## **Los Angeles Area Helicopter Noise Coalition**

Citizens seeking relief from helicopter noise - A problem for more than 40 years

LAHelicopterNoise.org

October 20, 2015

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Homeowners Association

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1200 New Jersey Avenue, SE West Building Ground Floor

Room W12-140

Washington, DC 20590

PETITION NO. 04 – SPECIAL FEDERAL AVIATION REGULATION (SFAR) FOR LOS ANGELES COUNTY - COASTAL SHORE LINE ROUTE

This Petition for rulemaking is filed pursuant to Section 11.61 of 14 CFR, on behalf of the Los Angeles Area Helicopter Noise Coalition, herein referenced as "LAAHNC". LAAHNC is an unincorporated non-profit association seeking to address helicopter noise and safety issues in Los Angeles County.

Helicopter noise in Los Angeles County has been a concern to residents for many years. LAAHNC has worked closely with the FAA, numerous elected officials, the public and the helicopter industry to address helicopter noise and safety issues affecting Los Angeles County residents. LAAHNC members have participated in 57 major and working group meetings with the FAA and pilot stakeholders since December 2012.

The cooperative efforts between the FAA, aviation associations, airport managers and aircraft operators have failed to produce significant, meaningful results. LAAHNC does not believe these helicopter noise and safety issues can be resolved without the introduction of Special Federal Aviation Regulations (SFARs) for Los Angeles County.

The attached Petition was prepared through a joint Board effort of the LAAHNC based our analysis and assessment of the failed efforts to resolve the significant noise and safety problems plaguing Los Angeles County. The decision to proceed with this Petition was the result of a unanimous vote by our Board.

Please note that this Rule Change Petition is the fourth of four being filed by LAAHNC. LAAHNC requests that the FAA treat each Petition submission as a discrete entity evaluating it fully on its merits and adhering to the Administrative Procedures Act and that the evaluation not be arbitrary, capricious or an abuse of discretion per 5 U.S.C. Sec. 706(1).

Please provide all replies and communications regard this matter to: Gerald A. Silver, (818) 990-2757, email: gsilver4@earthlink.net George Abrahams (323) 463-9209, email: ggg@copper.net

Cordially yours,

Bob Anderson, President

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US Department of Transportation – Document Operations 1200 New Jersey Avenue, SE West Building Ground Floor Room W12-140 Washington, DC 20590

#### PETITION NO. 04

## SPECIAL FEDERAL AVIATION REGULATION (SFAR) FOR LOS ANGELES COUNTY COASTAL SHORE LINE ROUTE

This Petition for rulemaking is filed pursuant to Section 11.61 of 14 CFR, on behalf of the Los Angeles Area Helicopter Noise Coalition, herein referenced as "LAAHNC". LAAHNC is an unincorporated non-profit association seeking to address helicopter noise and safety issues in Los Angeles County. LAAHNC represents a Southern California area with a population of more than ten million residents. LAAHNC has worked closely the FAA, numerous elected officials, the public and the helicopter industry to address helicopter noise and safety issues affecting Los Angeles County.

LAAHNC members have participated in 57 major and working group meetings with the FAA and pilot stakeholders since December 2012. LAAHNC proposed numerous methods for reducing helicopter noise and has worked with pilots and the FAA to address helicopter flights in the County's complicated airspace. In spite of these extensive efforts LAAHNC has been unable to reach voluntary agreements that would bring substantial reductions in helicopter noise to Los Angeles County. LAAHNC does not believe these helicopter noise and safety issues can be resolved without the introduction of Special Federal Aviation Regulations (SFARs) for Los Angeles County.

#### **Authority for this Rulemaking**

The FAA has broad authority and responsibility to regulate the operation of aircraft, the use of the navigable airspace and to establish safety standards for and regulate the certification of airmen, aircraft, and air carriers. (49 U.S.C. 40104 et seq., 40103(b)). The FAA's authority for this rule is contained in 49 U.S.C. 40103 and 44715. Under § 40103, the Administrator of the FAA has authority to "prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for \*\*\* (B) protecting individuals and property on the ground. (49 U.S.C. 40103(b)(2))." In addition, § 44715(a), provides that to "relieve and protect the public health and welfare from aircraft noise," the Administrator of the FAA, "as he deems necessary, shall prescribe \*\*\* (ii) regulations to control and abate aircraft noise \*\*\*"

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# Need for Special Federal Aviation Regulation (SFAR) to Address Coastal Helicopter Routes in Los Angeles County

There are eleven separate cities on the coastline of Los Angeles County. Almost all of them have asked for relief from helicopter noise. In the recent past, the City Councils of nine of them have adopted resolutions in support of federal legislation to reduce helicopter noise. They include the cities of Malibu, Los Angeles, Santa Monica, Manhattan Beach, Hermosa Beach, Redondo Beach, Palos Verdes Estates, Rancho Palos Verdes, and Long Beach. In addition, the County of Los Angeles, and the State of California have supported the need for federal legislation to reduce helicopter noise impacts. There is strong evidence of the existence of a real helicopter noise problem.

Cooperative efforts between the FAA, aviation associations, airport managers and aircraft operators have failed to satisfactorily address helicopter noise problems. This has created the need for Special Federal Aviation Regulations (SFARs) for Los Angeles County.

In response to ongoing complaints about helicopter noise, the Federal Aviation Administration (FAA) solicited input from local communities and other stakeholders on helicopter noise and safety issues. On May 31, 2013, the FAA published the *Report on the Los Angeles Helicopter Noise Initiative*.

In the report, the FAA expressed support for voluntary noise abatement measures developed by engaged stakeholders and the FAA at the local level and supported by local consensus. The FAA recommended engaging in a local process aimed at reducing helicopter noise that was responsive to community quality-of-life and economic interests that was consistent with National Airspace System (NAS) safety and efficiency.

In January 2014, based on the FAA's May 31, 2013 Report, Congress included language in the Consolidated Appropriations Act, 2014, Pub. L. No. 113-76 (Jan. 3. 2014), directing the FAA to undertake the following six actions:

- 1. Evaluate and adjust existing helicopter routes above Los Angeles to lessen noise impacts and make adjustments to such routes if the adjustments would lessen impacts on residential areas and noise-sensitive landmarks;
- 2. Analyze whether helicopters could fly safely at higher altitudes in certain areas above Los Angeles County;
- 3. Develop and promote best practices for helicopter operators for helicopter hovering and electronic news gathering;
- 4. Conduct outreach to helicopter operators to inform them of voluntary policies and to increase awareness of noise sensitive areas and events;
- 5. Work with stakeholders to develop a more comprehensive noise complaint system; and
- 6. Continue to participate in collaborative engagement between community representatives and helicopter operators.

The legislation stated that within one year of enactment, the Secretary "shall begin a regulatory process related to the impact of helicopter use on the quality of life and safety of the people of Los Angeles County unless the Secretary can demonstrate significant progress in undertaking the actions."

This proposed SFAR is consistent with the legislative mandate. The FAA has worked for more than a year with various stakeholders to implement these six actions. Unfortunately little or no demonstrable progress has been achieved on these issues. Voluntary practices of helicopter pilots to avoid noise-

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sensitive areas have repeatedly failed to produce results. The proposed SFAR is also consistent with our last proposal made in collaborative meetings with the FAA and pilots. However, we were never given any specific reasons as to why it would be unsafe or not feasible and it was not subjected to a safety analysis. The Petitioner believes that positive results cannot be made through the collaborative process alone.

The FAA began operating a new Automated Complaint System on April 1, 2015 and is beginning to collect helicopter complaints across Los Angeles County. This does not in itself reduce helicopter noise. It simply underscores the growing noise problems. Since its inception in April 2015, between 6,500 and 8,000 complaints have been filed each month using the system. The number has been increasing, with 7,958 complaints filed in August 2015. LAAHNC is also concerned this system will not be continued or consistently promoted to the public in order to acquire sufficient resident complaint data for an accurate reading of the noise problem.

The Petitioner believes that all reasonable and collaborative efforts to address helicopter noise problems have failed. The purpose of this Petition is to resolve the problems that have not been adequately addressed by the aforementioned efforts.

#### The Proposed Language for a New Special Federal Aviation Regulation (SFAR)

This Petition is to amend Part 93 of 14 CFR to add a special air traffic rule for civil helicopters operating VFR on the Los Angeles County shoreline, by adding Subpart I to read as follows:

Subpart I – Mandatory Use of the Los Angeles County Shoreline Helicopter Route

§ 93.105 Applicability

This subpart prescribes a special air traffic rule for civil helicopters operating VFR along the Los Angeles County Shoreline.

#### § 93.107 Helicopter operations

- (a) Unless otherwise authorized or directed by Air Traffic Control (ATC), each person piloting a helicopter anywhere along the Los Angeles County shoreline between Leo Carrillo State Park at Mulholland Highway and the Alamitos Bay Long Beach Marina Inlet, shall utilize one of the following Los Angeles County Shoreline Routes:
- (1) Pilots flying helicopters operating under Part 135, Commuter and On Demand Operations, Section 135.183(a), operating at an altitude that allows the helicopter to reach land in the case of engine failure; or operating a multiengine helicopter under Section 135.183 (c), unable to climb, with the critical engine inoperative, at least 50 feet per minute, at an altitude of 1,000 feet above the surface, shall fly approximately one-half mile offshore.
- (2) Pilots flying helicopters <u>not</u> operating under Part 135; or operating multiengine helicopters able to climb, with the critical engine inoperative, at least 50 feet per minute, at an altitude of 1,000 feet above the surface; or operating helicopters equipped with flotation devices, shall fly approximately one mile offshore.
- (b) Pilots may deviate from the routes and altitude specified in paragraphs (a)(1) and (2) when necessary for safety, weather conditions or transitioning to or from a destination or point of landing.

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#### **Arguments in Support of this Petition**

Helicopter noise has detrimental impacts on residents on the Los Angeles County coastline. Helicopter noise impacts residents' sleep, interrupts conversations and the ability to listen to information from various sources, impacts the ability to enjoy the outdoors, and reduces privacy and property values in those areas that experience low altitude helicopter flights. Due to similar situations regulations have been imposed and mandatory routes established along the Hudson River and along the north shore of Long Island, New York.

Noise associated with helicopter over-flights also causes significant adverse effects on the natural quiet habitat of the Los Angeles County shoreline which includes miles of public beaches, parks, and recreational areas, including Leo Carrillo State Park, Charmlee County Wilderness Park, Robert H Meyer Memorial State Beach, Zuma Beach, Point Dume State Beach, Malibu Bluffs Recreation Area, Malibu Lagoon, Tuna Canyon Park, Santa Ynez Canyon Park, Will Rogers State Beach, Santa Monica State Beach, Venice Beach, Del Rey Lagoon Park, Manhattan Beach and Pier, Hermosa Beach and Pier, King Harbor Marina, Miramar Park, Point Vicente Park and Interpretive Center, Discovery Hiking Trails at Tarranea Resort, Abalone Cove Shoreline Park, Ocean Scenic Trails at Trump, Palos Verdes Shoreline Park, White Point Park, Point Fermin Park, Angels Gate Park, Cabrillo Beach Park, Marina Green Park, Belmont Shore, and Bluff Park. Placing helicopters one-half mile off shore will reduce noise impacts and increase safety.

The Petitioner believes that this Petition is reasonable and is in the public interest. It will do the following:

- 1. Increase the safety of helicopter operations by defining the coastal routes that helicopters fly;
- 2. Improve safety by reducing hazards from helicopters flying at low altitudes near Los Angeles County's developed and densely populated coastline;
- 3. Not unduly burden helicopter operators with increased costs or loss of efficiency;
- 4. Minimize the intrusion of helicopters in the community by reducing noise pollution in residential areas, schools, parks and public venues near the Los Angeles County coastline.

# The Proposed SFAR Will Improve Safety for Pilots, Passengers, and People on the Ground, Improve the Quality-of-Life for Los Angeles County Residents, and Help Make the Shoreline More Enjoyable for the Public, Tourists and Visitors

Low flying helicopters are a danger and nuisance to people living, working, and visiting the Los Angeles County coastline. They deprive residents of the peaceful enjoyment of their property. Helicopters that fly through air space at low altitudes result in serious discomfort, inconvenience and interference with the use and enjoyment of private property and loss of privacy. Residents repeatedly complain of helicopter noise drowning out normal conversation, vibrating of walls of homes, disturbing sleep, interfering with ability to hear or understand speech, television, radio, and telephone, and that repeated flyovers are generally annoying. Helicopter noise detracts from the natural setting of the coastline, one of Los Angeles County's most attractive natural assets.

Current FAA regulations permit helicopters to operate at an altitude conducted "without hazard to persons or property on the surface allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface." This regulation leaves the minimum altitude and location of flight entirely at the discretion of the pilot. As a result a heavy concentration of low helicopter flights has developed on the Los Angeles County shoreline.

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Current regulations exacerbate the problem. They require that commuter and on-demand single-engine helicopters carrying passengers for hire over water be equipped with flotation devices or fly at an altitude high enough to reach land in the event of a power failure. This is apparently to reduce the risk of harm to passengers if the helicopter were to come down in water. Very few owners choose to equip their helicopters with flotation devices. Instead they choose to fly close to shore. However, flying on the shoreline creates a risk of injury or death to people on the ground. Innocent bystanders on the beach have been killed by pilots attempting to make emergency landings due to loss of power. An argument can be made that, for the safety of commercial passengers, helicopters should fly within power off distance to land. However, a pilot of a helicopter that loses power when not carrying passengers for hire should not attempt an emergency landing on Los Angeles County's densely populated coastline. To do so would jeopardize the safety of innocent people on the ground. This is especially true for helicopter test flights. Safety of people on the ground must be balanced against safety of pilots and passengers.

Much of the Los Angeles County coastline is either developed for residential living or set aside for beaches, public parks and recreational areas. Because of year round good weather, public areas, especially beaches, are populated with users much of the time. There are very few areas along much of the coastline that would be suitable for an emergency landing. In order to comply with regulations, pilots who fly farther offshore must fly high in order to reach land. However, instead they choose to fly low which requires them to fly even closer to shore.

Flying at low altitudes on or near the shoreline gives a pilot very little or no time to choose a location and attempt an emergency landing. Flying at 500 feet AGL, if a helicopter looses power it will be on the ground in seconds. The pilot will not have time to put the helicopter into autorotation mode and locate a suitable landing site, let alone safely reach that site. Moreover, if there is a more severe mechanical failure, it could result in total loss of control in which case a helicopter could come down anyplace with disastrous consequences. Flying low and on the shoreline jeopardizes the safety of beachgoers, joggers, swimmers, surfers, and others in the water as well as residents in homes on the coastline.

Flying one-half mile offshore would greatly reduce helicopter noise impacts on the shoreline and increase safety. Helicopters can autorotate over long distances if they have sufficient altitude. According to the Pilot's Operating Handbook, the glide ratio for the Robinson R44, one of the most commonly registered helicopters in the Los Angeles area, is 4:1, or 1.13 miles per 1,500 feet AGL, and the minimum rate of descent is 1,350 feet per minute. Other helicopters commonly used along the Los Angeles County coastline have similar glide capabilities. In most cases flying at 1,500 feet would provide pilots with sufficient glide time to traverse one-half mile to shore and locate the best area in which to attempt an emergency landing. It would also increase the possibility of doing so without harm to people on the ground, or passengers in the helicopter. However, the proposed SFAR does not require an altitude. It would be up to the pilot to decide the altitude needed to reach land in the event of power failure. The pilot is in the best position to make that decision based on factors such aircraft capabilities. Pilots would be free to fly higher or lower than 1,500 feet at their discretion, as needed to allow for sufficient glide distance to shore.

Pilots of helicopters not engaged in commuter or on-demand operations over water are not required to be equipped with flotation devices and not required to fly close enough to the shoreline to reach land in the event of power loss. Most of these flights on the southern shoreline are test flights of newly assembled helicopters by Robinson Helicopter Company, located at Torrance Airport. They are occupied only by the pilot who can be trained in emergency escape procedures should his/her

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helicopter lose power and it becomes necessary to ditch the helicopter in the ocean. On balance, in the event of power or other mechanical failure it makes more sense for these helicopters to come down in the ocean, rather than attempting an emergency landing on a populated shoreline and putting the safety of the public on the ground at risk. Requiring pilots of these helicopters to fly one mile offshore would eliminate their noise impacts and result in an overall improvement of public safety.

In addition, the proposed regulation would improve safety by allowing fixed-wing pilots to know more precisely where to expect helicopters to be in relation to the coastline. Fixed-wing pilots can choose to avoid those areas or be more watchful for helicopter traffic. This should reduce the risk of a mid-air collision

For comparison, the FAA recently adopted regulations for noise abatement that require helicopters flying along 70 miles of coastline on the north shore of Long Island, New York, to fly one mile offshore and at a minimum altitude of 2,500 feet. Our proposal for Los Angeles County would require considerably less for helicopters carrying passengers. Under our proposal, those helicopters would only be required to fly one-half mile offshore without any minimum altitude. Accordingly, ours is not an unreasonable request. It would not completely eliminate all helicopter noise onshore. But, it would reduce it substantially while still allowing helicopters carrying passengers to glide to the shoreline in the event of power loss.

#### Relevant Technical and Scientific Information Supporting the Need for a SFAR

No formal studies have ever been done on environmental or economic impacts of helicopters in the Los Angeles area, including impacts associated with existing voluntary routes. However, our testing shows that a helicopter flying at 1,000 feet AGL produces a noise footprint (averaging from 60 to 69 db) that is about one mile wide on the ground. According to the acoustics industry, noise in excess of 60 db outside is sufficient to interfere with speech. Thus, a helicopter flying at this altitude (or this distance from shore) has potential negative impacts on hundreds of people for every mile along its flight path.

FAA Advisory Circular 91-36D recommends that pilots fly at least 2,000 feet away from noise sensitive areas for noise abatement. The proposed regulation would help ensure that this FAA standard is met by helicopters flying on the coastline.

The proposed regulation would require that helicopter pilots use one of two routes when flying along the coastline: either one-half mile offshore or one mile offshore at an altitude of the pilot's discretion. These routes would significantly improve safety, reduce noise, restore lost privacy and personal enjoyment of property, and generally improve the welfare of the public on the ground.

#### Los Angeles County Is Unique and Requires Regulation

Los Angeles County is unique to all other parts of the nation. Los Angeles County has 70 miles of coastline on the Pacific Ocean. It has a sub-tropical Mediterranean climate, characterized by dry summers and a limited winter rainy season with modest year-round temperatures. Millions of Los Angeles County residents and visitors spend time out of doors, vastly different life-styles than the rest of the country. The year-round good weather, large population of potential customers, and abundance of scenery also make the helicopter operation business more economically feasible and attract more operators.

A recent survey found there are more than four hundred helicopters registered to owners in Los Angeles County. Many of them are attracted to the area's scenic coastline. Another survey found that

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there are at least thirty-one companies and eighty-seven helicopters based at twelve different airports offering helicopter tours in Los Angeles County. Virtually all of them advertise tours of the Los Angeles area coastline. No other part of the nation has as much helicopter tour activity on its coastline.

In order to provide a close up view of the sights, tour helicopters operate at very low altitudes on the shoreline and over homes, beaches, parks, and recreational areas. Helicopter tour operators advertise such flights, as illustrated by the following excerpts from the websites of five different operators who conduct helicopter tours in Los Angeles County:

"From Hawthorne Airport we are going to Redondo Pier where we will start our descent down to as low as 150 feet and head up the coast, flying over some of the most famous beaches of Los Angeles."

"One of the highlights of this breathtaking coastal tour is flying over the palatial homes of Palos Verdes Estates, Trump national golf Course, and along the beautiful Palos Verdes peninsula."

"Get up close and personal to the breathtaking celebrity homes of the Malibu Coast, Beverly Hills, and Hollywood."

"This shoreline flight extends all the way to Point Dume in Malibu and you will be soaring just above the shoreline and above the beaches of Sycamore Canyon, Leo Carrillo and Zuma Beach."

"Have you ever wanted to fly in a Helicopter, wondered what it must be like to fly in an aircraft so smooth you'll hardly even know you're flying, ever come to a complete stop, into a hover over the beach?" "Experience the beauty of the Pacific Ocean flying as low as 150 feet along the coast."

The websites of helicopter tour operators are also replete with photographs of their helicopters flying low over beaches and homes along the coastline. The flight practices of tour operators are in direct conflict with the helicopter industry's long-standing voluntary noise abatement policies that recommend the following:

"Fly at an altitude as high as safely possible."

"Avoid residential areas where possible."

"Fly as high an altitude as possible over scenic and recreational areas, such as parks and beaches."

These same guidelines are also published on the FAA's Los Angeles Helicopter Route Chart, an essential navigational document for helicopter pilots who fly in this area. Clearly, tour operators routinely ignore these guidelines. This demonstrates that voluntary noise abatement policies have been utterly ineffective.

The practices of tour operators are diametrically opposed to the policies of noise abatement. Tour operators fly as close to their subjects as possible. Noise abatement requires that they fly as far away as possible. Helicopter tour operators have not conformed to long-standing voluntary noise abatement practices. It is against their interest to do so. Therefore, it is unrealistic to expect tour operators will ever reduce their noise impacts to an acceptable level on their own. The only solution to this problem is to regulate their flights along the shoreline.

Los Angeles County is also home to Robinson Helicopter Company, the largest manufacturer of civil helicopters in the world. No other helicopter manufacturer in the nation is located in such a densely populated area. Robinson has produced as many as 893 helicopters in a single year. Each helicopter is test flown multiple times before delivery, resulting in thousands of test flights per year. Robinson's test flights do not carry passengers for hire. Therefore, they are not subject to the FAA regulation requiring

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them to fly within power off distance to the shoreline. Robinson's test flight permit from the FAA defines the flight test area as, "... along the shoreline from Manhattan Beach to Long Beach from 0.2 miles onshore to two miles offshore ..." This test area incorporates about 25 miles of Los Angeles County coastline. However, instead of flying offshore, they fly on or near the shoreline, adding to an already heavy concentration of flights. Clearly, they can fly at least one mile offshore, as the proposed rule would require. This would eliminate their shoreline noise impacts and improve public safety along the coastline.

It is a fact that residents of the Los Angeles area rely heavily on personal vehicles as opposed to public transportation and that the entire area has the worst traffic problem in the nation. Traffic delays are a constant problem. The area also happens to have several airports situated along its coastline, including LAX, Long Beach Airport, John Wayne Airport in Newport Beach, Torrance Airport, Hawthorne Airport, and Santa Monica Airport. People are now choosing helicopter flights to transition between these airports as an alternative to using their cars. Because these airports are also located along the Pacific Ocean coastline, flights between them tend to be concentrated on the shoreline.

Helicopter operators now market their services to commuters. One advertisement states, "Avoid the stress of the LA traffic while cutting your commute time in half. We can take you to any Southern California Municipal Airport." Increasingly, Los Angeles County is experiencing more commuter flights along its coastline, adding to the noise and safety problems.

The Los Angeles area is unique in that it has a year-round heavy concentration of low helicopter flights on its shoreline for a wide variety of purposes, including tours, test flights, aerial photography, training, and commuting over densely populated residential areas, beaches, parks and recreational areas causing noise and putting public safety at risk. The solution to this problem requires a SFAR.

### The costs and benefits weigh in favor of the proposed SFAR

The proposed SFAR will not impose any significant recordkeeping or reporting burden on the helicopter industry, nor on the FAA. It will not negatively affect small businesses, small organizations, small governmental jurisdictions or any Indian tribes. It will in fact have a positive impact on the quality of the natural and social environments in Los Angeles County. The Proposed SFAR conforms to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. Implementation of this SFAR will not involve any of the extraordinary circumstances listed in Section 304 of FAA Order 1050.1E. The SFAR qualifies for the categorical exclusion identified in paragraph 312f of FAA Order 1050.1E. It will have no known negative environmental impacts and will in fact benefit noise-sensitive locations.

The proposed SFAR does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply. There are no Federalism Implications of this SFAR under the principles and criteria of Executive Order 13132, Federalism. The SFAR will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. This SFAR does not warrant the preparation of a Federalism Assessment.

The foregoing constitutes the summary that may be published in the FEDERAL REGISTER as provided under Subpart B.

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Executed at Los Angeles, California on October 20, 2015

Bob Anderson, President

Los Angeles Area Helicopter Noise Coalition (LAAHNC)

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