

Los Angeles Area Helicopter Noise Coalition

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

June 14, 2019

Raquel Girvin
Regional Administrator
Federal Aviation Administration
Western-Pacific Region
777 S. Aviation Blvd., Suite 150
El Segundo, CA 90245

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Rolling Hills Estates

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*Van Nuys Airport
Citizens Advisory Council*

Dear Administrator Girvin:

**SUBJECT: LAAHNC COMMENTS ON FAA ANSWERS TO QUESTIONS –
OFFSHORE HELICOPTER ROUTES**

Thank you for finally answering our questions on the FAA's offshore helicopter routes. On the attached document we have added our comments to your answers.

As you will see, we obviously have fundamental differences as to what constitutes "collaboration" on voluntary measures. We do not think the FAA's implementation of the offshore routes met reasonable standards of collaboration. Moreover, we think it was wrong of the FAA to implement the routes without any advance notice to any of the affected communities.

We also have fundamental differences as to the amount of progress made reducing helicopter noise. From our perspective, after seven years of talks, we have yet to see any real progress in actual noise reduction. The only route change made by the FAA has been to establish offshore routes that we never agreed to and that we think are deficient.

The FAA indicates it is still committed to working collaboratively with the community on voluntary measures and trying to reduce helicopter noise. We are also interested in participating in that effort if it is truly collaborative. However, our trust in the process has eroded.

We suggest a meeting to discuss the "collaborative process" and to see if we can come to an agreement on what that term means. We also think some of our Congressional offices should be invited to participate.

Sincerely,



Richard Root, Chair
Los Angeles Area Helicopter Noise Coalition

QUESTIONS FROM LAAHNC TO FAA REGARDING OFFSHORE HELICOPTER ROUTES

On June 22, 2016, the FAA established helicopter routes at 750 feet offshore, with a spread of 250 feet and no minimum altitude, without advance notice to communities. That raised many questions from community stakeholders represented by LAAHNC. This document contains a list of the questions (Nos. 1-11) LAAHNC submitted to the FAA on June 8, 2017. Below each question is the FAA's answer sent to LAAHNC May 22, 2019, followed by LAAHNC's comments prepared on June 14, 2019.

1. What was the FAA's basis or rationale for setting the offshore routes at 750 feet? What evidence or data existed to show that it would reduce noise on the coastline? On what basis did the FAA reject our proposal for a route one-half mile offshore? Why did the FAA change its thinking and decide to implement the route at only 750 feet offshore rather than one-quarter mile offshore?

A. **FAA ANSWER:** The FAA established the voluntary offshore routes specifically to address community noise concerns. The FAA set the voluntary offshore routes at 750 feet for safety reasons and to get as many helicopter pilots/operators as possible to use it. Placing aircraft further offshore would require pilots to fly at higher altitudes so they could safely glide to land in case of an engine failure. However, flying at higher altitudes would create safety concerns about mixing helicopters with faster airplanes that fly in the area, and could have resulted in lower use of the routes. Before publishing the voluntary routes, the FAA conducted a safety review of the proposed routes with personnel from the agency's Air Traffic and Flight Standards organizations, as well as operators. During discussions with operators - which the LAAHNC was involved in - operators expressed concern about flying further offshore, particularly at distances requested by the LAAHNC, because they felt it was a severe safety issue, especially for inexperienced pilots

B. **LAAHNC COMMENTS:** The FAA did not answer the question: **What evidence or data showed a route 750 feet offshore would reduce noise?** There was no such data. In fact, the FAA's own environmental analysis (assuming it was accurate – see Question No. 8) concluded there would be no change (increase or decrease) in noise exposure. Why establish a permanent route “to address community noise concerns” when there was no evidence it would reduce noise? Without facts to support it, the FAA's action was arbitrary. It also appears that the primary reason the FAA chose 750 feet (with a spread of 250 feet and no minimum altitude) was because that is the route pilots wanted.

In all of Los Angeles County, helicopters generally fly lowest along the shoreline. There is no greater concentration of fixed wing planes along the shoreline than exists in many other parts of Los Angeles County where helicopters do fly higher. We see no reason helicopters could not safely fly higher offshore since they do so elsewhere throughout the County.

The glide ratio for helicopters used in this area is about 4:1. That means if they fly at an altitude of 1,000 feet (not out of the ordinary) they can glide without power horizontally for 4,000 feet, or three quarters of a mile. Therefore, they can fly farther than 750 feet offshore and still be within reach of land if they lose power. However, pilots persistently choose to fly lowest (as low as 200 feet) when flying along the shoreline then claim it would be unsafe to fly farther than 750 feet offshore because they would not be able to glide to shore.

In addition, helicopters are capable of flying just as fast as slower flying planes which have no problem flying 2,000 feet or more above ground level.

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Finally, the FAA does not require twin engine helicopters or helicopters with flotation systems to fly glide-distance to shore. We see no reason those helicopters could not safely fly one-mile offshore, the same as the FAA requires of helicopters on the north shore of Long Island, New York.

2. Why didn't the FAA consult us on the 750-foot routes prior to implementation, especially since we were stakeholders in the collaborative process and we were the ones asking for an offshore route (at one-half mile offshore)?

A. **FAA ANSWER:** The FAA was engaged with the LAAHNC and representatives of local helicopter operators since 2013, participating in more than 50 collaboration meetings with all parties. One initiative that was discussed thoroughly was the offshore routes. The LAAHNC withdrew from the collaborative process in May 2015, and proceeded with a regulatory approach by requesting Special Federal Aviation Regulations (SFARs) from the FAA in October 2015, including an SFAR for an offshore route. Building on the previous collaborative work and input from stakeholders, the FAA continued to work on the voluntary offshore helicopter route options. The FAA developed the specific details with the pilot community, whose agreement was critical to accomplishing any accepted voluntary route. The LAAHNC withdrew from the collaborative process involving the FAA, LAAHNC and the operators well before the FAA published the offshore helicopter routes. On April 29, 2016, the FAA met with LAAHNC members to discuss a number of items, including our intent to publish the offshore routes later that summer.

B. **LAAHNC COMMENTS:** The FAA references 50 collaborative meetings held since 2013. The meetings were on various topics such as Best Practices, Pilot Outreach, Long Beach Route, etc., not just an offshore route. However, when the offshore route was discussed, the FAA consistently stated it would be one-quarter mile offshore.

The FAA's statement that the LAAHNC withdrew from the collaborative process in May, 2015, is false. We never withdrew. On the contrary, on June 11, 2015, the month **after** the FAA says we withdrew, our Board members attended a large collaborative meeting with the FAA Regional Administrator, helicopter operators, and staff of local elected officials at the FAA headquarters in Lawndale. At that meeting, the Regional Administrator stated the FAA had decided to establish the route at one-quarter mile offshore. He also stated the pilots should not use safety as an excuse for not complying. At the end of that meeting the Regional Administrator stated the FAA would work with pilots on the details of implementing that route and that further involvement by LAAHNC was not necessary.

As the answer states, we met with the Regional Administrator on April 29, 2016, and the status of the offshore route was discussed. However, we were never advised that the FAA was thinking about making the route only 750 feet offshore. We also made it clear to the Regional Administrator that, even though we had filed SFAR petitions, we had not withdrawn from the collaborative process and he indicated he understood. However, **two months later**, on June 22, 2016, without any further discussion with us, we were notified that several routes had been implemented at 750 feet offshore with no minimum altitude.

3. We recognize that the FAA is not **legally required** to give advance public notice of a change approved through use of a categorical exclusion. However, considering all the circumstances, it seems like public notice should have been provided in this case. Why didn't the FAA give any advance notice of the routes to the County, affected coastal cities, or the general public and give those stakeholders a chance to make input prior to implementation?

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- A. **FAA ANSWER:** The FAA was engaged with the LAAHNC and representatives of local helicopter operators since 2013, participating in more than 50 collaboration meetings with all parties. One initiative that was discussed thoroughly was the offshore route. It had widespread support. Stakeholders, including the LAAHNC, were aware that the FAA had been working on developing an offshore route for quite some time before it was published.

On April 29, 2016, the FAA met with LAAHNC members to discuss several items, including the FAA's intent to publish the offshore routes that summer. On May 20, 2016, the FAA denied the LAAHNC's four SFAR petitions. The denial letter stated that the FAA was developing voluntary offshore routes. On June 23, 2016, the FAA published the voluntary offshore helicopter routes.

- B. **LAAHNC COMMENTS:** Our question was not about LAAHNC. Why didn't the FAA give any advance notice of the routes to the **County, affected coastal cities, or the general public** and give those stakeholders a chance to make input prior to implementation? This was especially critical since the County and virtually all of the coastal cities were already on record asking for relief from helicopter noise.
4. Prior to the routes being established, we asked the FAA whether it was going to make the proposed routes available for public comments prior to implementation. Why didn't the FAA ever answer our question?

- A. **FAA ANSWER:** The FAA was engaged with the LAAHNC and representatives of local helicopter operators since 2013, participating in more than 50 collaboration meetings with all parties. One initiative that was discussed thoroughly was the offshore route. It had widespread support. Stakeholders, including the LAAHNC, were aware that the FAA had been working on the development of an offshore route for quite some time before it was published.

On April 29, 2016, the FAA met with LAAHNC members to discuss several items, including the FAA's intent to publish the offshore routes that summer. On May 20, 2016, the FAA denied the LAAHNC's four SFAR petitions. The denial letter stated that the FAA was developing voluntary offshore routes. On June 23, 2016, the FAA published the voluntary offshore helicopter routes.

- B. **LAAHNC COMMENTS:** The FAA's answer is not responsive to our question. Of course, LAAHNC knew the FAA was planning to establish a route (we thought one-quarter mile offshore). But we still asked the FAA if it were going to make the proposed routes available to affected cities and the general public for comment prior to implementation. However, the FAA did not answer. In hindsight, it looks like the FAA purposely withheld its plans from us instead of collaborating.
5. The FAA's Categorical Exclusion Declaration states that the applicable exclusion is "*Establishment or modification of helicopter routes that channel helicopter activity over major thoroughfares*" Does the FAA consider the coastline to be a major thoroughfare? Please explain how this exclusion is applicable.
- A. **FAA ANSWER:** Helicopters have historically been flying off the tri-county coastline as a thoroughfare, i.e., a path between two places.
- B. **LAAHNC COMMENTS:** Webster defines thoroughfare as a street or road. "Over major thoroughfares" must mean above major streets or roads. When flying over a major highway, a helicopter's noise on the ground is masked by the highway noise which lessens the impact and

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could justify a categorical exclusion. There are no highways under the FAA's offshore routes but there are noise sensitive areas along the coastline. We think the FAA's interpretation goes well beyond the wording of the policy and makes no sense. If a helicopter path were a thoroughfare, the exclusion could be used to justify a new helicopter route anywhere regardless of the noise sensitivity of the area on the ground below.

6. Under Section 5-2.b, the FAA's Environmental Order states that a categorical exclusion is **not** appropriate if **one** or more "extraordinary circumstances" exist, including the following:

(2) An impact on properties protected under Section 4(/). (Public parks, recreation areas, refuges, historic sites, etc.)

*(4) An impact on...**coastal zones**.*

(7) An impact on noise levels of noise-sensitive areas.

(10) Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds.

The FAA's Categorical Exclusion Declaration states that the routes would not result in any extraordinary circumstances. Please explain the FAA's basis for determining that none of the above extraordinary circumstances was applicable.

- A. **FAA ANSWER:** The purpose of the voluntary routes was specifically to address community noise concerns by moving helicopters further offshore. In accordance with FAA Order 1050.1F, the FAA looked at noise as a secondary impact for all other impact categories, including coastal resources. The FAA's review found that the proposed action would not result in significant noise impacts or reportable changes in noise levels. The FAA made a determination that there are no reasonably foreseeable direct or indirect effects on coastal resources or other resources either.

- B. **LAAHNC COMMENTS:** The FAA's response states the purpose of voluntary routes was to address community concerns by moving helicopters farther offshore. However, there was no foundation (data or analysis) to show that routes only 750 feet offshore (plus or minus 250 feet) would do so. That is why, as soon as we discovered they had been published, we immediately opposed the routes and asked the FAA to rescind them and engage in discussions. It is outrageous that the FAA would implement routes advising helicopters to fly as little as 500 feet from shore "to address community concerns" without any advance notice to the community or any data to show how noise would be mitigated.

In addition, the FAA should have known that routes only 750 feet from shore would be controversial on environmental grounds which is one of the "extraordinary circumstances" that should have precluded use of a Categorical Exclusion.

7. In Section 3-1.2, the FAA's Environmental Order lists actions normally requiring an Environmental Assessment (which **requires** advance public notice), including the following:

"(I 2) New air traffic control procedures (e.g., instrument approach procedures, departure procedures, en route procedures) and modifications to currently approved procedures that routinely route aircraft over noise sensitive areas at less than 3,000 feet above ground level (AGL)...."

The offshore routes were new en route procedures that route helicopter traffic less than 3,000 feet from noise sensitive areas. The fact that the offshore routes are voluntary doesn't change

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the fact that they are FAA procedures. Why wouldn't this provision calling for an Environmental Assessment apply?

- A. **FAA ANSWER:** The FAA found that the voluntary offshore helicopter routes, which were designed to move helicopter traffic further offshore, fell within the scope of a Categorical Exclusion and that no extraordinary circumstances existed warranting preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS). This is consistent with FAA Order 1050.1F. The voluntary helicopter route is not controlled by air traffic so it would not be a new air traffic control procedure.
- B. **LAAHNC COMMENTS:** We concede that the new offshore routes would not be “controlled.” However, they were “new en route procedures...over noise sensitive areas at less than 3,000 feet above ground level.” The fact that they were voluntary should not make a difference. The routes were FAA advice to pilots on where they should fly. Moreover, because the routes were not “over major thoroughfares” and there were “extraordinary circumstances,” a Categorical Exclusion was not appropriate. An Environmental Assessment should have been done.

8. Please explain the anomalies in the noise modeling study. Has the FAA taken another look at the study and found any errors? Or, does the FAA stand by the original data? Also, would the FAA acknowledge that the study showed that the new routes would result in some noise increases on the coastline even if they did not rise to the FAA's threshold for significance? Since we were engaged in a collaborative effort, why weren't the study results shared with us in advance so we could collaborate or at least make input prior to the FAA's decision? After implementation, when we requested a copy of the raw data, why did FAA staff refuse to give it to us?

- A. **FAA ANSWER:** The FAA stands by the original data and analysis. Our analyst took another look at the raw data that comes out of the FAA's aviation environmental design tool (AEDT) model and did not find any anomalies in the data or results. The example that the LAAHNC provided in your cover letter is a grid point with noise levels below 45 dB. Because there is no criteria for noise levels changes below 45 dB, that grid point would have been excluded from the results analysis.

The slight increases you are referring to may have one of two causes, both resulting from the conservative way in which the route was modeled. We modeled the route as being exactly 750 feet off the coast line, with a spread of 250 feet. There are areas where helicopters that currently fly offshore are more dispersed than this, such as north of Palos Verdes. As a result of the very slight concentration that AEDT modeled, there was a slight increase in noise. Additionally, there are other areas where the modeled route stays closer to the shoreline than helicopters more realistically fly. For example, once the helicopters hit the southern point of Palos Verdes and turn east, they don't hug the coastline, as our modeling did, but rather take a straight line in a more southeasterly direction. As a result, our results show a slight noise increase nearer to the coastline in this area.

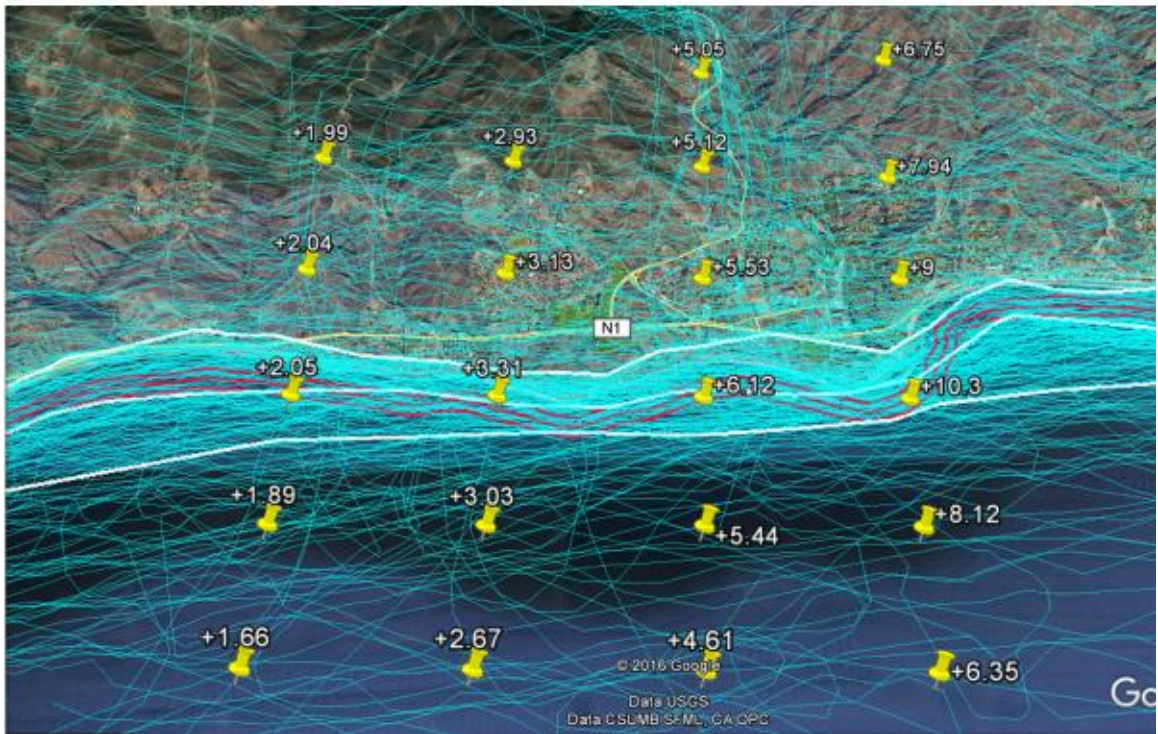
The FAA did provide the LAAHNC with the raw data in response to a Freedom of Information Act request, which is the standard process by which federal agencies respond to requests such as this.

- B. **LAAHNC COMMENTS:** The FAA's answer refers to an example in our cover letter where one grid point (No. 1979) showed a noise increase of 8.38 dB (from 34.38 to 42.77 dB) at a home on the coastline of Malibu. So, the study did model some noise increases, they just didn't meet the FAA's threshold for “significance.” However, the FAA's thresholds are controversial. We think in a very

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quiet area a noise increase of 8 dB would be very significant. Also, we don't know which metric the study used (DNL or CNEL, the California standard). The California standard is more stringent and could produce different results. In any event, both metrics measure cumulative exposure over 24 hours. However, almost all helicopter flights on the shoreline occur only during daylight hours. Modeling the noise over 24 hours could dilute the results and keep them from exceeding the FAA threshold. Perhaps supplemental single event metrics should have been considered, as well. Finally, we still think the study produced illogical results. We plotted some of the study's noise increases on a map of the Malibu area shown below. It is common sense that an increase on one side of the route would be accompanied by a decrease on the other side. However, the study shows increases on both sides of the shoreline. This makes no sense and causes us to question the credibility of the entire study.

**FAA NOISE STUDY
MALIBU COASTLINE GRIDPOINTS SHOWING ILLOGICAL RESULTS
(Increases in dB Noise Levels on Both Sides of New Route)**



Most importantly, while knowing of the community concerns, the FAA did not seek our input on methodology prior to conducting the study, or share the results of the study with us (or anyone from any of the affected communities) **before** it was used to support establishing permanent routes. This was completely contrary to our concept of “collaborative process” as well as basic due process.

9. Why were the offshore routes extended into Orange and Ventura Counties when they were never the subjects of any of our discussions?
 - A. FAA ANSWER: Various stakeholders recommended establishing voluntary offshore helicopter routes to address helicopter noise issues. The routes are all voluntary and are intended to facilitate the movement of helicopter noise away from the shoreline.

The new Palisades and South Bay sections, as well as the tie-in to the existing Coast route, cover

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parts of Ventura County and the entireties of Los Angeles and Orange County shorelines. However, the geographic coverage of the Los Angeles VFR Helicopter Chart includes the three-county coastline area. It would not make sense to arbitrarily halt any offshore route as it transited the Los Angeles County line. The FAA therefore considered the further extension into Orange and Ventura counties to be an additional benefit.

B. **LAAHNC COMMENTS:** We understand the FAA's response. However, routes were established in Ventura and Orange Counties without any notice to, or consultation with, those communities. Our stakeholder meetings pertained only to Los Angeles County. Communities in Ventura and Orange Counties had no way of knowing about our discussions and no opportunity to participate in the process.

10. The FAA has stated that the route was a "necessary first step" in addressing coastal noise concerns. The FAA could have implemented a route on a six-month trial basis and evaluated the results without any environmental review. Instead, the FAA implemented all the routes on a permanent basis and they have been in effect now for almost a year (as of June 8, 2017) without any evaluation. Why didn't the FAA implement one or more routes on a six-month trial basis rather than making them all permanent? Does the FAA plan to evaluate the effect of the routes on coastal noise? If so, how and when?

A. FAA ANSWER: There were no indications of any negative impacts under the National Environmental Policy Act associated with this proposal, so there was no need or purpose to implementing voluntary measures on a trial basis. The FAA supports evaluating the routes in terms of the dispersion of operations around the offshore routes. We will be working with our Air Traffic Organization to conduct that analysis and we will share those results with the LAAHNC.

B. **LAAHNC COMMENTS:** We appreciate the FAA's willingness to conduct an analysis and share it with us. Since the route has been in place for three years, we think an analysis is long overdue.

11.

11. Please comment on the overall process. Was it a collaborative process? The FAA Community Involvement Manual (published in February, 2016) defines collaboration this way: "*Facilitate discussion and collaboration, for example, by providing a forum for the FAA and community to work through topics and generate shared solutions.*" The 750-foot route was not a shared solution. Please clarify how the FAA views "collaboration" on noise issues. Does it only consist of the FAA listening to stakeholder concerns up to a point then proceeding unilaterally? Or should it involve a good faith effort to reach a consensus among stakeholders before taking an action?

A. FAA ANSWER: As we've noted from the beginning of this process, the FAA does not believe a regulatory approach is well suited to resolving helicopter noise issues in Los Angeles County. Our approach has been to develop voluntary measures in a collaborative process to address community noise concerns.

In May 2015, the LAAHNC sent a letter to their Congressional delegation questioning the FAA's determination that significant progress was being made on helicopter noise issues in LA County. In that letter, the LAAHNC indicated that no significant progress had been made, questioned the value of continued collaboration, and stated that unless operators significantly modified their positions and agreed to significant voluntary measures there was no point in prolonging collaboration. Ultimately, the LAAHNC withdrew from the collaborative process.

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In October 2015, the LAAHNC proceeded down a regulatory path, petitioning the FAA to establish four separate Special Federal Aviation Regulations (SFARs) for Los Angeles County. One of the SFAR petitions specifically requested mandatory use of an LA County shoreline helicopter route at 0.5 to 1.0 mile offshore.

The FAA had been engaged with LAAHNC and representatives of local helicopter operators since 2013, participating in more than 50 collaboration meetings with all parties. One initiative that was discussed thoroughly was the offshore route.

Building on this previous work and input from stakeholders, the FAA continued to work on the voluntary offshore helicopter route options. As part of this process, the FAA conducted a safety review of the proposed offshore routes with direct participation of the pilots / operators that would be using these potential routes. As required of any federal agency, the FAA also considered the potential environmental effects of this action per the National Environmental Policy Act, 42 U.S.C. Sec. 4321 et seq. In accordance with FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, the FAA determined that this action fell within a categorically excluded action and found no extraordinary circumstances warranting preparation of an environmental assessment or environmental impact statement.

On April 29, 2016, the FAA met with LAAHNC members to discuss several items, including the FAA's intent to publish the offshore routes that summer. On May 20, 2016, the FAA denied the LAAHNC's four SFAR petitions. The denial letter stated the FAA was developing voluntary offshore routes. On June 23, 2016, the FAA published the voluntary offshore helicopter routes. The offshore routes comprise two sections, the Palisades and South Bay, both of which are intended to be flown 750 feet from shoreline.

- B. **LAAHNC COMMENTS:** We asked the FAA to clarify its concept of collaboration. The FAA's answer failed to address this most important issue.

Instead, the FAA repeats the false claim that we withdrew from talks. The FAA mentions a letter we wrote to our Congressional delegation. But that letter was not addressed to the FAA and it did not constitute a withdrawal from the process.

The FAA answer also states that, in October, 2015, we chose a regulatory path, implying it amounted to a withdrawal from collaboration. Did the FAA exclude us from the talks simply because we exercised our right to file petitions for regulations?

Finally, when we met with the Regional Administrator on April 29, 2016, we inquired about the status of the offshore route and made it perfectly clear we had not withdrawn from collaboration. Still, **two months later**, the FAA established several routes only 750 feet offshore with a spread of 250 feet and no minimum altitude. The FAA never discussed these particular routes with us and we certainly never agreed to them. We do not believe these routes are sufficient to reduce noise or ensure the safety of people in the water, on the piers, and onshore below.

The FAA was tasked with collaborating with all stakeholders, including the community. However, the record is clear that the FAA established the routes at 750 feet offshore without any advance notice to the community. If the FAA thinks this process was "collaborative," we are far apart on the meaning of that term.