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WEEK IN REVIEW

SATURDAY



- Family sells farm, but stands tall for its trees
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Lake Stevens High School's drug tests ran afoul...

FRIDAY

- 6 hurt as logging truck spills load in Getchell
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Every step a memorial to two slain women

THURSDAY



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Marysville stench has people pointing fingers
Hammer used to kill Sultan man

WEDNESDAY

EDITORIALS

Published: Sunday, June 8, 2008

County must follow the law on air service

Elected officials are free to follow their conscience, but they also must follow the law.

The Snohomish County Council's opposition to commercial passenger service at Paine Field may be pushing the county onto shaky legal ground, thereby putting at risk tens of millions of much-needed federal grant dollars -- money that helps fuel thousands of the county's best-paying jobs.

Two developments on Wednesday put a sobering new focus on the decades-long controversy over passenger service at Snohomish County's airport. Three weeks after Allegiant Air asked to enter into negotiations to launch scheduled service from Paine Field to Las Vegas, the council, by a 4-1 vote, reaffirmed its opposition to such flights.

At about the same time, Paine Field Airport Director Dave Waggoner received a letter from the manager of the Federal Aviation Administration's regional office warning that the county was obligated by law to engage in good-faith talks with Allegiant. Failure to do so, FAA District Office Manager Carol Key wrote, would jeopardize future federal funding for the airport.

That's a grave risk, given that airport officials have said that some \$50 million in repairs are needed in the near term. Just as Boeing is ramping up testing and production of its new 787, and the area is seeing a welcome increase in aerospace employment, repairs to runways and taxiways mustn't be imperiled.

The FAA already has invested millions in Paine Field in return for several legally binding assurances. Among them is a promise to "make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes or aeronautical activities, including commercial aeronautical activities offering services to the public at the airport."

That couldn't be much clearer. Similar language was also agreed to by the county in the deed it signed in 1972, taking possession of the airport from the federal government.

The county's 1978-79 Mediated Role Determination for the airport, the documents that say the county will discourage commercial passenger and cargo service at Paine, clearly doesn't supercede its legal obligations under the deed or the FAA grant assurances. If a carrier seeks to provide service, the county is obligated to negotiate in good faith. Even entering into interlocal agreements with surrounding cities, if the effect is to restrict commercial service, is probably illegal -- and could forfeit federal grants that are essential to the region's aerospace industry and the thousands of jobs it provides.

Before passing its resolution Wednesday, the council amended it to make clear that it would only pursue "lawful" means to discourage commercial service. The FAA's warning suggests that the county is dangerously close to stepping outside those boundaries.

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