

Hon James Simpson, Commissioner  
New Jersey Department of Transportation  
1035 Parkway Ave.  
Trenton, NJ 08625

March 1, 2013

Dear Commissioner Simpson;

Any number of expensive legal burdens have been imposed by Readington Township officials on the families that own Solberg Airport. However, the dispute has broad implications for New Jersey's transportation system and, in particular, our public use airports.

The Township has been litigating against Solberg Aviation and the families that own and operate Solberg Airport in order to take most of the airport's land through eminent domain. Masquerading as open space preservation, Readington's condemnation is a combination of both fee simple and development rights takings. 86% of the property has been licensed as an Airport facility by the State for over 60 years. The takings would eliminate much of the day-to-day operating activity at the airport and bring an end to the annual Balloon Festival, one of the top tourist events in New Jersey.

By Readington's design, the acreage left to the Solberg family cannot be financially sustained as an operating facility. The Airport Safety Zones, much of which had been owned by the Solberg family, will pass out of the airport's control. We note that Readington has previously sited a school and a recreation park with numerous ball fields immediately adjacent to the runways and safety zones.

The members of Mid-Atlantic Aviation Coalition are deeply troubled by many aspects of the continuing rancor, however our primary concern can only be addressed and remedied by the NJDOT Commissioner of Transportation. Readington's attempt to redefine and constrain Airport facilities creates a dangerous precedent for both aviation and for property rights in New Jersey. Can a municipality simply take land in order to thwart any future development potential that is currently allowed under the Municipal Land Use Law? We believe this is grave threat to privately owned public use airports in a state with strong municipal home rule.

It is our fear that the State's authority over aviation facilities will be severely - perhaps fatally - compromised by a final decision in favor of the Township. To date NJDOT has taken no position in the judicial proceedings, not as an intervenor nor as a friend of the court. We want NJDOT to inform the Superior Court of the fact that many of the issues are codified in State statutes outlined in NJSA 6:1-29 and 6:1-30. The Appellate Division decision affirms this. See Docket No. A-3083-07T3, A-1537-08T3 August 19, 2009.

If the Solberg families lose this case, every other privately owned airport that is licensed and available for public use will be susceptible to similar harsh tactics from their respective host communities. Hostile elected officials will have free rein to harass and work toward closing their public use airport.

If the town succeeds, New Jersey will lose the opportunity to make any improvements to provide a capable, modern airport facility that would benefit pilots, passengers and businesses in a region that extends far beyond Readington's borders.

Either the State Airport System Plan means something or it doesn't. We strongly urge the Department of Transportation to participate in this matter before the Somerset County Superior Court, either as a litigant or, at a minimum, as a friend of the court so as to make clear the authority, rights and responsibilities of the State for the greater benefit of the public.

Yours truly,

Mike Stoddard, President