91a (West, WESTLAW through 2000). East Haven has applied for this reimbursement once, but has not reapplied because the town is currently suing New Haven to attempt to recover some $300,000 in tax revenue it claims is due from the city. See Allan Drury, Maturo, DeStefano Sought for Airport Meeting, NEW HAVEN REG., Mar. 23, 2000; Telephone Interview with Van Selden, Executive Director, Tweed-New Haven Regional Airport Authority (May 1, 2000).
\textsuperscript{191} The act required a minimum of six members to be residents of New Haven or East Haven. The Regional Council of Governments includes fourteen towns in the greater New Haven area. The representatives nominated by the Regional Council are drawn from any of the towns or cities in the council excluding New Haven and East Haven. 1999 CONN. GEN. STAT. § 15-120i(b).
\textsuperscript{192} See id. § 15-20j
the legislation, but at the last minute it was stripped from the bill.\textsuperscript{193} Without eminent domain powers of its own, the Authority would have to rely on New Haven and East Haven should it want to acquire land or easements through the use of public power.

One year after the state legislature passed the enabling legislation, the Airport Authority and the City of New Haven signed a lease and operating agreement transferring control of Tweed-New Haven to the Authority.\textsuperscript{194} The city agreed to pay the Authority $3 million over a five-year transfer period, after which the Authority will being to repay the city.\textsuperscript{195} The Authority also promised to refrain from issuing any bonds secured by airport assets during the five-year transfer period.\textsuperscript{196} The lease also acknowledged that the Authority did not have the power of condemnation. That power rested with the city and would be exercised at its sole discretion. Should the city choose to exercise its power, the Authority would repay the city for any compensation made to the property holders.\textsuperscript{197}

The Airport Authority took control of an airport steeped in red ink and burdened with a long history of subpar service. Even during the relatively successful years of the United jet service to Chicago the airport had not broken even, and since the cancellation of that service airport revenue had declined by more than 50% while costs had continued to rise. From an operating deficit of $277,000 in 1993-94, the deficit had climbed to nearly $1.4 million for the fiscal year of 1997-98.\textsuperscript{198} In September 1997 United Express ended its service at the airport, and

\textsuperscript{193} See Interview with Van Selden, supra note 184.
\textsuperscript{194} Lease and Operating Agreement by and between the City of New Haven and Tweed-New Haven Airport Authority (July 1, 1998) [hereinafter Lease]. Although the Airport Authority Act stated that the authority was to secure a lease both from New Haven and East Haven, despite the fact that half the airport property lay within East Haven, the town did not actually own or control any airport property. Thus the authority was able to negotiate only with New Haven – facilitating the process of reaching an agreement. Interview with Van Selden, supra note 184.
\textsuperscript{195} See Lease, supra note 194, §§ 3.2, 3.9.
\textsuperscript{196} See id. § 3.10.
\textsuperscript{197} See id. § 9.2. The Authority has not asked New Haven to use its eminent domain power on behalf of the airport. Interview with Van Selden, supra note 184.
\textsuperscript{198} See Lease, supra note 194, at exhibit F.
in December of that year Continental Express withdrew, leaving Tweed with only one commercial carrier, USAirways.\textsuperscript{199} In order to stabilize operations the Authority undertook several immediate steps at the airport including renegotiating the contracts with all the airport vendors. Under city management vendors at the airport, including the airlines, rental car companies, and parking management all operated on month to month leases. Under the Authority those leases were renegotiated with the immediate effect of doubling revenue to the airport without any significant change in services provided.\textsuperscript{200} The Authority also began a marketing program for Tweed, and perhaps indicative of a new way of conducting business, formed a committee of neighborhood residents from East Haven and New Haven to meet regularly with the Authority to raise questions and comment on Authority proposals.\textsuperscript{201} The Authority clearly knew of the long history of neighborhood quarrels, and realized that without the power of eminent domain (and with a low probability of New Haven, let alone East Haven, exercising it on behalf of the airport) it would have to work with nearby residents, not against them.

The Authority began its operation by trying to assess the problems and possibilities of Tweed. A 1998 marketing study conducted on behalf of the airport by the Yale School of Management pointed to several factors that indicated the potential for significant growth at Tweed. The airport has a large and under-served population base. Approximately 1.5 million people live closer to Tweed-New Haven than any other commercial airport and the study estimated that this population takes nearly 4.5 million annual trips. In 1996 Tweed captured only

\textsuperscript{199} See THE EMERGING BLUEPRINT, supra note 178, at 15.
\textsuperscript{200} See id. at 18; Interview with Van Selden, supra note 184. Management of the day to day operations at the airport was also contracted out to a private company. Interview with Van Selden, supra note 184.
\textsuperscript{201} See THE EMERGING BLUEPRINT, supra note 178, at 18.
6% of this travel, a much smaller percentage than other regional airports in New England.\textsuperscript{202} The New Haven service area also had the highest per capita income, over $22,000, of any service area in New England.\textsuperscript{203} The study also pointed out the well know airport limitations — the short runway and stringent noise requirements imposed because of the nearby residential developments.\textsuperscript{204} The SOM group projected that to break even the airport would need 400,000 passengers a year, or a capture rate of approximately 14%.\textsuperscript{205}

Most striking and hopeful for future development, however, was the study’s survey of area residents. Across the region 79% of respondents favored increasing service at Tweed, while 17% opposed increased service. Only 7% wanted less service. Even more strikingly, East Haven residents favored expansion of service to include daily jet flights to several hub cities by a

\textsuperscript{202} See SOM STUDY, supra note 184, at 5-13. For comparison, in 1996 the capture rates at New England airports were:

<table>
<thead>
<tr>
<th>Airport</th>
<th>Capture Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangor</td>
<td>90%</td>
</tr>
<tr>
<td>Burlington</td>
<td>89%</td>
</tr>
<tr>
<td>Portland</td>
<td>78%</td>
</tr>
<tr>
<td>Providence</td>
<td>77%</td>
</tr>
<tr>
<td>Hartford</td>
<td>60%\textsuperscript{*}</td>
</tr>
<tr>
<td>Manchester</td>
<td>25%</td>
</tr>
<tr>
<td>Worcester</td>
<td>9%</td>
</tr>
<tr>
<td>New Haven</td>
<td>6%</td>
</tr>
</tbody>
</table>

See SOM STUDY, supra note 184, at 8. *The 60% capture rate for Hartford results when ridership is compared to a population that includes most of New Haven’s natural service area. Based only its own natural service area of Northern Connecticut and Western Massachusetts, Bradley’s capture rate is 144%. See BRIEFING PAPER, supra note 184, at 3 n.1.

\textsuperscript{203} See BRIEFING PAPER, supra note 184, at app. 2. The national average is $16,064. The service area per capita income for New England airports are:

<table>
<thead>
<tr>
<th>Airport</th>
<th>Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Haven</td>
<td>$22,056</td>
</tr>
<tr>
<td>Hartford</td>
<td>$19,904</td>
</tr>
<tr>
<td>Manchester</td>
<td>$19,702</td>
</tr>
<tr>
<td>Boston</td>
<td>$19,371</td>
</tr>
<tr>
<td>Worcester</td>
<td>$18,021</td>
</tr>
<tr>
<td>Providence</td>
<td>$17,323</td>
</tr>
<tr>
<td>Portland</td>
<td>$15,635</td>
</tr>
<tr>
<td>Burlington</td>
<td>$14,019</td>
</tr>
<tr>
<td>Bangor</td>
<td>$13,268</td>
</tr>
</tbody>
</table>

See id.

\textsuperscript{204} From 7:00 a.m. until 10:00 p.m. the maximum noise level at the airport is 78 db(A). See id. at 4-5.

\textsuperscript{205} See SOM STUDY, supra note 184, at 12.
factor of nearly 3:1. Only 13% of East Haven residents wanted less service at Tweed.\footnote{See Tweed-New Haven Improvements Survey, SOM STUDY, supra note 184, § 5.3. 66% of East Haven residents favored expansion of service with jet flights to several regional hubs and 28% opposed. 6% had no opinion. Id.} Even when told that upgrading Tweed would involve lengthening the runway and removing trees bordering the airport, 74% of respondents across the region still favored upgrading the airport as did 60% of East Haven residents.\footnote{35% of East Haven residents opposed upgrading Tweed when told that it would involve runway expansion and the removal of trees, but they were still outnumbered by better almost 2:1 as 60% of their fellow town residents favored upgrading the facilities. See id.}

The Airport Authority set ambitious middle and long term goals for Tweed. Shortly after taking control of the airport, with the support and funding of the FAA, the Authority began working with the State Department of Environmental Protection on the environmental impact statement necessary for expanding the clear zones at the end of the runway and eventually extending the runway itself.\footnote{See THE EMERGING BLUEPRINT, supra note 178, at 19; BRIEFING PAPER, supra note 184, at app. 1.} A draft of the environmental impact statement has been completed and the Airport Authority has made completion of the study a top priority.\footnote{Interview with Van Selden, supra note 184.} In addition the Airport Authority is seeking permission from nearby property holders to trim or remove trees to allow aircraft to approach the runway at a low slope angle.\footnote{Interview with Van Selden, supra note 184. The goal is to remove enough obstructions to allow a slope of 34:1 from both south and north. See THE EMERGING BLUEPRINT, supra note 178, at 20.}

Although the Authority will, in all likelihood, fail to reach its initial goal of an 8-10% capture rate by the end of the year 2000 or its projected small operating surplus, Authority officials are hopeful that they will reach the six year goal of service to three to four hub cities.\footnote{See THE EMERGING BLUEPRINT, supra note 178, at 19-22; Interview with Van Selden, supra note 184.} In the three years since the creation of the Authority additional service has not been added. But the Authority has undertaken significant physical improvement projects, including the
construction of new taxiways, and a fire and maintenance building that Airport Authority
officials hope will pave the way for an increase in service in the coming years.\(^\text{212}\)

The Authority will face significant obstacles in achieving its goals. Although the City of
New Haven and many regional towns have been supportive of its efforts, the Town of East
Haven does not seem particularly more inclined to cooperate with the Authority. East Haven
officials believe the airport hurts East Haven residents, and resent the Authority for negotiating
directly with New Haven to assume control of the airport without bargaining with East Haven.\(^\text{213}\)
The Town of East Haven has continued to grant building permits to new homebuilders at the
ends of the runways.\(^\text{214}\) Of course, the eagerness of developers to build near the airport and
residents to live there undercuts airport opponents’ arguments that noise from planes makes
Tweed a bad neighbor.\(^\text{215}\) In the last eight years, eight new houses have been built at the north
end of the runway and 12 new houses at the south end.\(^\text{216}\)

Without the power of eminent domain or effective zoning regulations from New Haven
and East Haven the airport will have a difficult time containing development around its border.
In March 2000, the General Assembly refused to consider a bill that would have given the
Authority limited eminent domain power to buy air rights and trim trees.\(^\text{217}\) In response the
Authority turned to a market based solution — it has offered homeowners $100 to trim or

\(^{212}\) Interview with Van Selden, supra note 184.

\(^{213}\) Mayor Joe Maturo of East Haven complained to the New Haven Register, “East Haven has been circumvented
right from the get-go [by the Airport Authority].” See Drury, supra note 190.

\(^{214}\) See Town Sights Home’s Safety, NEW HAVEN REG., Mar. 21, 2000. In an editorial, the New Haven Register
sharply criticized East Haven for ignoring the decades old zoning regulations designed to protect the runway safety
zones by allowing homes to be built. The airport authority has requested money from the state to help it purchase
and remove homes in the safety area. See Id.

\(^{215}\) See id.

\(^{216}\) See Interview with Van Selden, supra note 184; see also infra appendix 5 (aerial photograph showing
development around the airport in 1994).

\(^{217}\) See Allan Drury, Money Can ‘Grow’ on Trees Thanks to Tweed Authority, NEW HAVEN REG., Mar. 10, 2000.
remove trees that pose a safety hazard to planes.\textsuperscript{218} Not all East Haven residents are biting, however. Michael Criscuolo, a leader of the anti-airport forces in East Haven, scoffed at the offer\textsuperscript{219} and accused the Authority of concealing its true motive, airport expansion, behind the claim of safety concerns.\textsuperscript{220} This kind of intransigence and suspicion bodes poorly for the future of the airport.

\section*{VIII. Conclusion}

During the seventy years since its inception the airport has seen few successes and many failures. Even as it has grown and expanded the airport has struggled to keep pace with advances in air travel and has long operated on the brink of obsolescence. Missed opportunities dot the airport’s history. In particular two moments represent the most important lost chances: the founding of the airport, when the selection of the site in Morris Cove was made, and the early postwar period, when New Haven rebuffed attempts to create a southern Connecticut regional airport, instead clinging to its own ineffective local control.

The first missed opportunity occurred at the airport’s birth in the 1920s. Two major mistakes mark the airport’s founding. The first problem was one of historical fate — the airport was founded too early. The needs of airports were not well understood in the 1920s. Commercial aviation was still in its infancy and most planners simply did not foresee the demands of a modern airport. Proximity to the city center was the most important criteria in choosing an airport site.\textsuperscript{221} Adequate land for expansion, which would have necessitated New Haven looking further afield, simply was not as important a factor in site selection in the 1920s. By the standards of the day, Morris Cove seemed like a decent choice. It was close to New

\footnotesize
\textsuperscript{218} See id.
\textsuperscript{219} “What’s $100?” Criscuolo was quoted as saying, “A hundred dollars is nothing.” Id.
\textsuperscript{220} See id.
\textsuperscript{221} See HUBBARD, supra note 85, at 11, app. 6.
Haven, easily accessible by streetcar and road, and the land was reasonably inexpensive. That the site lacked real expansion possibilities was far less important.

The second mistake surrounding the founding of New Haven’s airport, however, was particular to New Haven itself. New Haven followed the conventional wisdom of locating airports close to the city center. But by locating the airport across a town border, the planners created a slew of problems that could have been avoided had the airport fallen completely within New Haven. In a sense, New Haven got the worst of both worlds. The city followed the conventional wisdom of the day and traded ease of expansion and available land for proximity to the city, but then failed to actually locate the airport within the city, which would have allowed New Haven to completely control the airport’s borders.

The physical location of the airport has historically been the greatest impediment to airport development. While a city like Hartford has seen its small 1920s-vintage airport eclipsed by a much larger modern airport, New Haven has soldiered on with its original airport. No amount of political change, even a sea-change in attitude toward the airport, will allow Tweed-New Haven, located where it is, to acquire the amount of land necessary to operate on a scale similar to Hartford’s Bradley Airport.

Having failed to site the airport in suitable location, after World War II New Haven missed a second major opportunity to bring a successful airport to southern Connecticut. In the 1950s and 1960s New Haven had two chances to help create a strong regional airport, but the city fought off both opportunities. By the postwar period, it was clear that the location and size constraints of Tweed would prevent it from becoming a major airport. But when given the

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222 Brainard Airport, founded by the city of Hartford in the 1920s, still exists toady and is used largely for general aviation. Bradley airport, founded in 1941, handles most commercial air traffic.

222 Bradley Airport was founded on a 1700 acres. Tweed, which was founded on 236 acres, has had to fight and scrape to grow to its present 375 acres.
opportunity to join forces with Bridgeport to work for a regional airport New Haven refused. Bridgeport was the logical choice for the regional airport site, it had more room to grow and lay closer to the lucrative Fairfield County market. But local pride ran strong in New Haven during the early postwar period. This was the era of urban renewal and what would Richard Lee’s “dynamic core city” be without its own airport? So city officials dug in their heels and saved New Haven’s airport, but at a price. Instead of one successful regional airport, southern Connecticut, as it was then, remains the host of two struggling local airports. This historical devotion to local control has prevented the development of an adequate airport in southern Connecticut.

New Haven, however, appears to have recognized the mistakes of the past. The recent creation of the Airport Authority bodes well for Tweed. For the first time more than just New Haven residents have a voice in running the airport. Since a modern airport obviously serves a population that extends beyond its host town, a broader governance structure that brings representation from all the potential airport users to the table can not fail to help.

In order to succeed, however, the Airport Authority will have to overcome some significant obstacles. The Airport Authority will probably never obtain the eminent domain powers, and it seems reluctant even to request New Haven or certainly East Haven to exercise eminent domain on its behalf.\footnote{See Interview with Van Selden, \textit{supra} note 184.} Without the power of eminent domain, land acquisition, except perhaps in very limited amounts, is not feasible. Nevertheless, the Authority is hopeful that it will be able to expand the main runway to 6500 feet, long enough to support regional jets, without acquiring additional land,\footnote{\textit{Id.}} but this is only part of the battle. The Authority must also address the problem of clearing the approaches. The recent attempt to trim and remove trees
show the difficulties of this task. Lacking legal power to enforce its will, the Authority is trying
the only other tack available to it — working with the neighborhood. The formation of a
neighborhood committee and a periodic newsletter designed to bring the surrounding community
into the decision-making process surrounding the airport may ultimately help the airport to win
acceptance from its neighbors.\textsuperscript{226} The public participation approach, certainly a shift from the
previous top-down approach has not been particularly effective in removing the trees obstructing
the runway approaches, but it may eventually help engender cooperation between the airport and
its neighbors.

One option for the airport, of course, would be to start over completely. A new airport at
a new site, without all the baggage of the Morris Cove location, might ultimately prove more
successful than Tweed. Politically, however, this does not seem like a feasible option. The state
is heavily invested in Bradley airport in Hartford, and seems unlikely to support another state run
airport. And despite New Haven's willingness to finally part with its absolute control over the
airport, around the city and the region the power of the status quo seems very strong. When the
Regional Growth Partnership undertook its 1997 evaluation of the airport, which led to the
recommendation of an Airport Authority, despite the obvious advantages, the planners did not
evén consider building a new airport.\textsuperscript{227} Given the political constraints on a more ambitious
solution, the Airport Authority was probably the next-best solution.

The Authority faces a critical test over the next several years. If the modest runway and
clear zone expansion project the Authority is currently working toward is successful, Authority

\textsuperscript{226} The potential downside of this public-participation approach is that more active public participation may actually
increase opposition to the airport. See Munton, supra note 7 (discussing the pros and cons of public participation
when making siting decisions for hazardous waste facilities).

\textsuperscript{227} The report of the Regional Growth Partnership does even mention the possibility of starting again with a new
airport. One obvious difficulty of this approach is the lack of open space in southern Connecticut. Any attempt to
officials believe that increased commercial air service will follow. The airport is the single most important infrastructure constraint on economic development in the greater New Haven area. Even a modest improvement in service would translate into great benefit for the entire region. If the Authority achieves its mission of improving airport service, it will be because the Authority was able to transcend the intensely local interests that have held the airport hostage and to forge a regional consensus around the importance of the airport. If the Authority succeeds in this, it will make a tremendous difference for all of southern Connecticut.

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find space for an airport would inevitably run into strong local opposition. See Tweed/New Haven Airport Study, supra note 183

228 See Interview with Van Selden, supra note 184.
APPENDIX

1. Original Airport Plan, 1931\(^1\) .......................................................... 55

2. Plan of Airport, 1956\(^2\) ........................................................................ 56

3. Topographic Map of New Haven Airport and Surrounding Area, c. 1960\(^3\) .................. 57

4. Proposed Airport Plan, Master Plan, 1972\(^4\) ............................................... 59

5. Aerial Photograph of Tweed-New Haven Airport and Surrounding Area, 1994\(^5\) ............... 60

6. Map of Southern Connecticut showing Airport Service Area, 1996\(^6\) ......................... 61

\(^1\) Floyd Newton, New Haven Municipal Airport Opens August 29th, NEW HAVEN, Aug. 1931, at 6.


\(^3\) R. Dixon Speas Associates, Inc., Tweed-New Haven Airport a Master Plan (1975). This map is undated but because it shows the main runway ending north of Uriah Street it must predate 1967.

\(^4\) Id. Note the land for the proposed East Haven Industrial Park.


\(^6\) Tweed-New Haven Airport Authority, Air Services Development Committee, Briefing Paper app. 2, sheet C (Sept. 9, 1997) (unpublished manuscript, on file with author) [hereinafter Briefing Paper]
Appendix 1: Original Airport Plan, 1931.
R. Dixon Speas Associates, Inc., Tweed-New Haven Airport A Master Plan (1975). This map is undated but is significant in showing the area surrounding north of Upson Street it must predate 1967.
THE SOUTHERN CONNECTICUT AIR PASSENGER MARKET
(CENTERED ON NEW HAVEN)

* 1.5 MILLION POPULATION \times 2.98 AIR TRIPS PER PERSON PER YEAR = 4.475 MILLION ANNUAL PASSENGERS *

SECONDARY SERVICE AREA
(BEYOND 20 MILES, BUT STILL CLOSEST JETPORT)

<table>
<thead>
<tr>
<th>SEGMENT (COUNTY)</th>
<th>POPULATION</th>
<th>TRIPS</th>
<th>PASSENGERS</th>
<th>% OF MARKET</th>
</tr>
</thead>
<tbody>
<tr>
<td>2F (FAIRFIELD)</td>
<td>324,000</td>
<td>4.47</td>
<td>1,448,000</td>
<td>32</td>
</tr>
<tr>
<td>2NH (NEW HAVEN)</td>
<td>265,000</td>
<td>2.36</td>
<td>625,000</td>
<td>14</td>
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<td>2L (LITCHFIELD)</td>
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<td>2.57</td>
<td>185,000</td>
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<td>2H (HARTFORD)</td>
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<td>2.68</td>
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<td>2M (MIDDLESEX)</td>
<td>92,000</td>
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<td>2NL (NEW LONDON)</td>
<td>82,000</td>
<td>1.99</td>
<td>163,000</td>
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<tr>
<td>ALL SECONDARY</td>
<td>856,000</td>
<td>3.23</td>
<td>2,765,000</td>
<td>61</td>
</tr>
</tbody>
</table>

PRIMARY (CORE) SERVICE AREA
(WITHIN 20 MILES)

<table>
<thead>
<tr>
<th>SEGMENT (COUNTY)</th>
<th>POPULATION</th>
<th>TRIPS</th>
<th>PASSENGERS</th>
<th>% OF MARKET</th>
</tr>
</thead>
<tbody>
<tr>
<td>1F (FAIRFIELD)</td>
<td>90,000</td>
<td>4.47</td>
<td>402,000</td>
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</tr>
<tr>
<td>1NH (NEW HAVEN)</td>
<td>555,000</td>
<td>2.36</td>
<td>1,310,000</td>
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<tr>
<td>ALL PRIMARY</td>
<td>645,000</td>
<td>2.65</td>
<td>1,712,000</td>
<td>38</td>
</tr>
</tbody>
</table>

SOURCES OF DATA:
1) NEW ENGLAND REGIONAL AIRPORTS 
   AIR PASSENGER SERVICE STUDY, NOVEMBER 
2) 1996 CONNECTICUT TOWN POPULATIONS

MAP PREPARATION: GREATER NEW HAVEN CHAMBER OF COMMERCE AIR SERVICE DEVELOPMENT GROUP