



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airspace Services
800 Independence Ave., S.W.
Washington, DC 20591

MAY 20 2016

Mr. Bob Anderson
President
Los Angeles Area Helicopter Noise Coalition (LAAHNC)
Post Office Box 571448
Tarzana, California 91357-1448

Dear Mr. Anderson:

This is in response to your letter dated October 20, 2015, posted to the public docket (No. FAA-2015-5041) petitioning the Federal Aviation Administration (FAA) to initiate rulemaking to amend part 91 of Title 14 Code of Federal Regulations (14 CFR). In your petition, you request an amendment to 14 CFR § 91.119 pertaining to minimum safe altitudes over congested, urban areas in Los Angeles County.

In accordance with 14 CFR § 11.73, the FAA considers the following criteria when making a decision as to whether or not to amend current regulations based on a petition for rulemaking:

- 1) The immediacy of the safety or security concerns you raise;
- 2) The priority of other issues the FAA must deal with; and
- 3) The resources we have available to address these issues.

Each year, the FAA prioritizes its rulemaking projects based on issues that are crucial to the safety of the aviation community and the traveling public to ensure the FAA delivers the most value to the aviation system.

In accordance with 14 CFR § 11.73, the FAA is dismissing your petition for rulemaking.

General discussion on the petition received:

Geographic, Topographic and Climate Limitations

The geography that Los Angeles County encompasses is as diverse as the population. There are 1,875 square miles of mountains, with the highest point located 10,080 feet above sea level atop Mt. San Antonio, and 1,741 square miles of flatland that includes a low point of nine feet below sea level in the City of Wilmington. The difference in elevation between the Los Angeles Civic Center and the surrounding mountains is greater than between the City of Denver and its surrounding mountains. Additionally, Los Angeles County includes 75 miles of mainland coastline, plus an additional 129 square miles of islands.

As a result of the influence of topography on the circulation of marine air, Los Angeles County's climate is subject to wide variations within short distances. For example, Santa Monica Pier

enjoys a normal July maximum temperature of around 75° F, while the average temperature increases to 95° F at Canoga Park in the San Fernando Valley just 15 miles to the north. Los Angeles experiences two main and unique weather patterns: “June Gloom” and “the Santa Ana winds.” The first refers to the ocean fog that keeps the beach cities (and often all of the Los Angeles Basin) overcast into early afternoon and most common in June, but can occur any time between March and mid-August. The middle of autumn (October-November) often brings the Santa Ana winds, strong, hot winds from across the desert that increase brush-fire danger and reverse the prevailing offshore winds. Topography and climate conditions play an important role in a pilot’s decision whether to fly and what routes to use, especially during the hazy days during the “June Gloom.” Reduced visibility and lower cloud ceilings force visual flight rules (VFR) helicopters to fly at lower altitudes.

Airspace Complexity in Los Angeles County

Southern California’s airspace is extremely complex and has high-volume air traffic due to multiple international, domestic and general aviation airports in close proximity to one another, military operations, and flight training activity. Currently there are 27 airports (15 public use, 11 private use and 1 private use seaplane base) in Los Angeles County with 21 different airport sponsors. Additionally, there are 138 heliports registered with the FAA. Although some of these are owned by public entities, none are public use (i.e., available for use by the general public without prior approval of the owner or operator). Throughout Los Angeles County there are also numerous unregistered heliports on top of high-rise buildings for emergency use that are regulated by Los Angeles County or municipal fire codes. Within Los Angeles County there are different types of “controlled” airspace (Class A, B, C, D, or E) and “uncontrolled airspace” (Class G). Controlled airspace has defined dimensions, within which air traffic control (ATC) services are provided to all instrument flight rules (IFR) operations and may be provided to VFR flights. Advisory ATC services may be provided in uncontrolled airspace (Class G), workload permitting.

Fixed-wing aircraft and helicopters operate under VFR or IFR conditions while in flight. Aircraft under VFR are flown primarily by reference to visual cues outside the cockpit (e.g., horizon, buildings, rivers, highways, etc.) for orientation and navigation, and to maintain separation from terrain and other aircraft. Aircraft under IFR rely on instruments that allow pilots to operate them in poor visibility and at higher altitudes. Most helicopters operate under VFR which means that it is the pilot’s responsibility to “see and avoid” other traffic, terrain, or obstacles. Simply speaking, the pilot is responsible for the safe operation of the aircraft, while ATC is responsible for the overall safety and efficiency of the airspace. Although air traffic controllers may provide traffic advisory service to VFR flights (workload permitting), this does not replace a pilot’s duty to “see and avoid.” Many of the helicopter operations in Los Angeles County occur in Class G Airspace. Additionally, 14 CFR § 91.119(d) authorizes helicopter pilots to operate below the altitude minimums over congested or other areas as long as the operation is conducted without hazard to persons or property on the surface.

HELICOPTER MINIMUM ALTITUDES - FAA-2015-5041:

In your petition, you request an amendment to 14 CFR § 91.119 pertaining to minimum safe altitudes over congested, urban areas in Los Angeles County, California. Specifically, you request minimum helicopter altitudes.

The FAA established a collaborative process which included your organization and local helicopter operators beginning in 2012 until the spring of 2015 which evaluated whether helicopters could safely fly at higher altitudes within Los Angeles County given its unique geographic, topographic and climate limitations. The volume and complexity of fixed wing aircraft transitioning in various stages of flight (approach, departure, en route) prohibits the establishment of a county wide minimum helicopter altitude of 2,000 feet above ground level.

The majority of helicopter operations in Los Angeles County operate under visual flight rules where the pilot in command chooses a safe altitude to “see and avoid” other aircraft and ground obstacles. Helicopters inherently operate at slower speeds than faster moving fixed wing aircraft and safety requires helicopters to be segregated from the faster moving aircraft. Requiring helicopters to fly at higher altitudes would negatively impact the safety of the National Airspace System (NAS) by placing helicopters in conflict with other aircraft and would increase the chance of a mid-air collision.

Helicopter operators have voluntarily adjusted the altitudes of aircraft flying over the Hollywood sign and Griffith Park area as much as feasibly possible without compromising the safety of operations.

Significant Progress and Improvements

Although the FAA cannot at this time conduct rulemaking for the specific petition requested, it has taken important steps that further voluntary action on the part of operators, residents, and other stakeholders. The FAA and the stakeholder working groups have made significant progress on each of the six actions specified in the 2014 Consolidated Appropriations Act, Public Law No. 113-76 (January 3, 2014). The FAA is committed to working with stakeholders as they further mature and formulate additional voluntary measures. Significant resources have been expended to analyze how helicopters integrate into the complex airspace of Los Angeles County, including developing new methodology and tools to identify helicopter flight tracks. Gaining a better understanding of existing helicopter operations was a necessary first step in evaluating existing helicopter routes and altitudes, and the FAA shared its work-in-progress with stakeholders through detailed briefings and working group sessions. With this foundation, the FAA and stakeholders have made progress in identifying route adjustments that could lessen impacts on residential areas and noise-sensitive landmarks while avoiding shifting noise from one residential neighborhood to another. Specifically the FAA has developed specific beacon codes for use in Los Angeles County to enhance safety by distinguishing helicopters from fixed-wing aircraft and increasing situational awareness of pilots and air traffic controllers; has completed extensive in-depth analysis of adherence to existing helicopter routes and potential for route adjustments for the Hollywood, Torrance, Palos Verdes, and Long Beach areas; has provided stakeholder briefings to review and explain the results of the in-depth analysis; and has identified a new voluntary offshore route based on analysis of coastal air traffic and stakeholder input. The FAA is committed to continuing its evaluation of helicopter traffic in Los Angeles County and will continue community involvement to promote voluntary measures for noise reduction.

The FAA has collaborated with community representatives and helicopter operators to identify and promote existing best practices to reduce noise. It continues to issue Advisory NOTAMs for

large events and encourage helicopter operators and news organizations to employ practices that reduce noise. The FAA and helicopter groups have taken advantage of opportunities to educate pilots and encourage best practices. It remains alert to the potential to use regularly scheduled meetings, conferences, and special events that attract helicopter pilots as well as various methods of communication, including printed material, Web sites, and targeted emails to increase awareness of noise issues and best practices to reduce noise over noise-sensitive areas.

The FAA has implemented a dedicated helicopter noise complaint system for Los Angeles County which consists of a dedicated web portal, radar flight tracking, and a brokering system that can route complaints associated with a specific airport to that airport's noise office and forward helicopter noise complaints received by airports to the centralized helicopter noise portal. This system has the potential to form the basis of an on-going helicopter noise program. Monthly complaint review committee meetings are taking place between industry and your organization to discuss complaint system results and help make informed decisions about modifications to helicopter routes and operations.

After reviewing your request based on the current priorities for the FAA and the guidelines found in § 11.73, we determined the issue you raised does not meet the criteria to pursue rulemaking at this time. However, your comments and arguments for the proposed rule change in your petition will be placed in a database, which we will examine when we consider future rulemaking.


If the FAA does pursue rulemaking in this area in the future, you would be able to find out and track it through one of the two following websites:

- For significant rulemakings, you can find the status on the Department of Transportation's (DOT) website (<http://www.dot.gov/regulations/report-on-significant-rulemakings>).
- For non-significant rulemakings, you can find the status on the DOT's semi-annual regulatory agenda, through the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs' (OIRA) Unified Agenda website (<http://www.reginfo.gov/public/do/eAgendaMain>).

For the reasons above, we are dismissing your petition for rulemaking in accordance with 14 CFR § 11.73.

Sincerely,



 Gary A. Norek
Acting Director, Airspace Services