

VIA E-MAIL: faviola.garcia@faa.gov

10/1/2026

Faviola Garcia, Director
FAA AWP-600
777 S Aviation Blvd, Ste 150
El Segundo, CA 90245

SUBJECT: Illegal Restrictions on Flight Safety Procedures at Torrance Airport

I have been an FAA-licensed pilot for 67 years and a customer of Torrance Airport for 52 years.

The most common safety procedure in aviation is the one in which the pilot decides to abort a landing. This is an action by an aircraft consisting of an approach over the airport for a landing where the pilot intentionally does not make contact with the runway. Under Visual Flight Rules, this is known as a "go-around." Under Instrument Flight Rules, it is known as a "missed approach." I understand that the missed approach procedure is a required part of every instrument approach (FAA Order 8260.3) -- (Reference 1). Federal Law (14 CFR 91.3) identifies the pilot in command as the final authority in making this decision.

From a pilot's very first flight lesson, they are taught that, if they have any concerns about making a safe landing, they should add power and execute the "go around" or "missed approach" procedure. Pilots are encouraged by the FAA to practice these safety procedures and they are tested on their ability to perform them safely.

The Torrance Municipal Code (TMC)--(Reference 2) calls these procedures a "low approach" (TMC 51.5.4). The code prohibits these critical safety procedures at Torrance Airport during evenings after 6 PM, on weekends and on city holidays (TMC 51.5.6 & 51.5.7). The Code specifies banishment from the airport for 3 years as the penalty for "violations" of the Codes (TMC 51.5.7 through 51.5.11). During the first half of 2026, staff reported over 180 "alleged violations." City staff have repeatedly affirmed their plans to prosecute "violators." I received a violation notice for executing a missed approach on a weekend. (Reference 3).

Prior to the Council approving these restrictions, the FAA, four national aviation organizations, the Torrance Airport Association and many local pilots warned the City of Torrance that it had no authority to make these unsafe and illegal restrictions (References 4, 5, and 6). The regulation of aircraft flight operations rests solely with the FAA. Title 49 of the United States Code, section 40103(a)(1), states: *"The US Government has exclusive sovereignty of airspace of the United States"* (Reference 7). This means that any attempt by the City to regulate the airspace above the city or the airport has been preempted.

The city's illegal restrictions on the pilots' ability to abort an unsafe landing is unacceptable. The recent crash of the Amazon Boeing 767 in Miami (Reference 8) graphically shows what can happen if the pilot does not (or cannot) execute this procedure.

I originally e-mailed FAA Chief Counsel Liam McKenna on 4/6/2026 about this serious issue (Reference 9), but there has apparently been no action by the FAA to require the repeal of these Municipal Codes or to prevent the City of Torrance from using administrative actions (cancelling hangar or tie-down agreements) to banish pilots from the airport for "violating" their illegal restrictions on aborted landings. Is there an explanation for the delay?

I call on the FAA to require that the City of Torrance repeal of all sections of the Torrance Municipal Code that are in conflict with the FAA's exclusive authority to regulate the airspace.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jim Gates', with a stylized, cursive script.

Jim Gates

References:

- 1) TOA RNAV 29R (page 3)
- 2) Torrance Municipal Code (pages 4 - 6)
- 3) First & Final Notice of Violation (page 7)
- 4) Gates letter to P Sullivan 4/24/2020 (pages 8 - 10)
- 5) AOPA e-mail to P Sullivan 9/8/2023 (pages 11 - 15)
- 6) AOPA letter to P Sullivan 1/23/2024 (pages 16 - 18)
- 7) 49-U.S.C.-40103 (page 19)
- 8) Overview of Amazon 767 Crash in Miami (page 20)
- 9) Gates e-mail to McKenna

Reference 1

TORRANCE, CALIFORNIA

AL-5179 (FAA)

25331

WAAS CH 56425 W29A	APP CRS 294°	Rwy Ldg TDZE 4461 97 Apt Elev 103
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RNAV (GPS) RWY 29R

ZAMPERINI FLD (TOA)

For uncompensated Baro-VNAV systems, LNAV/VNAV NA below 3°C (38°F) or above 54°C (130°F). Circling NA southwest of Rwy 11R-29L. DME/DME RNP-0.3 NA. For inop ALS, increase LPV all Cats visibility to ½ SM. For inop ALS when using Los Angeles Intl altimeter setting, increase LPV all Cats visibility to ½ SM, LNAV/VNAV all Cats visibility to 2 SM, and LNAV Cat C visibility to 1 ¼ SM. Baro-VNAV and VDP NA when using Los Angeles Intl altimeter setting. When local altimeter setting not received, except for operators with approved weather reporting service, use Los Angeles Intl setting: increase LPV DA to 391 feet and LNAV/VNAV DA to 763 feet and all MDA 40 feet; increase LNAV/VNAV all Cats visibility and LNAV Cat C visibility ½ SM.



MISSED APPROACH: (Do not exceed 185 KIAS until ZANAN) Climb to 3000 direct ZANAN and on track 221° to INISH and hold, continue climb-in-hold to 3000.

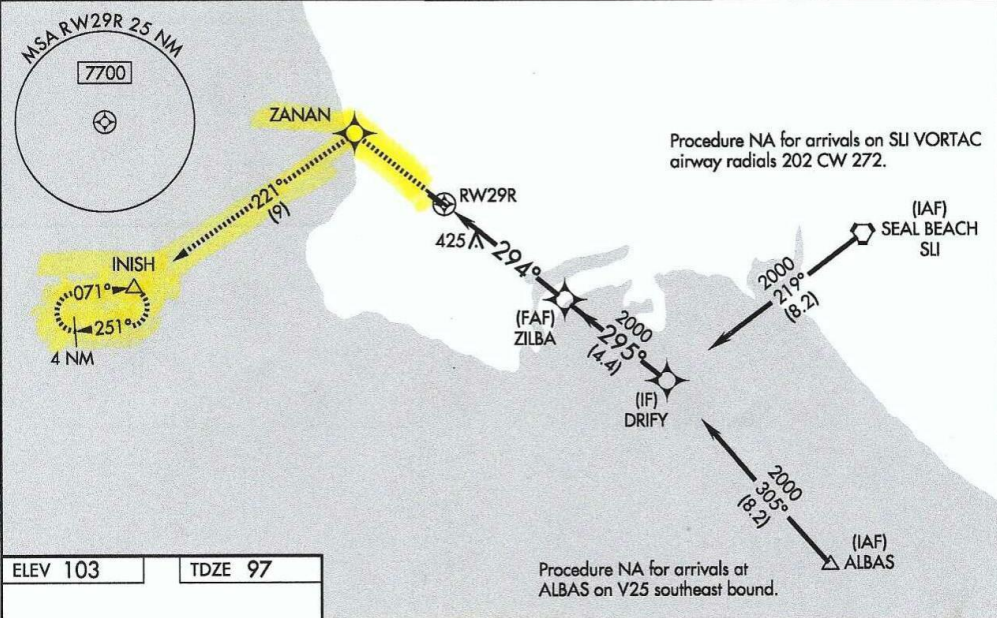
ATIS
125.6

SOCAL APP CON
124.3 363.2 (11L, 11R)
127.2 269.6 (29L, 29R)

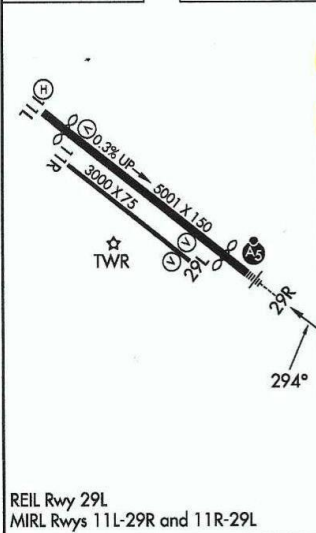
TORRANCE TOWER*
133.075 257.8 (N)
124.0 (CTAF) **257.8** (S)

GND CON
120.9

UNICOM
122.95



ELEV 103 TDZE 97



3000 ZANAN		tr 221°	INISH	VGSi and RNAV glidepath not coincident (VGSi Angle 4.00/TCH 11).	
*LNAV only.				ZILBA	DRIFY
				2000	2000
				294°	295°
				1.3 NM	3.8 NM
				4.4 NM	
					GP 3.40° TCH 52
CATEGORY		A	B	C	D
LPV DA		367-½	270 (300-½)		NA
LNAV/VNAV DA		739-1½	642 (700-1½)		NA
LNAV MDA		680-½	583 (600-½)	680-1¼ 583 (600-1¼)	NA
CIRCLING		680-1	577 (600-1)	680-1¾ 577 (600-1¾)	NA

TORRANCE, CALIFORNIA
Amdt 1 15SEP16

33°48'N-118°20'W

ZAMPERINI FLD (TOA)
RNAV (GPS) RWY 29R

SW-3, 03 SEP 2026 to 01 OCT 2026

SW-3, 03 SEP 2026 to 01 OCT 2026

TORRANCE MUNICIPAL CODE

51.2.3 TAKE OFFS AND LANDINGS (Amended by O-1004)

e) Aircraft taking off to the west shall not turn left until they have either reached the ocean or attained an altitude of fifteen hundred (1,500) feet.

51.5.1 TOUCH AND GO DEFINED. For purposes of this Article, a touch and go operation shall mean an action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.

51.5.2 STOP AND GO DEFINED

For purposes of this Article, a stop and go operation shall mean an action by an aircraft consisting of a landing followed by a complete stop on the runway and a takeoff from that point.

51.5.3 FULL STOP-TAXI BACK DEFINED

For purposes of this Article, a full stop-taxi back operation shall mean an action by an aircraft consisting of a landing on any runway followed by exiting the runway, with or without a complete stop, and returning directly to the approach end of any runway for a subsequent take-off.

51.5.4 LOW APPROACH DEFINED

For purposes of this Article, a low approach shall mean an action by an aircraft consisting of an approach over the Airport for a landing where the pilot intentionally does not make contact with the runway.

51.5.5 PROHIBITED OPERATIONS

No touch and go operation or stop and go operation shall be permitted at the Airport.

1.5.6 PROHIBITED OPERATION ON WEEKDAYS (Amended by O-3081; O-3107; O-3108; O-3127; O-3134; O-3140)

No low approach or full stop taxi back shall be permitted on the Airport between 6:00 p.m. of one day and 10:00 a.m. of the following day, Monday through Friday inclusive.

51.5.7 PROHIBITED OPERATIONS ON SATURDAYS, SUNDAYS, AND CITY OBSERVED HOLIDAYS (Amended by O-3081; O-3107; O-3108; O-3127; O-3134; O-3140)

No low approach or full stop taxi back shall be permitted on the Airport between 6:00 p.m. Friday and 10:00 a.m. Monday, nor any City observed holiday.

51.7.2 DENIAL OF USE OF AIRPORT

a) In the event that any person has been found to be in violation of 3 or more cumulative violations of the provisions of Division 5, or of Sections 46.8.8 or 46.8.9 of the Torrance Municipal Code or of any other laws, rules or regulations of the City, State or the United States of America pertaining to the use of the Airport (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation) within a three (3) year period, then for a period of three (3) years thereafter, such person shall be denied the right to land or takeoff from the Airport, except in bona fide emergencies for the preservation of life or property as reasonably determined by the Airport Manager and shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport insofar as the City has the right to deny such use of said Airport.

b) For the purposes of this Section, a determination of guilt by the Hearing Officer in accordance with the provisions of Section 51.7.4. shall have the same effect as a conviction by a court.

51.7.3 EXCLUSION OF VIOLATION-PRONE AIRCRAFT (Amended by O-3117; O-3311)

In the event that any aircraft has been found to be the cause of three (3) or more violations of Division 5, or of Sections 46.8.8 or 46.8.9 of the Torrance Municipal Code within a three (3) year period, regardless whether the operator, owner or pilot of said aircraft have been convicted of any criminal act or have been found to be in violation of said sections by the Hearing Officer, or City Council upon appeal, as provided for in Section 51.7.4, then it shall be presumed that operation of such aircraft will result in continued violation of the provisions of Division 5, or of Sections 46.8.8 or 46.8.9 of the Torrance Municipal Code, and for a period of 3 years thereafter such aircraft will not be permitted to tie down or be based at Torrance Airport; nor shall such aircraft be permitted to land at or take off from the Airport except in emergencies for the preservation of life or property or as directed by the Torrance Air Traffic Control Tower or the Federal Aviation Administration.

51.7.4 ENFORCEMENT. (Amended by O-3117)

- a) Any person charged with piloting or operating or otherwise causing an aircraft to violate Division 5 or exceed the single event noise exposure levels (SENEL) or maximum sound exposure levels set forth in Section 46.8.8 or 46.8.9 of the Torrance Municipal Code, a Hearing Officer shall determine whether or not there was a violation, after a hearing thereon.
- b) The charge may be made by the issuance of a Notice to Appear to the pilot (also known as "Person accused") of said aircraft, if known. It is the responsibility of the operator, owner, or lessee of said aircraft to provide the pilot information to the City. If the pilot of said aircraft is not known, and the operator, owner, or lessee of said aircraft is not cooperative in providing the pilot information, then the Notice to Appear will be issued to the operator, owner, or lessee of said aircraft who will be held liable for the pilot's violation(s) (also known as "Person accused"). The Notice to Appear shall be served by first class mail at least 25 calendar days before the scheduled hearing date before the Hearing Officer. In addition to the Notice to Appear being served by first class mail, the City may also deliver through physical delivery, delivery by overnight carrier service, or delivery by digital mail.

51.7.5 HEARING PROCEDURE. (Amended by O-3117)

- a) A hearing before the Hearing Officer shall be set for a date that is not less than 25 calendar days and not more than 90 calendar days from the mailing date listed on the Notice to Appear.
- b) The hearing shall be conducted by a Hearing Officer on the date, time and place specified in the Notice to Appear.
- c) The hearing shall be open to the public. If all or part of the hearing is conducted by telephone, television, or other electronic means, the Hearing Officer shall conduct the hearing from a location where members of the public may be physically present. Hearings will not be recorded.
- d) The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the Person accused has caused or maintained the violation(s). Formal rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may limit the total length of the hearing to one hour.
- e) At the hearing, the Person accused shall be given the opportunity to present, either themselves or through a representative, evidence and testimony concerning the violation(s). The City's case shall be presented by any authorized agent of the City.

f) The failure of the Person accused to appear at the hearing, either personally or through counsel, shall be deemed an admission that the violation(s) in question was appropriately and validly issued against the Person accused and the aircraft.

g) The Hearing Officer may consolidate into 1 hearing all outstanding violations relating to the same Person accused. h) The Hearing Officer may continue the hearing and request additional information from the City or the Person accused prior to issuing a written decision.

51.7.6 HEARING OFFICER'S DECISION.

a) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer may announce a decision orally, but in any event, shall prepare a written decision. The decision shall be provided to all parties within thirty calendar days of the hearing and shall either affirm or dismiss the violation(s). The serving of the written decision shall be by any means deemed adequate to the City, which includes but is not limited to physical delivery, delivery by first class mail, delivery by overnight carrier service, or delivery by digital mail.

b) All decisions of a Hearing Officer shall become final unless appealed to the City Council pursuant to the provisions of Article 5 of Chapter 1, Division 1 of the Code.

51.7.7 UNLAWFUL TO USE AIRPORT AFTER USE DENIED. (Amended by O-2878; O-2879)

Except as provided otherwise in Sections 51.7.2 and 51.7.3: a) It shall be unlawful and a misdemeanor for any person to land an aircraft on or take off an aircraft from the Airport after he or she has been denied the use of the Airport in accordance with the provisions of Section 51.7.2.; or b) It shall be unlawful and a misdemeanor for any person to land an aircraft on or take off any aircraft from the Airport after such aircraft has been excluded from the Airport pursuant to the provisions of Section 51.7.3.

51.7.8 CULPABILITY OF INSTRUCTOR PILOTS

In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the provisions of Division 5, or of Sections 46.8.8 or 46.8.9 of the Torrance Municipal Code, the instructor pilot (also known as "operator") shall be presumed to have caused such violation.

51.7.9 CULPABILITY OF AIRCRAFT OWNER OR LESSEE (Added by O-3117; Amended by O-3120)

For purposes of Division 5, or of Sections 46.8.8 or 46.8.9 of the Torrance Municipal Code, if the pilot of an aircraft cannot be otherwise identified, the beneficial owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operation, except that where the aircraft is leased, the lessee shall be presumed to be the pilot. Such presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot at the time of the asserted violation.

51.7.11 HEARING OFFICER

The City Manager, or his or her designee, shall select a fair and impartial Hearing Officer to preside over hearings for violation(s) of Division 5, or of Sections 46.8.8 or 46.8.9 of the Torrance Municipal Code. The Hearing Officer shall not be a current Torrance City employee.



CITY OF TORRANCE

April 30, 2024

JAMES GATES

FIRST AND FINAL NOTICE OF VIOLATION

You may not be aware that Torrance Municipal Code Section 51.5.6-7 full stop-taxi back and low approach operations at Torrance Municipal Airport during certain times. The allowable days and times are:

Monday – Friday	10:00 a.m. – 6:00 p.m.
Saturdays/Sunday/Holidays	<u>PROHIBITED</u>

On 28 APR 2024, at 14:41 AND 14:47 hours, aircraft N320JG was recorded conducting a prohibited operation, in violation of TMC Section 51.5.6, or 51.5.7.

*While the F.A.A. control tower may have authorized the above noted procedure it is a violation of the Torrance Municipal Code. **Please be advised that violations of the Touch (and Stop) and Go, Full Stop-Taxi Back and Low Approaches code section may be heard by an Administrative Hearing board, and can result in denial of Airport use by owner or pilot. Also be advised that Touch (and Stop) and Go, Full Stop-Taxi Back violations will be counted with the Noise and Curfew violations and three of any of these violations, combined or singularly can result in denial of Airport use by aircraft owner or pilot.***

Torrance Municipal Code 46.8.12 states that for pilot culpability, the owner is presumed to be the pilot. Such presumption may be rebutted only if the owner identifies to Noise Abatement staff the person who was, in fact, the pilot. Consequently, if you owned or leased the aircraft but were not the pilot in command at the date and time of the violation shown above, immediately upon receipt of this notice, forward to this office, the name and address of the pilot in command of the aircraft at the time of the above alleged violation.

Please contact this office at (310) 784-7950 for more information or if you wish to discuss the above violation.

Gregg Lodan, Manager
Neighborhood Services

Environmental Quality Officer

4/24/2020

Mr. Patrick Sullivan, City
Attorney City of Torrance

3031 Torrance Blvd.
Torrance, CA 90503

Dear Mr Sullivan:

On 7/1/2019, I wrote to you about letters sent from the Community Development Department entitled "EARLY LEFT TURN VIOLATION." Those letters cite Torrance Municipal Code Section 51.2.3.e ("*Aircraft taking off to the west shall not turn left until they have either reached the ocean or attained an altitude of fifteen hundred (1,500) feet.*") as the basis for the "violation" and that "*future violations are subject to enforcement*" (which, as I understand the Code, means banishment from the airport for three violations of the Code within three years). A number of pilots have received these "violation" letters over the past years.

The General Counsel's office of the FAA recently responded to my request for his opinion on these "violations" and the validity of Section 51.2.3.e (attached). That letter cites the mandate given exclusively to the FAA by Congress to regulate aircraft operations. It states that state and local governments do not have that authority. In his letter, the FAA Chief Counsel concluded that "*Because the Torrance code provision applies to aircraft in flight, it is not consistent with the Federal statutory and regulatory framework. Enforcement of this provision would be at odds with various court opinions.*"

The City certainly faces some tremendous challenges in fighting the COVID-19 pandemic over the next months and is just recovering from the recent on-line cyber attack on your systems. The early left turn issue pales in comparison, but it is important to pilots, like me. The FAA letter and the court decisions cited in it clearly show that TMC 51.2.3.e is preempted by Federal Law and is invalid. There are no Federal Aviation Regulations barring turns after departure from 29L or 29R so there is nothing "illegal" about them.

I ask that TMC be revised to reflect this preemption, that any sections that improperly attempt to regulate aircraft operations be repealed, and that any previous related "violations" recorded against pilots be expunged.

Respectfully,

Jim Gates

Attachment: Letter from FAA Office of the General Counsel, dated 2/18/2020



U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

FEB 18 2020

Mr. Jim Gates
Torrance Airport Association

Dear Mr. Gates:

Thank you for your letters in which you informed the Federal Aviation Administration (FAA) of your receipt of an "Early Left Turn Violation" from the Community Development Department, City of Torrance. You request the FAA to contact the Torrance City Attorney to "clarify in writing the FAA's exclusive authority" by quoting a statement on the FAA website.

You assert that the City's enforcement of the ordinance requires pilots to make a choice in terms of which directive to comply with: either the Torrance Municipal Code or FAA Air Traffic Control (ATC) instructions. You provided copies of two "Early Left Turn Violation" notices that the City issued in 2019 to pilots. Both notices state that "[w]hile the FAA control tower may have authorized the above noted procedure it is a violation of the Torrance Municipal Code." Both notices state that "future violations are subject to enforcement." You requested the FAA "immediately clarify in writing the FAA's exclusive authority to the Torrance City Attorney." While the FAA declines to send unsolicited correspondence to the Torrance City Attorney, this letter responds to the inquiries you submitted. Our understanding is that the City is yet to bring any enforcement action related to the code provision.

Congress has long vested the FAA with authority to regulate the areas of airspace use, management and efficiency; air traffic control; safety; navigational facilities; and aircraft noise at its source. 49 U.S.C. §§ 40103, 44502, and 44701-44738. In addition, a citizen of the United States has a statutory public right of transit through the navigable airspace. 49 U.S.C. § 40103(a)(2). Courts have held that Congress has exclusively occupied the field of aviation safety and airspace efficiency such that Federal law preempts state requirements that fall within this field. See *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973); *American Airlines v. Town of Hempstead*, 398 F.2d 369 (2d Cir. 1968), cert. denied, 393 U.S. 1017 (1969). In *United States v. City of Blue Ash*, 487 F. Supp. 135, aff'd, 621 F.2d 227 (6th Cir. 1980), the court upheld preemption of a local ordinance requiring departing planes to make "Noise Abatement Turns". See *Blue Sky Entertainment, Inc. v. Town of Gardiner*, 711 F. Supp. 678, 692 (N.D.N.Y. 1989) ("[i]n fact, federal law in the area of aviation is so pervasive that it preempts a municipal ordinance which attempts to govern the flight paths of aircraft using an airport which has no control tower, is not served by a certified carrier and has no regularly scheduled flights," citing *Blue Ash*).

State and local governments may protect their citizens through land use controls and other police power measures that do not regulate airspace management or aircraft operations. But that power does not extend to many aspects of aircraft operations, including route, altitude, time of operation, and frequency. *See Friends of the E. Hampton Airport, Inc. v. Town of E. Hampton*, 841 F.3d 133 (2d Cir. 2016); *National Helicopter Corp. v. City of New York*, 137 F.3d 81 (2d Cir. 1998).

In addition, State or local governments that own or operate an airport are not prohibited from carrying out their proprietary powers and rights. Accordingly, the airport owner or operator has authority to promulgate reasonable, nonarbitrary, and non-discriminatory regulations addressing aircraft noise and appropriate local interests. *Friends of E. Hampton*, 841 F.3d at 139. Any such restriction would need to comply with the Airport Noise and Capacity Act (ANCA), 49 U.S.C. § 47521 *et seq.*, and 14 C.F.R. Part 161, which outline the process, analysis, and approvals required for imposing a noise or access restriction at an airport.

Section 51.2.3(e) of the Torrance Municipal Code, "Take Offs and Landings," states, "Aircraft taking off to the west shall not turn left until they have either reached the ocean or attained an altitude of fifteen hundred (1,500) feet." Because the Torrance code provision applies to aircraft in flight, it is not consistent with the Federal statutory and regulatory framework described above. Enforcement of the provision would be at odds with various court opinions. As noted, state and local governments lack the authority to regulate airspace use, management and efficiency; air traffic control; and aircraft noise at its source. Federal courts have found that a navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system. *See Montalvo v. Spirit Airlines*, 508 F.3d 464 (9th Cir. 2007), and *French v. Pan Am Express, Inc.*, 869 F.2d 1 (1st Cir. 1989).

The "Early Left Turn Violation" letters refer to "a noise sensitive area" and noise abatement procedures. The FAA's ATC Tower at Torrance is aware of such procedures. FAA air traffic controllers generally comply with noise abatement procedures to the extent practicable with exceptions for safety, weather, airspace efficiency, and traffic pattern considerations. The pilot in command is responsible for the safe operation of the aircraft and should advise air traffic control if he or she is unable to comply with any air traffic advisory or instruction.

Thank you for the opportunity to review and respond to your concerns. This letter has been coordinated with the General Counsel's Office (C-60), Office of the Secretary of Transportation.

Sincerely,



Lorelei A. Peter
Assistant Chief Counsel
Regulations Division

September 8, 2023

**VIA EMAIL TO PSULLIVAN@TORRANCECA.GOV AND U.S. MAIL, CERTIFIED
7022 2410 0001 3273 6448 WITH RETURN RECEIPT REQUESTED**

Patrick Sullivan, Esq.
City Attorney
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503

Dear Mr. Sullivan,

The undersigned are deeply concerned by, and object to, the City of Torrance ("City") City Council's actions on July 25, 2023, involving aviation and Zamperini Field ("KTOA") under City Council Agenda Item No. 9A. It is clear from the City's staff report and comments made by the councilmembers and the public that all of these actions are intended to limit aircraft in flight for the sole reason of noise control. As an overarching matter, the regulation of aircraft in flight rests solely with the Federal Aviation Administration. Per Title 49 United States Code section 40103(a)(1), "The United States Government has exclusive sovereignty of airspace of the United States." This means that any attempt to regulate the airspace above KTOA and the City has been preempted. Unless the City can demonstrate that there is an exemption that would allow the City to regulate aircraft in flight, it cannot take actions that are calculated to regulate such aircraft for the purpose of limiting noise within U.S. airspace.

Whatever the City's potentially greater control over the surface of KTOA, it is unequivocally entrenched in our jurisprudence that the federal government preempts the City's control over aircraft in flight when the aircraft is operated in compliance with FAA requirements.

"While the federal government's exclusive statutory responsibility for noise abatement through regulation of flight operations and aircraft design is broad, the noise abatement responsibilities of state and local governments through exercise of their basic police powers are circumscribed." (FAA Aviation Noise Abatement Policy, Nov. 18, 1976, II(B).)

"The chief restrictions on state and local police powers arise from the exclusive federal control over the management of airspace. Local authorities long have been preempted by the federal assumption of authority in the area from prohibiting or regulating overflight for any purposes. That principle was found in 1973 to include any exercise of police power relating to aircraft operations in *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973). In the *Burbank* case, the Supreme Court struck down a curfew imposed by the City in the exercise of its police power. The Court's reliance on the legislative history of section 611 and the 1972 amendments to it indicate that other types of police power regulation, such as, restrictions on the type of aircraft using a particular airport, are equally proscribed. The Court, however, specifically excluded consideration of the rights of an airport

conclude that there is pre-emption.” (*Id.* at p. 136.) The district court concluded, “It follows that City of Burbank requires a municipal ordinance resting on police power, which manages or dictates action by aircraft in navigable airspace for the purpose of noise control, is invalid under the preemption doctrine.” (*Id.* at p. 137.)

Thus, the City Council’s approvals under Agenda Item No.9A to invariably control aircraft flight for noise control purposes are also preempted and invalid.

In addition to our overall objection to the City’s multi-prong attempt to regulate aircraft flight noise, we also have further objections to the specific actions taken by City Council that we now raise:

1. Implementation of airport landing fees for all transient aircraft and Torrance-based fixed wing flight school operators with fleets of more than three (3) aircraft, and authorizing certain exemptions for military, public safety, medical flights, and Robinson Helicopter.

If for a proper purpose that is not for aircraft flight noise, we acknowledge that the City may impose landing fees, but it is not unfettered. Landing fees must be reasonable and must not create constructive exclusive rights. (49 U.S.C. § 40116(e)(2) and 40103(e).) Neither the City staff report nor discussions at the City Council meeting demonstrate that the proposed fee structure would be reasonable and would avoid constructive exclusive rights. Without such an analysis with specific findings, the City Council has no way of knowing whether the land fee structure is compliant with federal law.

Further, the City Council’s approval of a contract to begin collecting landing fees is impermissible unless and until the City Council adopts an ordinance authorizing the collection of landing fees. Per the City’s own Charter, section 725:

“Every act of the City Council establishing a fine or other penalty, or granting a franchise, creating a commission, board or agency, or ***in any way restricting or governing the use of property***, and in addition thereto, every act required by the City Charter to be done by ordinance ***shall be by ordinance.***” (Emph. added.)

Thus, the City cannot collect landing fees that result in the restricting or governing the use of KTOA unless and until it adopts an ordinance, which it has not done.

2. Phaseout of leaded gas with a target of phasing it out within the next 12 months.

The City has indicated that it wishes to change air quality by phasing out leaded aviation fuel, but such action is preempted by the Clean Air Act. The FAA and industry stakeholders are working to effect a safe, smart, nationwide transition through the Eliminate Aviation Gasoline Lead Emissions (“EAGLE”) initiative, but the effort is not at the finish line yet.

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Currently, there is no unleaded aviation fuel being commercially refined and distributed for sale on a national basis for use in all piston aircraft. 70% of the avgas sold annually across the nation is purchased by aircraft that have high compression engines that cannot legally or safely use unleaded options currently available in the marketplace (i.e., 94UL), including aircraft based at your airport. One 100 octane unleaded fuel (GAMI's G100UL) has been approved by the FAA for use in certain aircraft, but at this time is not approved for use in any rotorcraft, nor is it in commercial production or distribution. Elimination of the sole fuel that many aircraft require to operate safely and legally threatens public safety.

Moreover, as discussed above, the City cannot regulate aircraft in flight noise in any manner. The phaseout of leaded aviation fuel was considered and approved by the City as a means to reduce aircraft taking off and landing at KTOA. Such means are preempted and invalid.

3. Enforcement of early left turn violations.

The FAA has previously explained that any local and state ordinances involving aircraft in flight are preempted, and inherently violate federal law and regulations. As discussed above in the *City of Blue Ash, Ohio* case, municipal control of aircraft flight for noise control is absolutely preempted and invalid. Importantly, this has been made abundantly clear in the FAA Letter of Interpretation dated February 18, 2020. *See* Attachment 1. The City also publicly acknowledged that several sections of the Torrance Municipal Code are invalid and unenforceable, and have been since 1958, due to federal preemption. *See* Attachment 2.

4. Ban on all training operations on weekends and City of Torrance recognized holidays and modified weekday hours to “make a difference on airport noise.”

Congress has long vested the FAA with exclusive authority to regulate a variety of areas including airspace use, management and efficiency; air traffic control; safety; and aircraft noise at its source. The Aircraft Noise and Capacity Act (“ANCA”) generally provides that “a noise policy must be carried out at the national level” and requires that local restrictions be vetted by the FAA.¹ The FAA’s “notice, review, and approval requirements” implementing ANCA “apply to all airports imposing noise or access restrictions.”² A recent federal court decision has clarified that ANCA’s procedural requirements for local restrictions apply to all public airport sponsors, not just those receiving federal funding and/or subject to federal grant assurances. *See* Attachment 3.

An example of impermissible regulation of training is the prohibition of touch-and-goes. The FAA in its Airport Compliance Manual Order 5190.6B, section 14.8, confirms that touch-and-goes as a flight training procedure constitute an aeronautical activity. And it is

¹ 49 U.S.C. § 47521(3).

² 14 C.F.R. § 161.3(a), (c).

clear that the City's attempt to control noise by banning aeronautical activities within national airspace is preempted, as detailed above.

Moreover, as discussed above, the City can only change the use of KTOA by ordinance, which the City's action did not do.

The City Council apparently also received updates on legalities involving the prohibition of touch-and-go landings on the south and north runways and the imposition of a moratorium on new flight school operators. The best source for legal compliance input on these proposed actions is with the FAA, and we urge you to use the agency as your trusted resource for accurate information.

Also, see above on the training bans where the FAA expressly stated that prohibiting touch-and-goes cannot be done to control noise from aircraft in flight.

To avoid the waste of taxpayer funds in attempting to defend clear violations of the law, the implementation and enforcement of the actions approved on July 25, 2023, should be held in abeyance *pending verification of legal compliance with the FAA*. We request an in-person with you no later than October 13, 2023, to discuss the legal landscape in greater detail, with the goal of avoiding preventable legal battles that will require significant financial and staff resources to litigate law that is already well settled.

Sincerely,

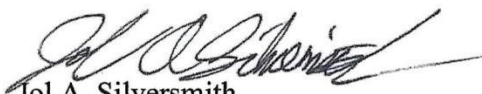


Justine A. Harrison
General Counsel
Aircraft Owners and Pilots Association



Alex Burkett
General Counsel
General Aviation Manufacturers Association

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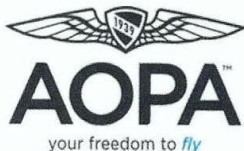


Jol A. Silversmith
Counsel for
Helicopter Association International
National Business Aviation Association



Lars H. Liebeler
General Counsel
National Air Transportation Association

Cc: Mark McClardy, FAA Office of Airports, Western Pacific Region (via email)
Joseph Manges, FAA Office of Chief Counsel (via email)



Justine A. Harrison
General Counsel

January 23, 2024

**VIA EMAIL TO PSULLIVAN@TORRANCECA.GOV AND U.S. MAIL, CERTIFIED
AND RETURN RECEIPT REQUESTED**

Patrick Sullivan, Esq.
City Attorney
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503

Dear Mr. Sullivan,

AOPA is deeply concerned by, and objects to, the City of Torrance ("City") staff recommendations to adopt an ordinance amending Torrance Municipal Code Article 5 to "regulate touch (and stop) and go landings, full stop-taxi backs, and low approaches at Zamperini Field ("KTOA") under City Council Agenda Item No. 9H at tonight's meeting. We request a copy of this letter be included in the record of the meeting.

Background

The City should be familiar with well-established legal principles regarding federal authority for regulating the efficiency of the airspace, including the operation or flight of aircraft. To ensure the maintenance of a safe and sound air transportation system, the FAA has exclusive regulatory authority over matters pertaining to aviation safety and the efficient use of the airspace. Aviation safety includes ensuring the safety of flight, as well as the safety of people and property on the ground as a result of the operation of aircraft. State and local governments cannot regulate in fields of aviation safety or airspace efficiency, which is precisely what the proposed ordinance attempts to do.

Substantial air safety issues are implicated when state or local governments attempt to regulate the operation of aircraft. The general balance between Federal and state authority in the context of aviation regulation is well established. The Federal Aviation Administration ("FAA") has the exclusive authority to regulate aviation safety and the efficient use of the airspace by aircraft. Attempts by state and local governments to regulate in those fields are preempted.

A state or local law will be preempted if it conflicts with FAA regulations. A law is preempted if, as with the City's proposed ordinance, it makes it impossible to comply with FAA regulations or frustrates the purposes and objectives of such regulations.

In the area of aviation, "federal control is intensive and exclusive." *Burbank*, 411 U.S. at 633. Recognizing that the global nature of the industry requires a uniform approach to regulation,

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REFERENCE 6

Congress wanted to ensure that airports, domestic aircraft manufacturers, airlines, and the traveling public are subject to uniform standards of safety, airworthiness, and environmental regulation anywhere in the United States. *See French v. Pan Am Exp., Inc.*, 869 F.2d 1, 5 (1st Cir. 1989) (“The legislative history underlying the original Act stressed the importance of a single uniform system of regulation, especially with regard to air safety. . . . [E]stablishment of a single uniform system of regulation in the area of air safety was one of the primary ‘object[s] sought to be obtained’ by passage of the [FAA Act].” (second brackets in original) (quoting *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 300 (1988))). To this end, Congress has promulgated a series of statutes regulating the aviation industry, including the Federal Aviation Act.

The proposed ordinance conflicts with Federal Aviation Administration (FAA) authority involving takeoffs, landings, touch and go’s, stop and go’s, and low approaches.

The FAA Airplane Flying Handbook¹ discusses navigating on airport surfaces, airport traffic patterns, and approaches and landings, all from the standpoint of airport safety. The FAA Pilot’s Handbook of Aeronautical Knowledge² discusses airport operations in detail, all in support of aviation safety. When obtaining a pilot’s license, the FAA examiner tests pilots on taxiing, takeoffs, landings, go-arounds and rejected landings.³ The FAA air traffic tower at KTOA controls airplane navigation on the airport surface and in the airport’s airspace and, when the tower is closed, the FAA has also highlighted regulatory obligations and safety information on how traffic should flow when the tower is closed.⁴ The FAA has sole jurisdiction over these areas to ensure safety and efficiency of aircraft operations.

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Courts across the country have confirmed that the Federal Aviation Administration (FAA) has exclusive jurisdiction over matters involving aviation safety. Below is a small sampling:

- Local governments cannot regulate control of aircraft or airspace, or any aspect of aviation navigation. *City of Burbank v. Burbank-Glendale-Pasadena Airport Authority*, 72 Cal. App. 4th 366, 85 Cal. Rptr. 2d 28 (2d Dist. 1999).
- Limitations on aircraft taking off and use of the airport runway involve air safety, which is field preempted by the Federal Aviation Act. Restrictions that conflict with the Federal Aviation Act or sufficiently interfere with federal regulation of air safety are preempted. *Tweed-New Haven Airport Authority v. Tong*, 930 F.3d 65 (2d Cir. 2019).
- Municipal ordinances cannot prohibit flights of aircraft at altitudes (i.e. low approaches, missed approaches). Only the federal government has the right to regulate safe altitudes of flight at any elevation and take-off and landing patterns. *Allegheny Airlines v. Village of Cedarhurst*, 238 F.2d 812, 17 Pub. Util. Rep. 3d (PUR) 244 (2d Cir. 1956).

¹ [FAA-H-8083-3C](#)

² [FAA-H-8083-25C](#)

³ [FAA Airman Certification Standards: Private Pilot – Airplane.](#)

⁴ [FAA Advisory Circular 90-66C, Non-Towered Airport Flight Operations.](#)

- An airport cannot restrict the number of planes flying, as it constitutes an attempt to regulate air navigation which is exclusively within the jurisdiction of the federal government. *Gary Leasing, Inc. v. Town Bd. of Town of Pendleton*, 127 Misc. 2d 194, 485 N.Y.S.2d 693 (Sup 1985).
- Aviation commerce and safety are governed by pervasive federal regulations, and applicable local standards are field preempted. The Federal government, not city, controls the airspace above city limits. Noise regulation ordinances, flight-pattern controls, restrictions on operations, air safety regulations, and pilot drug-testing provisions are all impliedly preempted by the Federal Aviation Act (FAA). *International Aerobatics Club Chapter 1 v. City of Morris*, 76 F. Supp. 3d 767 (N.D. Ill. 2014).

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The best source for legal input on these proposed actions is with the FAA, and there is an email set up specially for questions from state and local governments on preemption matters at the Aviation Litigation Division 9-AGC300Preemptionquestions@faa.gov. To avoid the waste of taxpayer funds in defending actions that are federally preempted and that will require significant financial and staff resources to litigate law that is already well settled, the City should not pass the proposed ordinance.

KTOA is part of the national aviation system, and the ordinance contemplated today is not only illegal, but it would also shift flights to neighboring airports in the region. The national system works because it is a network of airports in which all play a role in balancing traffic, which is particularly vital in the Los Angeles area's congested airspace. It is not legal, fair or equitable to push flight operations to other airports.

Sincerely,



Justine Harrison
General Counsel
Aircraft Owners and Pilots Association

Cc: Mark McClardy, FAA Office of Airports, Western Pacific Region (via email)
Joseph Manges, FAA Office of Chief Counsel (via email)

Reference 7

49 U.S. Code § 40103 - Sovereignty and use of airspace

(a) SOVEREIGNTY AND PUBLIC RIGHT OF TRANSIT.—

(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for individuals with disabilities.

(b) USE OF AIRSPACE.—

(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

- (A) navigating, protecting, and identifying aircraft;
- (B) protecting individuals and property on the ground;
- (C) using the navigable airspace efficiently; and
- (D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall—

- (A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and
- (B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

(4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.

Summary of Amazon 767 Crash in Miami

An Amazon Air Boeing 767 cargo plane operating as 21 Air Flight 7598 suffered a fatal runway overrun at Miami International Airport on September 6, 2026, resulting in five deaths.

Overview of the Incident

- **Date & Time:** September 6, 2026, around 2:00 p.m. local time.
- **Aircraft:** Boeing 767-300 freighter.
- **Operator:** Operated by 21 Air on behalf of Amazon Prime Air, arriving from San Juan, Puerto Rico.
- **Casualties:** Five people in a cleaning company van struck by the jet were killed, and five others were injured. The two flight crew members escaped with minor injuries.

What Happened

- The widebody freighter landed at an excessive speed (158 knots vs normal 130 kt) on the runway.
- It did not touch down until far beyond the runway threshold
- It overran the end of the strip by approximately 1,300 feet, tore through the perimeter fence, and plowed into vehicles on a public service road.
- Early NTSB data indicates the pilots added thrust for a go-around, aborted the maneuver, and seemingly failed to engage thrust reversers or speed brakes.

April 6, 2026

VIA E-MAIL

Federal Aviation Administration, AGC-400
800 Independence Avenue, SW
Washington, DC 20591

Attn: Liam McKenna, Chief Counsel (Liam.McKenna@FAA.gov)

RE: Unlawful Local Regulation and Punitive Enforcement of Federally Protected
Flight Operations at Torrance Municipal Airport (KTOA)

Dear Chief Counsel:

I write to formally request immediate FAA intervention to halt the City of Torrance's ("City") unlawful regulation and punitive enforcement of aircraft flight operations at Torrance Municipal Airport (Zamperini Field), which directly conflicts with and is preempted by federal aviation law, and which creates an ongoing and serious threat to aviation safety. (ATTACHMENT 1)

I have been a continuous airport user for more than fifty (50) years and a tenant at Torrance Airport since 1990. Over that time, the City has adopted a series of local ordinances expressly designed to reduce aircraft operations, culminating in regulations that punish pilots for executing federally required safety maneuvers, including go-arounds, missed approaches, and safety-driven course or altitude deviations. I have received several "violation" letters. (ATTACHMENT 2)

I. TORRANCE ORDINANCES CRIMINALIZE REQUIRED SAFETY MANEUVERS

The Torrance Municipal Code ("TMC") defines a "low approach" as an approach over the Airport for a landing in which the pilot intentionally does not touch down. This definition necessarily encompasses go-arounds, rejected landings, missed approaches, and ATC-directed aborts—each a federally mandated or recognized safety procedure under 14 C.F.R. §§ 91.3, 91.123, 91.155, and 91.175.

Under TMC §§ 51.7.2 and 51.7.3, pilots or aircraft alleged to have committed three violations within three years are subject to a three-year ban from operating at the Airport, including loss of basing rights, without judicial adjudication. In Q4 2025 alone, the City reported more than 1,900 such violations, demonstrating that punitive enforcement is ongoing and systematic.

II. FEDERAL PREEMPTION

Congress has vested in the FAA exclusive authority over the regulation of navigable airspace, aviation safety, and aircraft noise at its source: 49 U.S.C. §§ 40103, 44502, 44701–44738. Courts have consistently held that state and local governments are preempted from regulating

flight operations or imposing noise-based operational restrictions. *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973); *United States v. City of Blue Ash*, 487 F. Supp. 135 (S.D. Ohio), *aff'd*, 621 F.2d 227 (6th Cir. 1980).

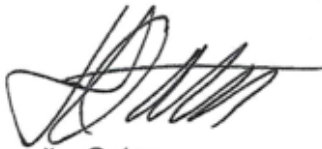
III. REQUESTED FAA ACTION

Accordingly, I respectfully request that the FAA take immediate action to:

1. Declare the identified Torrance Municipal Code provisions preempted and unenforceable;
2. Direct the City of Torrance to immediately cease enforcement actions against pilots for federally protected flight operations; and
3. Require repeal or amendment of code provisions that conflict with Federal Aviation Regulations.

This is not an abstract dispute. The City's enforcement actions actively chill compliance with federal safety mandates and increase risk to pilots, passengers, and the public. FAA intervention is urgently needed.

Respectfully submitted,



Jim Gates

COPIES VIA E-MAIL:

Adam Siple, FAA Assistant Chief Counsel (adam.c.siple@faa.gov)
Jared Allen, AOPA Deputy General Counsel (jared.allen@aopa.org)