

Anything two people know is not a secret

# CHEYENNE HERALD

FREE - TAKE ONE

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## The FAA cannot order the City of Cheyenne to remove any trees

*Few of the trees in Lions Park have to, or should, come down*

What a hornet's nest this short-term airline has stirred up. For a rental airline carrying about 60 to 75 passengers a day in and out of Cheyenne to cause such a furor- demanding a new waiting area and demanding the removal of trees from one of Cheyenne's most venerable parks - is hardly reasonable.

That fly-by-midday airline even got the military to join in their cacophony of how they couldn't, after 50 years, take off to the west with adequate fuel because of trees far beyond the end of the runway.

My first thought about this story was to blow it off. That with the almost total lack of respect for trees in Cheyenne, this wasn't worth investing any time to review, research and report. I changed my mind when I saw in other media that a tree outfit in town had won the bid to remove fewer than 50 trees for nearly \$25,000.00. The City had budgeted three times that much. As I explain elsewhere in this issue, I have some experience at falling trees and that figure took my breath away.

So, I journeyed to Lions Park, near Central Avenue, a couple days back, to get the lay of the land. I wanted to see the trees that were worth nearly \$550.00 EACH to be removed. I've driven past that spot at the end of the airport's longest runway a thousand times or more, but I never really paid any attention to the trees across from the end of the runway.

Until now.

I have visited the area three times, walking it, observing the trees, accounting for the 46-48 trees that are marked for destruction, stepping off distances and just generally trying to determine if the we should be bullied into destroying any or all of the trees now marked for removal.

I have also researched the FAA rules on runway obstructions and read print accounts of similar issues in other cities and how they were resolved. In most cases, the concern about trees, their height and/or degree of obstruction at the end of an

**Airport Obstructions Standards Committee (AOSC) Decision Document #02b**  
**Approved: July 12, 2004 -- Revised September 13, 2004**  
**40:1 Departure Surface and Obstruction Evaluations**

**c) The FAA does not have the authority to regulate or control how land (real property) may be used in regard to structures that may penetrate navigable airspace. (FAA order 700.2E, section 5-1-2a). This responsibility is generally fulfilled by local authorities or airport sponsors.**

**d) Aircraft operators have the responsibility to consider obstacles and make the necessary adjustments to their departure procedures to ensure safe clearance for aircraft over those obstacles.**

airport runway had to do with an expansion. I did not find a story having to do with a problem with trees in the "runway obstruction area" at an unchanging, stable airport such as Cheyenne. I also acquired a copy of "CHEYENNE AIRPORT ZONING ORDINANCE" No. 1969 dated October 15, 1974. That Ordinance, while obsolete and in conflict with FAA edicts, does not give the mayor the authority he is using to order removal of those trees.

SECTION VIII: ENFORCEMENT reads, **"It shall be the duty of the City Engineer and/or County Engineer to administer and enforce the regulations prescribed herein."** Even the airport manager may have a role in decisions involving trees but the mayor does not.

For a very long time, these same trees have been on the grassy knoll along Central Avenue and by the water's edge of Sloans Lake. Various and sundry airlines and aircraft have landed and taken off from Cheyenne without complaint. More qualified and experienced airport managers have come and gone without claiming a problem with those trees. Then, American Eagle was bought - their service between Cheyenne and Dallas / Fort Worth was heavily subsidized, that is. All of a sudden, there was an issue about the trees. A new airport manager, who defaulted into his job, and a new chamber of commerce director with neither experience nor qualification, in an effort to impress American Eagle, offered or agreed that the trees should, and would, be removed at AE's demand.

If there were a provable safety concern, I would be among the first to support removing the trees. But that doesn't appear to be the case with all of the approximately four dozen trees of various species, sizes and condition that have been marked for destruction. Most are not in the way.

Mayor Maybe's experience is with knocking down trees, topping trees, and planting poles in the ground for utility lines, not with saving trees or planting them. He apparently wasn't advised well enough to know what the FAA can require and what it can't. While the airport manager may blame the FAA for this mess, the box above tells you that the FAA does not have the authority to order trees removed.

The FAA may agree to pay for the removal but they cannot dictate that a city remove or top trees even if they are a true runway obstruction. Which most of these aren't.

There is also a conflict about a critical ratio in the calculations: (40:1 or 50:1).

None of the 18 pine trees beside Central Avenue are even close to the runway obstruction zone. The airport board may have hired a friend to draw an imaginary dotted line from the runway at a diagonal to take in those pine trees but it takes about a 60° angle from the runway extended edge to include the southernmost pine tree marked for destruction. The other 17 pine trees numbered and bearing a deadly red ribbon, are well off the runway extension line and, if they are of concern to a pilot taking off or landing

at our airport, those off-line trees will be the least of his/her problem.

It is obvious there was a time when city officials had some idea of what they doing. There is a wide expanse between the clusters of pine trees that frame the runway. In that opening, there are no trees of any kind. That clearing was provided so trees would not grow into an obstruction, either for landing or taking off.

Of the marked 30 trees near the water's edge of Sloans Lake, 20 of them could be removed and clear a sight opening from the end of the runway all the way across Sloans Lake. Eighteen of those 20 trees (No. 28 to 45) are to the west of the walking path around the lake, two small trees are to the east side. Trees marked for removal at the bottom of the hill that should remain are No. 19 - 27. If just the 20 trees were removed by the Lake - but none of the pines near Central Avenue - that would give pilots an unobstructed view for landing from the west that goes all the way across the water.

There are other solutions than removing those trees. And there are exceptions to what the FAA may prefer. Other communities have considered similar runway obstruction issues and found different solutions. One alternative would be to place beacons in the tallest trees by the water. None exceed the 35' into an obstruction area that can be allowed. There are two beacons now at the base of the hill that line up with the edges of the runway and provide a guide for where planes should be on takeoffs and landings. Another solution would be to shorten the takeoff line.

Maybe some of these pilots or equipment should not fly in or out of Cheyenne, Wyoming. A poor little girl was in a small plane with an idiot who did not know how to fly out of Cheyenne and we all know that outcome. That crash had nothing to do with trees. It was pilot error and removal of all the trees in Laramie County wouldn't have prevented that crash. (Note: To be totally in exaggerated compliance, Central Avenue may have to be re-routed.)

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