

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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August 25, 2009

Start: 2:00 pm

Recess: 4:12 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JOHN C. LIU  
Chairperson

COUNCIL MEMBERS:

Council Member Gale A. Brewer  
Council Member Daniel R. Garodnick  
Council Member Alan J. Gerson  
Council Member Vincent Ignizio  
Council Member G. Oliver Koppell  
Council Member Jessica S. Lappin  
Council Member Darlene Mealy  
Speaker Christine C. Quinn  
Council Member Diana Reyna  
Council Member Larry B. Seabrook  
Council Member Eric Ulrich

## A P P E A R A N C E S [CONTINUED]

John C. Liu  
Opening Statement  
Chairperson  
Committee on Transportation

Written testimony:  
William Dakota  
Director  
Aviation Department  
Port Authority

Written testimony:  
Abigail Trank [phonetic]  
President  
Air Pegasus

Written testimony:  
Eastern Region Helicopter Council

Chairperson Liu thanks:  
Phillip Hom  
Legislative Counsel  
Committee on Transportation  
and  
Joe Mancino  
Policy Analyst  
Committee on Transportation  
and  
Shimo Obecheri [phonetic]  
Finance Division Analyst

Christine C. Quinn  
Opening Statement  
Speaker  
New York City Council

Speaker Quinn thanks:  
John C. Liu  
Chairperson  
Committee on Transportation  
and  
Committee on Transportation Staff

## A P P E A R A N C E S [CONTINUED]

and  
Robert Gottheim  
Representative  
Congress Member Jerrold Nadler  
and  
Scott Stringer  
President  
Borough of Manhattan

Gale A. Brewer  
Opening Statement  
Committee on Transportation

Council Member Brewer thanks:  
The New York City community for their support

Scott Stringer  
President  
Borough of Manhattan

Robert Gottheim  
Representing Congress Member Jerrold Nadler

Jeffrey La Francoise  
Representing Assembly Member Richard N. Gottfried

Ken Paskar  
Aviator  
Resident of Manhattan

David P. Damelio  
Secretary  
New York State Aviation Management Association  
Director  
Greater Rochester International Airport

Matthew Washington  
Deputy Director  
Friends of Hudson River Park

## A P P E A R A N C E S [CONTINUED]

Joy A. Held  
President  
Helicopter Noise Coalition of New York City

Diana Schneider  
Former Volunteer  
Helicopter Task Force

Joseph Losanti  
Member  
83<sup>rd</sup> Street Block Association  
Resident  
New York City

Ilene Durnfeld  
Resident  
Brooklyn Heights

Patricia Saffron  
Member  
Helicopter Noise Coalition of New York City

Judy Stanton  
Executive Director  
Brooklyn Heights Association

John Kenny  
Resident  
Brooklyn Heights  
Former Governor  
Brooklyn Heights Association

Joanne Chernow [phonetic]  
Resident  
Battery Park City  
Board Member  
West Street Coalition

Isabel Shimel [phonetic]  
Resident  
New York City

## A P P E A R A N C E S [CONTINUED]

Peggy Stitzenberg  
President  
Hudson River Helicopter Noise Coalition

Ann Rogaski [phonetic]  
Hudson River Helicopter Noise Coalition  
New Jersey resident

Yaffa Schlesinger  
Resident  
New York City

John Genopolis  
Resident  
New York City

Sam Leff  
Past President  
West 79<sup>th</sup> Street Block Association

John Ost  
Board of Directors  
South Bridge Towers  
Founding Member  
Civic Center Residents Coalition

Michael Lamb  
Resident  
New York City

Harriet Frank  
Resident  
New York City

Rhonda Wagoner  
Resident  
New York City

[START 1001.MP3]

MR. RAFAEL PEREZ: This is a test for the Committee on Transportation. Today's date is August 25<sup>th</sup>, 2009 and the meeting is being recorded by Rafael Perez.

[END 1001.MP3]

[START 1002.MP3]

[Gavel banging]

SERGEANT AT ARMS: Quiet please.

CHAIRPERSON LIU: Good afternoon. Welcome to today's hearing of the City Council's Committee on Transportation. My name is John Liu. I have the privilege of chairing this Committee. Today we've convened for the purpose of examining what can be done to improve air traffic safety over New York City in light of the terrible, horrific accident on August 8<sup>th</sup>. I join with Speaker Quinn in sending condolences to the families who lost loved ones in the accident.

The airspace around New York City is probably the busiest in the world. There are three major airports in the Tri-State area and commercial airlines using these airports share the air with on-demand, not regularly scheduled

1 flights which include people who fly their own  
2 planes for business and pleasure as well as aerial  
3 tour companies who mainly use helicopters.

4 Generally aircraft are flying over 1,100 feet near  
5 New York City must be tracked by an air traffic  
6 controller and those flying under 1,100 feet are  
7 not tracked. Many of the noncommercial flights  
8 operate below the 1,100 feet threshold.

9  
10 This is not the first air accident  
11 over New York City. In 2006 an airplane flown by  
12 Yankee pitcher Cory Lidle crashed into a building  
13 while flying over the East River. The FAA took  
14 immediate action in that accident, banning all air  
15 flights below 1,100 feet over the East River.  
16 Many news reports after the accident characterized  
17 the air space at which this accident occurred as  
18 unregulated. And some have called for more  
19 regulations.

20 This hearing will examine existing  
21 regulations and we will listen to recommendations  
22 on how we may be able to make the skies over New  
23 York City safer. As Speaker Quinn has mentioned,  
24 the FAA and the National Transportation Safety  
25 Board will not be testifying today but we do hope

1  
2 to have another hearing after they complete their  
3 investigations. We expect to be hearing from  
4 aviation experts and others about what can be done  
5 to improve air traffic safety.

6 We also have received written  
7 testimony from William Dakota, the Director of the  
8 Aviation Department at the Port Authority  
9 explaining the roles of Federal agencies in  
10 regulating air traffic and expressing its support  
11 of new satellite technology that may make air  
12 travel safer. Abigail Trank, President of Air  
13 Pegasus, the operator of the 30<sup>th</sup> Street Heliport  
14 where the helicopter in the accident took off  
15 from, stating that they believe that the vertical  
16 separation of aircraft over the Hudson River is a  
17 vital issue and stating their commitment to  
18 working to make helicopter flights less intrusive  
19 on residents. And finally written testimony from  
20 the Eastern Region Helicopter Council, an industry  
21 trade group, outlining the regulations that apply  
22 to aircraft flying over the Hudson River corridor,  
23 stating that the role of helicopters as a form of  
24 transportation and as a contributor to New York  
25 City's economy is real and stating that it will



work with all involved parties once the NTSB recommendations are released.

We are joined by Council Members, members of this Committee, Dan Garodnick and Alan Gerson. Dan Garodnick from Manhattan, Alan Gerson from Manhattan, Gale Brewer from Manhattan, Darlene Mealy from Brooklyn, Eric Ulrich from Queens, and Vincent Ignizio from Staten Island. I want to thank the work of my committee staff, in particular Phil Hom our Legislative Counsel as well as Joe Mancino our Policy Analyst and Shimo Obecheri, our Finance Division Analyst. And on this, I turn the floor over to Speaker Christine Quinn.

SPEAKER QUINN: Thank you. Thank you very much Chairperson Liu and I want to thank the Chair and echo his thanks to the staff for pulling this first hearing together. And as we've said, as soon as the reports are concluded on the accident that happened on August 8<sup>th</sup> we will have another Oversight Hearing on the specifics of the accident and what we learn from the reports.

But as we all now know on August 8<sup>th</sup>, 2009 a small plane carrying two passengers and

1 a pilot and a helicopter carrying a pilot and five  
2 Italian tourists crashed over the Hudson River,  
3 sadly killing all on the plane and all on the  
4 helicopter. There have been questions as to  
5 whether or not the airspace over the Hudson is too  
6 crowded or not safe enough and whether a tragedy  
7 like this could have been prevented.

8  
9 It is clear that something must be  
10 done before another incident like this occurs  
11 again. In fact there have been countless people  
12 in the Borough and in the City asking that  
13 something get done before an accident like this  
14 ever occurred. And that's why we're here today,  
15 to hear the testimonies of elected officials who  
16 have long been advocating and have been the voice  
17 of their constituents who are concerned about air  
18 traffic over the Hudson. Also to hear the  
19 testimony of aviation experts and listen to their  
20 recommendations that we hope will improve the  
21 safety of our airspace.

22 I again want to thank the  
23 Transportation Committee Chair, John Liu, and my  
24 colleagues for putting this hearing together so  
25 quickly. Let me just reiterate what our Chair

said. First and foremost in any time in a City with an air tragedy like this, our thoughts and prayers go out to the families and friends of the victims who were devastated in this incident. You know it's hard to think about tourists who are going out to have some fun on a wonderful family vacation and they don't get to go back home and ever be with their families again.

You know, for far too long we on the west side of Manhattan have been urging the FAA to do something. And all we ever heard back from the FAA was wait and see. Well clearly we all waited and what we saw was a tragedy. And we're here today to make sure that doesn't happen again. And what we want to see are regulations that can keep air traffic and New Yorkers safe.

You know, what happened that day was a tragedy. One of the only things though that prevented it from being worse is that on that beautiful Saturday, what was left of the plane and the helicopter didn't go down in the Hudson River Park where there were hundreds and hundreds of New Yorkers enjoying themselves. As bad and horrible as this tragedy was, it could have been worse.

Our Congress Member Jerry Nadler has put out a number of very sound, reasonable and implementable suggestions that if put into place would immediately make our airspace safer. In addition to today's hearing, I wish we could pass his recommendations ourselves, we can't, we will be introducing resolutions urging Congress and others to follow our Congress Member's lead.

But we can't walk away from what happened on the 8<sup>th</sup> and just write it off as one of those terrible accidents that occurred. People knew that something like this would happen and we have to honor the lives of those individuals by making sure it never happens again. And as we said this is just the first of the hearings we will have on this and we will remain vigilant on this until enough regulation is in place that we can rest assured it won't happen again.

1  
2 I want to thank the representative  
3 of Congress Member Nadler's office is here, and  
4 thank our Borough President who has also long been  
5 raising his voice and pounding the table, if you  
6 will, to try to get those who are charged with  
7 being our aviation experts, you know, someone  
8 asked me what do I want done.

9 I want our aviation regulators to  
10 be aviation regulators. I yield that as the City  
11 Council Speaker I may not know what the best  
12 answers are for something like this but I want  
13 those who are charged with this to do their job.  
14 And I want to thank our Borough President for  
15 making that demand for so long as well. Thank you  
16 Mr. Chair.

17 CHAIRPERSON LIU: Thank you very  
18 much Madam Speaker. We also have some opening  
19 statements from Council Member Gale Brewer.

20 COUNCIL MEMBER BREWER: Thank you  
21 very much. I appreciate the Speaker calling this  
22 hearing and Chairman Liu, and I too send my  
23 condolences to the families. I just want to  
24 mention also to thank some of the constituents on  
25 the West Side, just like those living in Christine

1  
2 Quinn's District and certainly Staten Island and  
3 many other communities, we had met starting in  
4 January, 22<sup>nd</sup>, actually, with the EDC staff, FAA  
5 staff, Eastern Region, many of the helicopter  
6 companies, constituents, people concerned about  
7 the issue, to try to figure out what to do about  
8 this issue, not only along the river but also  
9 flying in over land.

10 Because as we proceed with this  
11 hearing and the next hearing, figuring out how to  
12 deal, hopefully positively, with some of  
13 Congressman Nadler's suggestions, with what goes  
14 into the cockpit, what the rules and regulations  
15 are, how we stay within certain spaces that are  
16 governed by air traffic control or not, at what  
17 height to go or not, etcetera, I am concerned  
18 about how do we deal with the flight patterns.  
19 Congressman Nadler has been working with us  
20 extremely closely to try to figure out how we can,  
21 in my opinion, not fly over land.

22 That is a really tremendous  
23 challenge but I think it is something that we  
24 should be looking at. I do want to thank the  
25 entire community. We've had many meetings.

1  
2 People were always pleasant, were all trying to go  
3 in the same, right direction. We want tourist but  
4 at the same time we want peace and quiet for New  
5 Yorkers. So I want to thank everyone for  
6 participating and it's an honor to be part of this  
7 Committee. Thank you.

8 CHAIRPERSON LIU: Thank you Council  
9 Member Brewer. And with that we'll launch right  
10 into the hearing. Again, there's been a lot of  
11 input from the public in recent weeks that it just  
12 seems so against common sense that airspace below  
13 1,100 feet just off Manhattan would be  
14 unregulated. So this is why we're convening this  
15 series of hearings. And with that I am honored to  
16 introduce our first person to testify, the  
17 Honorable Scott Stringer, Manhattan Borough  
18 President.

19 MR. SCOTT STRINGER: Let me start  
20 out by thanking you Chairman Liu for convening  
21 this hearing. And I especially want to thank  
22 Speaker Christine Quinn. You know, it's very easy  
23 after an accident like this to show up at the  
24 site, to make a statement and then as the media  
25 and people focus on other things in life, to

1  
2 forget about the follow-up. And a lot of people  
3 asked me when I came here today, well, why are you  
4 coming to testify before the City Council, isn't  
5 this a Federal problem?

6 And I think the Speaker has made it  
7 very clear in saying that this is a City issue and  
8 that we're going to advocate and that we're going  
9 to make recommendations and we're going to rattle  
10 things so that we do get the Federal government to  
11 turn their attention to the recommendations that  
12 we care about. So Madam Speaker, thank you for  
13 bringing us all together.

14 I do want to make some  
15 recommendations today. I'm going to read  
16 testimony that I hope will give you an opportunity  
17 to advance this in any way the Council sees fit.  
18 I also want to thank the Council members who are  
19 here today, members of the Transportation  
20 Committee. I know each and every one of you are  
21 concerned about this issue as I've talked to many  
22 of you individually. And I also want to commend  
23 you as well.

24 You know, the tragic plane and  
25 helicopter crash over the Hudson River on August



1 8<sup>th</sup>, 2009 highlights the urgent need to closely  
2 monitor the overcrowding and unregulated airspace  
3 below 1,100 feet. The Hudson River corridor has  
4 been a deadly blind spot on the City's radar  
5 screen for far too long. The see and avoid  
6 strategy clearly does not work. It is neither  
7 responsible nor reasonable to expect an air  
8 corridor this congested to oversee itself.  
9

10 Right now we have a situation where  
11 planes are flying one way and helicopters another  
12 with no radar sorting out the situation and safety  
13 guidelines that require far too little  
14 communication and coordination between pilots. We  
15 end up putting innocent lives in danger both in  
16 the skies and on the ground. That has got to be  
17 changed. Midair collisions are obviously rare.  
18 Yet according to the US Department of  
19 Transportation, fatal accidents are 50 times more  
20 likely on small, private chartered aircraft than  
21 on commercial flights.

22 Now envision the 25,000 trips  
23 annually ascending from the West 30<sup>th</sup> Street  
24 Heliport, the 22,000 flights from the Financial  
25 District Heliport and 10,000 flights from the East

1  
2 34<sup>th</sup> Street Heliport and the awful collision that  
3 we have just witnessed seems somewhat less  
4 shocking when you look at the total amount of  
5 aircraft in the sky at any given moment. Given  
6 the traffic in the airspace above New York City it  
7 seems that we do in fact have a safety problem on  
8 our hands.

9                   While I have full confidence in the  
10 ability of the National Transportation Safety  
11 Board to design the right changes to this system,  
12 we just adopt necessary safety precautions until  
13 these changes are in place.

14                   First I would like to see a  
15 moratorium on helicopter sightseeing trips over  
16 the Hudson until the NTSB and the Federal Aviation  
17 Authority have concluded their investigation into  
18 this accident and have made their recommendations.  
19 What I am proposing is to ground only the  
20 sightseeing rides. Commercial helicopter trips,  
21 law enforcement and emergency helicopter flights  
22 should continue.

23                   Communication is crucial to prevent  
24 further midair collisions. Currently pilots  
25 flying at an altitude lower than 1,100 feet along

1 the Hudson River need to register their flight  
2 plan and are not tracked by air traffic control.  
3 The stretch of river along Manhattan's west side  
4 is used like a giant two-lane aerial highway with  
5 northbound planes traveling up the New York side  
6 of the river and southbound planes coming down the  
7 New Jersey side.  
8

9 To stay safe, pilots are told to  
10 see and avoid, yet helicopters do not obey the  
11 same two-lane highway rules over the river as the  
12 planes. And quite frankly there are no red light  
13 cameras in the sky or traffic agents. So  
14 somebody's got to watch what's going on. The FAA  
15 should explore a mandate that requires pilots  
16 flying under 1,100 feet to use the open wave  
17 frequency ensuring the pilots are more cognizant  
18 of surrounding aircraft is a necessary step  
19 towards reducing the number of accidents in this  
20 corridor.

21 As Congressman Nadler has  
22 recommended, there should be a ban for all flights  
23 flying under 1,100 feet until all aircrafts are  
24 equipped with radar systems. We should explore  
25 this. Basic radar is including the traffic

collision avoidance system, could automatically detect an aircraft's location and alert them when another aircraft is in the immediate vicinity.

This makes sense.

And finally I propose two different flight altitudes to help ease congestion and make flying in the corridor safer. I suggest that planes flying closer 1,100 feet continue to do that, and helicopter fly at 500 feet. This measure would provide an additional--

SERGEANT AT ARMS: [Interposing]  
Quiet down please.

MR. STRINGER: This measure would provide an additional safety net for pilots flying in this over-trafficked and under regulated corridor. I want to thank you for the opportunity to testify. I am confident that the NTSB and the FAA will put forth appropriate recommendations to prevent similar accidents in the future.

I do look forward to working with the City Council Transportation Committee and the rest of the Council to take immediate steps to ensure a safer environment for New York City's residents, businesses and tourists.

1 And I do want to say that I do  
2 realize that we're not in, you know, Montana and  
3 we're not, you know, in rural America. We are the  
4 center of our--of the financial world and planes  
5 do have to come in and out of this City and  
6 helicopters as well. But there has to be a mantra  
7 that says safety must be put forth first and  
8 foremost. And that's something that I urge us all  
9 to work on collectively. Thank you Mr. Chairman  
10 and thank you Speaker Quinn. And if you have any  
11 questions, I'll be happy to answer them.  
12

13 CHAIRPERSON LIU: Well thank you  
14 Borough President Stringer for your leadership on  
15 this issue. As we have said frequently over the  
16 last few weeks and actually the last few years,  
17 this may be a Federal matter. It may be a matter  
18 of Federal jurisdiction but at the same time,  
19 we've got to deal with things here in New York  
20 City and that's precisely why we're holding this  
21 hearing.

22 And this hearing is a hearing that  
23 allows many of the people here in New York City to  
24 speak their minds because it's hard to imagine  
25 that the FAA or some of the Federal agencies would

1  
2 be able to come here to New York City and give  
3 people a forum by which to voice their concerns.  
4 Thank you very much--

5 MR. STRINGER: [Interposing] Thank  
6 you. Thank you all. Thank you.

7 CHAIRPERSON LIU: --Mr. Borough  
8 President. We have some comments and questions  
9 from Speaker Quinn--

10 MR. STRINGER: [Interposing] Oh  
11 sorry.

12 SPEAKER QUINN: That's okay Borough  
13 President, just real quick if you could give us,  
14 'cause I just want to make sure people understand,  
15 particularly people who haven't been involved in  
16 this issue, how long and hard this has been an  
17 issue that's been raised in Manhattan.

18 So if you could just give us a  
19 little sense of, you know, the Helicopter Task  
20 Force, etcetera, what your office has been doing,  
21 just so people know this isn't something that is  
22 just getting raised now in light of the tragedy  
23 but in fact something that has been being worked  
24 on for quite some time.

25 MR. STRINGER: I think Gale and

1  
2 yourself would back me up, certainly on the  
3 western part of Manhattan, whether it's people  
4 stopping me in the street or calling our office,  
5 the organizations that have worked fearlessly on  
6 this issue have been very prescient in what they  
7 felt were the dangers of this kind of unregulated  
8 airspace, so to speak. And this has been a  
9 concern. I will tell you that for East Siders and  
10 the East River, when the tragic accident with Cory  
11 Lidle's plane hit, there was a real sense that  
12 perhaps there would be a comprehensive safety plan  
13 put in place. There was some mitigation--

14 [Off mic]

15 MR. STRINGER: Right. Exactly.

16 And there was some mitigation on the east side  
17 that now on the East River there would have to be  
18 filing of flight plan for those small planes but  
19 ironically or--

20 SPEAKER QUINN: [Interposing]

21 Right.

22 MR. STRINGER: --incredibly, not on  
23 the West Side. So part of what I think we're now  
24 learning is that whether you have an accident on  
25 the East Side or the West Side, we clearly need a

1 comprehensive plan. And it's really unbelievable  
2 when you think that there have been 16  
3 recommendations by the National Transportation  
4 Safety Board that make sense, the FAA has ignored  
5 that.  
6

7 Your own work on this issue where  
8 you've cited many instances and you make the  
9 correct observation that even though this was a  
10 tragedy on the water, could you imagine what would  
11 have happened if the wind or the circumstances  
12 were different and actually entered the land space  
13 of our Borough, given our congestion and our  
14 density, you pointed that out on day one.

15 This is something that we need the  
16 Federal government to recognize. You know, we are  
17 not just a little island. We are one of the most  
18 densely populated pieces of earth, you know, on  
19 this planet. I mean we have to be very, very  
20 worried about this.

21 SPEAKER QUINN: You know, in  
22 raising the tragedy with Cory Lidle's plane, if  
23 you think about it, we wouldn't have an accident--  
24 we would never, as it relates to cars, have a  
25 traffic tragedy on the FDR and learn something



1  
2 from that tragedy and then change traffic laws and  
3 only do it on the FDR, but allow the unsafe  
4 traffic condition to continue on the West Side  
5 Highway. You wouldn't do that.

6 If you learned something that  
7 related to people driving cars and there was  
8 something you could do to make it safer for people  
9 driving cars, you would apply that to the roads of  
10 New York State. You wouldn't do is just on the  
11 East Side where the accident happened to occur.  
12 And that's what our national aviation regulators  
13 did or the steps that were taken really shows the  
14 kind of limitations of how people are looking at  
15 this issue and the fact that they're not really  
16 grasping it in the broader way it needs to be  
17 grasped.

18 MR. STRINGER: And you make, I  
19 think, a very good point. But when you think  
20 about flying 1,100 and below, it really is the  
21 equivalent of like horse and buggy regulations.  
22 It is like so outdated, so unenforceable, and  
23 obviously we have better protections on our  
24 highways, on our streets. We have red lights. We  
25 have cameras. We have traffic police. We take

our traffic laws very seriously.

And yet with the thousands and thousands of flights and helicopter trips going east and west, north and south, over and under, and nobody knows where anyone else is going because you don't have to get on a frequency, you don't have to file a flight plan. You don't have to give us any information. Basically we give you the keys to the plane and the keys to the helicopter and say good luck with that. And all is not right when you have that kind of collision.

And going to your first question, people in this Borough and in this City have been complaining, complaining, not just about noise. People do understand they live in a major urban city. They are concerned about safety. And after 9/11 when you have these small planes zipping around it is not unreasonable to ask our Federal government to come in and figure out a safety plan that will assure our constituents that they can go to sleep at night, knowing they're not going to wake up to this kind of tragedy.

SPEAKER QUINN: Thank you.

CHAIRPERSON LIU: Well thank you

1 very much. Council Member Brewer.

2 COUNCIL MEMBER BREWER: The  
3 question is you have, to your credit, somebody on  
4 the Hudson River Park Committee, the Trust. And  
5 that Trust and the Friends of Hudson River Park  
6 have been very active in this issue. Do you know  
7 if there is any plan to move or to close the 30<sup>th</sup>  
8 Street to some of these tourist heliports,  
9 helicopters? And do you have a position on that  
10 and do you know if that particular heliport is  
11 moving forward or will there be any obstacles to  
12 what we plan for the future?

13 MR. STRINGER: Well. The agreement  
14 that's going to be worked out now is that they're  
15 going to be limited this year. They're going to  
16 be banned by 2010 at that heliport. But when you  
17 think about the--even if they're banned there,  
18 when you think about the Wall Street Heliport and  
19 you think about the other locations, you're still  
20 dealing with tens of thousands of flights or  
21 helicopter trips.

22 So even though there'll be less  
23 pressure at 30<sup>th</sup> Street by 2010, by agreement with  
24 the Friends of Hudson River and the HRPT Board, I  
25

1 think that's a good start. That was part of the  
2 negotiation. And let me just as that as Borough  
3 President we have three community people who are  
4 on the Trust who've worked on these issues.  
5

6 CHAIRPERSON LIU: Thank you Council  
7 Member Brewer. And with that, we want to thank  
8 you for your time today and your important input,  
9 Manhattan Borough President Scott Stringer.

10 MR. STRINGER: Thanks for giving me  
11 this opportunity. I really appreciate it.

12 CHAIRPERSON LIU: Thank you. We've  
13 been joined by Council Member Oliver Koppell of  
14 the Bronx. We now invite a representative of  
15 Congressman Jerry Nadler and a representative of  
16 Assembly Member Gottfried to join us at the  
17 witness table.

18 [Pause]

19 CHAIRPERSON LIU: Thank you Mr.  
20 Gottheim for joining us this afternoon. Please  
21 proceed.

22 MR. ROBERT GOTTHEIM: Thank you  
23 very much and on behalf of Congressman Nadler I'm  
24 sorry that he couldn't be here this afternoon to  
25 appear before your Committee personally. But he

1  
2 had another engagement but he asked me, obviously,  
3 if I could come and testify on his behalf.

4 Thank you Speaker Quinn--

5 SPEAKER QUINN: [Interposing] Mr.  
6 Chair, I just want to just take a moment. Rob, I  
7 just want to thank you, obviously we thank the  
8 Congress Member but I just want to, on behalf of  
9 myself and Council Member Brewer and the other--  
10 Alan and Dan and particularly all the Manhattan  
11 elected officials and elected officials in the  
12 Congress Member's District, thank you personally  
13 because you have been doing so much of this work  
14 on the Congress Member's behalf.

15 And many of the ideas that he's put  
16 out there are ones I know you've worked long and  
17 hard on. And you really pulled that press  
18 conference together very quickly. So I just  
19 wanted to note for the record how much you've  
20 personally done for the Congress Member--

21 MR. GOTTHEIM: [Interposing] Thank  
22 you very much.

23 SPEAKER QUINN: --so thank you.

24 MR. GOTTHEIM: No problem. Thank  
25 you very much, very much appreciate it. You know,

1 and I'm going to read his--I have a short prepared  
2 testimony from him and I'll be happy to take  
3 questions afterwards, but you stated in the  
4 beginning that we've been working on this for a  
5 very, very long time. And that is true. I've  
6 been with the Congressman for 11 years. And I've  
7 been working on this issue for 11 years. And it's  
8 not something very, very new.

10 And really what started us, you  
11 know, and I, Council Member Brewer, yourself and  
12 we have been working on this and what really got  
13 in my, you know, irritated me the most is I really  
14 felt the--and the Congressman felt that the FAA  
15 had lied to us for a very long period of time.  
16 And they lied to us about the authority that they  
17 had. And they had told us for countless times  
18 that they did not have the authority to regulate  
19 air traffic below 1,100 feet. And we were  
20 researching different ways we could deal with  
21 that.

22 And it took, unfortunately, a  
23 tragedy to realize or for them to admit that they  
24 had all the authority they needed. And that's,  
25 you know, they--somebody really, the FAA has been

1  
2 asleep at the switch here. And this is very  
3 important, this hearing, because while it is a  
4 Federal issue, we are all united.

5 We're certainly united on the West  
6 Side of Manhattan but it's not just a Manhattan  
7 issue, it's a New York City issue. And we need to  
8 work together. And the only way we can force the  
9 FAA to do this is by all of us working together.  
10 So from the Council, from the State Legislature,  
11 we have to act in one united voice.

12 So it's very important that we, you  
13 hold this Oversight Hearing and you have a follow-  
14 up hearing asking, you know, calling the FAA to  
15 task because I think as Borough President Stringer  
16 said and yourself say, we have more amount of  
17 regulation for taxis and for the streets than we  
18 do for helicopters. And that's just from a safety  
19 point of view, that's not acceptable. Okay.

20 The--I'm going to read his prepared  
21 testimony now. The August 8<sup>th</sup> midair crash between  
22 a sightseeing helicopter and a small plane over  
23 the Hudson River is a tragic and powerful reminder  
24 of what we have known for some time, that the  
25 virtually nonexistent oversight of small, on-

1  
2 demand aircraft must come to an end, particularly  
3 in New York's heavily congested airspace. The  
4 Hudson River flight corridor must not continue to  
5 be the Wild West. The FAA must act immediately  
6 before further lives are lost.

7               For many months and years I and my  
8 colleagues in government on the West Side have  
9 been calling for regulation of this airspace. And  
10 on Saturday, August 8<sup>th</sup>, our worst fears were  
11 tragically confirmed once again. It is  
12 unconscionable that the FAA permits unregulated  
13 flights in a crowded airspace in a major  
14 metropolitan area. And it is ridiculous that  
15 private planes and helicopters flying through a  
16 crowded area are dependent while in flight on  
17 visually sighting other aircraft and communicating  
18 with them.

19               The real life repercussions of  
20 these nonexistent regulations have been  
21 disastrous. It is unfortunate that the FAA  
22 insisted to us for years that it lacked statutory  
23 authority to regulate the airspace in New York  
24 City corridor below 1,100 feet altitude. We are  
25 gratified that they finally have reversed its



1  
2 position and agree it has the statutory authority  
3 to regulate this airspace. It is tragic that it  
4 took nine deaths to produce this belated  
5 concession.

6 I have spoken with the FAA  
7 Administrator, J. Randolph Babbitt, and I and my  
8 colleagues from the New York, New Jersey  
9 Congressional Delegation had written to the  
10 Administrator demanding that the FAA should  
11 swiftly use its authority. We have asked that the  
12 FAA take a number of actions to safeguard the  
13 Hudson River corridor.

14 First the FAA should take immediate  
15 steps to implement the recommendations of the  
16 Department of Transportation Inspector General,  
17 the National Transportation Safety Board, and the  
18 FAA Advisory Committee for these types of aircraft  
19 operations. At a minimum the FAA must require the  
20 installation of traffic collision avoidance  
21 systems, TCAS, and mode C transponder on all  
22 aircraft that seat less than ten people. Any  
23 additional commonsense measure that can be  
24 implemented should also be done immediately.

25 Second, the FAA should carefully

1 review this incident along with other factors and  
2 determine the additional improvements that can be  
3 made in the near term and long term to improve the  
4 management of the region's airspace. For example,  
5 the FAA should examine the feasibility of moving  
6 to a satellite-based system for air traffic  
7 management that could provide greater  
8 technological capability to manage flight traffic  
9 below 1,500 feet.  
10

11 In the meantime every helicopter  
12 and general aviation aircraft should be required  
13 to file flight plans, even for trips under 1,100  
14 feet. In addition we should seriously consider  
15 banning all flights below 1,100 feet until radar  
16 systems are in place so that we can track them.

17 The Hudson River flight corridor  
18 presents unique challenges but the danger of  
19 unregulated, on-demand aircraft is also a  
20 widespread problem in the New York region and the  
21 country. According to the DOT IG there were 33  
22 accidents and 109 fatalities involving on-demand  
23 aircraft in 2007 and 2008. And these types of  
24 collisions have been happening for decades.

25 In 1989 following a similar

1  
2 accident in Southern California, Congress passed  
3 legislation to accelerate the development of  
4 collision avoidance systems. In 1994 the FAA took  
5 action to regulate dangerous helicopter tours in  
6 Hawaii. Those are tourist helicopters. Just this  
7 year the FAA initiated a rulemaking to increase  
8 safety operations of emergency medical service  
9 helicopters.

10               Despite the decades of incidents,  
11 studies and recommendations, much work remains to  
12 be done. I and my Congressional colleagues call  
13 on the FAA to take immediate action to provide  
14 greater oversight of small aircraft operations  
15 throughout the country, the New York region and in  
16 particular, the Hudson River flight corridor in  
17 New York. We stand ready to work with the FAA to  
18 provide them with whatever additional resources  
19 might be necessary to improve the safety of New  
20 York's congested airspace.

21               But if the FAA does not take this  
22 action on its own volition, then Congress will see  
23 to it, in short order, that they are mandated to  
24 do so. The August 8<sup>th</sup> tragedy on the Hudson River  
25 underscores the urgency of this issue. The Hudson

River flight corridor must not continue to be the Wild West. The FAA must act immediately before further lives are lost. Thank you very much.

CHAIRPERSON LIU: thank you very much Mr. Gottheim. Please proceed Sir.

MR. JEFFREY LA FRANCOISE: Thank you very much Madam Speaker, Mr. Chairperson. My name is Jeffrey La Francoise, and I'm here to today to testify on behalf of Assembly Member Richard N. Gottfried.

My name is Richard N. Gottfried. I represent the 75<sup>th</sup> Assembly District in Manhattan. The District includes much of the Hudson River waterfront, including the 30<sup>th</sup> Street Heliport and neighborhoods bordering Central Park which is a major helicopter flight path. I commend the City Council for convening this hearing. The crash on August 8<sup>th</sup> was a horrible yet preventable catastrophe. Imagine if the two craft had fallen on a ferry or a Circle Line boat packed with visitors.

The lack of regulation and oversight by the Federal Aviation Administration for planes and helicopters flying below 1,100 feet

1  
2 is unacceptable and dangerous. The FAA should not  
3 allow unregulated air traffic through and around  
4 New York City. For helicopters and airplanes  
5 flying in the zone below 1,100 feet, flight paths  
6 are mere suggestions and completely voluntary.

7 The air traffic control system does  
8 not control this air traffic. We are told that  
9 the FAA lacks legal jurisdiction over this traffic  
10 and that there are technological obstacles that  
11 make various regulatory mechanisms unworkable. It  
12 is hard to believe the FAA cannot create  
13 regulations to protect 8 million New Yorkers.

14 Representative Nadler and the  
15 National Transportation Safety Board have made a  
16 series of commonsense recommendations. The City  
17 Council should support them. Until those steps  
18 are taken, helicopter and airplane traffic in New  
19 York City under 1,100 feet will not be acceptable  
20 safe. And even if those steps are taken, there  
21 will still be significant risks of catastrophe.

22 Every activity involves some risk.  
23 Crossing the street with a green light has risk.  
24 We do it because we need to get to the other side  
25 of the street but we do not need sightseeing

helicopter rides--

[Applause]

MR. LA FRANCOISE: Yes tourism is a very large and important part of New York City's economy and supports many peoples' livelihoods. But whatever sightseers spend on a helicopter ride, they would eagerly spend on some other activity. Helicopter sightseeing in New York City is an amusement that we cannot afford to tolerate. The City Council should do everything in its power to end it now.

Use of the West 30<sup>th</sup> Street Heliport for sightseeing flights is illegal under the 1998 Hudson River Park Act and was to be phased out by 2001. Under the settlement of a lawsuit, as of April 1, 2010, no tourist operations will be permitted to operate to or from the 30<sup>th</sup> Street Heliport. This is an important step in the right direction but we need to go much further.

Under New York City's Heliport and Helicopter Master Plan adopted in 2000, sightseeing flights to and from the Wall Street Heliport were to have ended last year. It is wrong that Mayor Bloomberg not only reversed that

1  
2 decision but is moving the 30<sup>th</sup> Street sightseeing  
3 flights to Wall Street.

4 We should end sightseeing  
5 helicopter flights in New York City. The City  
6 should do it if it is within the City government's  
7 jurisdiction. If the Federal law preempts the  
8 City from doing this, then the Mayor and the City  
9 Council should do what they can to get the Federal  
10 government to do it.

11 Thank you for convening this  
12 hearing to protect New Yorkers and our visitors  
13 and thank you for giving me this opportunity to  
14 testify.

15 CHAIRPERSON LIU: Thank you very  
16 much Jeff.

17 [Pause]

18 CHAIRPERSON LIU: We have questions  
19 from Council Member Gerson for this panel. And  
20 we've been joined by Council Member Diana Reyna of  
21 Brooklyn and Queens.

22 COUNCIL MEMBER GERSON: Actually  
23 thank you Mr. Chair and thank--I join my  
24 colleagues and the Speaker in thanking you for  
25 convening this hearing. Just one question and

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My question to Mr. Gottheim, you know, with all of your and the Congress Member's extensive leadership and involvement and expertise on this issue, could you shed some light on the history of the 1,100 foot cutoff? Is there anything, you know, magical or how did we or how did the FAA arrive at this 1,100 foot demarcation?

Is it just that they don't want to bother with the type of aircrafts that tend to fly below? Is it technical? Is there something more? 'Cause I've got to tell you, from the community perspective, it seems in some respects, flying below 1,100 feet presents additional hazards in a high-rise city like New York as well as very serious quality of life issues such as the noise issue. So what led us to this 1,100 foot separation, if you will?

MR. GOTTHEIM: Well I think, you know, it is all very, very confusing. And I don't put myself out to be an expert. We have had many meetings. And--where we've had the FAA and I know Council Member Brewer has been there. And the FAA has been confused. There are different areas.



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1  
2 activism in this. And I know we will all support  
3 your work.

4 And I want to thank Assembly Member  
5 Gottfried for singling out the disgrace and  
6 travesty of transferring helicopter flights to the  
7 Wall Street Heliport which is totally  
8 unacceptable. And I concur in your recommendation  
9 that sightseeing helicopter flights should be  
10 outlawed. Thank you very much--

11 MR. LA FRANCOIS: [Interposing] And  
12 I could add one point, just not to sound like a  
13 broken record but we had met many, many times with  
14 the FAA Eastern Region. And they told us they  
15 lacked the authority and that is not correct.  
16 They have the authority to regulate this.  
17 Congress gave them that authority. And they need  
18 to act upon it. And they can regulate this  
19 airspace and they need to do it.

20 CHAIRPERSON LIU: Thank you Council  
21 Member Gerson. Council Member Brewer, please.

22 COUNCIL MEMBER BREWER: Thank you.  
23 I want to echo Speaker Quinn's support of your  
24 work on this issue 'cause it is becoming  
25 legendary. I have a question on the timing

1  
2 because now that we have--I must admit this is my  
3 ignorance but we had all these meetings in the  
4 past, we didn't have the NTSB Board there. We  
5 had, obviously, FAA.

6 So my question is where do their  
7 recommendations stand in terms of when they make  
8 them? Is that something that gets legislated? Is  
9 it something that's done regulatory? And what  
10 kinds of authority do they have versus the FAA?  
11 And I'm just wondering about the timing of all  
12 this. And of course, in the mix is whatever  
13 legislation you propose and gets passed.

14 MR. GOTTHEIM: Well the interesting  
15 thing about it that you learn from this is that  
16 the NTSB just makes recommendations. They have no  
17 authority to institute those recommendations. So  
18 there had been recommendations, and you've heard  
19 that from the person who's heading up this  
20 investigation, I think the Chair of the NTSB. And  
21 they said they have, you know, other crashes, said  
22 that the FAA needs to do this and the FAA has  
23 failed to do this.

24 So, you know, the Congressman, I  
25 think, we held that press conference on that

1 Monday. We talked to--he talked to the  
2 Administrator the next day. And we wrote the  
3 letter to the Administrator which is included in  
4 your packet. We have asked to meet with him in  
5 September when Congress is back in session. And  
6 we want to know--right now there's a Working Group  
7 that the FAA has together.

8  
9 And we only a, want to deal with  
10 the headquarters office. I no longer, we no  
11 longer trust the Eastern Region. The Eastern  
12 Region has told us time and time again wrong  
13 information. We're past that. We are going to be  
14 meeting with the Administrator and working with  
15 his Working Group and trying to implement what the  
16 NTSB--no one wants to prejudge the conclusions  
17 that the NTSB is going to make.

18 But this is, you know, again when  
19 you do research on it, you learn that this, we're  
20 not reinventing the wheel. Things happened in  
21 California in '89 and in 1994 in Hawaii with  
22 tourist helicopters. So we can, Congress has  
23 given them the authority. They can put in the  
24 suggestions that Congressman Nadler made.

25 And we want to do this in real

short order because it's a dangerous situation.

And we can't afford to waste, I mean again if that plane would have crashed, hit a building, again, or come down in the park, as you, Speaker Quinn, said, it would be more than just nine lives as a tragedy. It could have been a lot more.

COUNCIL MEMBER BREWER: Okay. And the final question I have is we have three heliports in Manhattan anyway. And obviously New Jersey, there are different ones in the region. Is it, we've always been told that I believe the Wall Street is run by EDC and leased out.

And then obviously the one is also leased out at 30<sup>th</sup> Street with the timing that was discussed earlier. And there's one on the East Side. So are we, do you have any jurisdiction over the Wall Street Heliport or that would just be the City of New York?

MR. GOTTHEIM: Oh no, I believe that the City of New York, whoever owns it has the jurisdiction. The FAA just can regulate the airspace. I mean, and most of these--none of the helicopters, remember, are based in Manhattan.

Most of them are based in Lyndon,

1 New Jersey, you realize. And that's where they  
2 fuel. That's where they--the news helicopters  
3 are. So I don't know, we really need to look at,  
4 and maybe with the Transportation Committee's  
5 counsel, figure out what your jurisdiction is with  
6 the tourist helicopters and where the Federal law  
7 preempts you. But I don't think the Federal law  
8 preempts you from controlling airports that are  
9 under the City's jurisdiction.  
10

11 COUNCIL MEMBER BREWER: Okay.

12 Thank you very much. I know this is an ongoing  
13 discussion. I appreciate your input.

14 CHAIRPERSON LIU: Thank you Council  
15 Member Brewer. Speaker Quinn?

16 SPEAKER QUINN: I just had a couple  
17 of things to make a point. The question of the  
18 City's jurisdiction and what we can and cannot do,  
19 and obviously we have more jurisdiction on  
20 heliports that are, you know, property owned by  
21 EDC, etcetera, that have City involvement. That's  
22 something that Phil Hom the Counsel to the  
23 Committee and the other legislative staff are  
24 actively researching as we speak. We don't have  
25 the final determination on all of those issues.

The radar equipment, not particularly expensive. I mean there might have been a day and time when you made that recommendation, it would have been perhaps

1 prohibitively expense for somebody to get that.  
2 That really isn't the case any more. So all of  
3 what we're proposing here, there is no logical,  
4 there's not even a financial reason why you  
5 wouldn't put them in place.  
6

7 And it really leaves you, as you  
8 kind of said in your beginning Rob, scratching  
9 your head as to why the FAA wouldn't implement  
10 these. And I think the fact that they, the  
11 Eastern Region, for many years in the prior  
12 presidential administration was asserting they had  
13 no power, I mean who knows why they were taking  
14 that position but it's extraordinarily telling and  
15 something that I'm now hopeful with the different  
16 situation in Congress and in the different  
17 administration will be able to get something done  
18 one way or another about it.

19 MR. GOTTHEIM: Can I just add one  
20 thing? The FAA really has a conflicting mission.  
21 Their mission is to promote air travel which sort  
22 of goes against regulation. They--

23 SPEAKER QUINN: [Interposing]  
24 That's true.

25 MR. GOTTHEIM: --promote air, you



1 know, air travel. And they haven't been the best  
2 with regulating. And that might be something, you  
3 know, we're going to discuss with the  
4 Administrator. I don't know what his feelings are  
5 on it. He's just really--he was just confirmed  
6 only a few weeks ago.  
7

8 But this is something that  
9 Congress, you know, the Congressman soon, on the  
10 9<sup>th</sup> he talked to Chairman Jim Oberstar who is the  
11 Chairman of the Transportation Infrastructure  
12 Committee, told him what we were going to try to  
13 do. Maybe we're going to do hearings. We want to  
14 talk with the administration.

15 We don't know which way we are  
16 going to proceed but what he recommended was, as  
17 you said, common sense, very simple things that  
18 can be done very fast to make this corridor and  
19 everything around New York City much safer. And  
20 we should--the FAA should do that immediately  
21 really.

22 SPEAKER QUINN: And, you know, I  
23 think you point out an important, I mean it  
24 shouldn't be a contradiction in a way, but, you  
25 know, you point out a significant problem or

challenge in all of this.

And we have to, you know, I appreciate that the FAA's job is to make air traffic travel happen and occur. But anything has to be balance with safety. And anything we can do, as I said, we're obviously going to be introducing and passing resolutions in support of the Congress Person's suggestions. But anything else we can do, as you continue to meet and work with the Administrator, please just let us know.

MR. GOTTHEIM: And if I could add just one other point. I didn't have it in this testimony but we've spoke about, and the Congressman has spoken about, and there's been a question of well the tourist industry. We don't want to harm the tourist industry.

His feeling is on it is that people do not come to New York City because they're going to take a helicopter tour. The tourist dollars will be spent in other places. When it's affecting lives and safety, you know, that's the priority. So we certainly welcome anything that you can to do rein this in.

SPEAKER QUINN: Absolutely. Thank

you Rob.

CHAIRPERSON LIU: Thank you Speaker Quinn. And thank you, gentlemen, for joining us today. We're going to invite a panel consisting of two people, Ken Paskar and David Damelio. Please come up to the witness table. This panel will be followed by a panel of four leaders and activists. Let me give them a head's up now to be prepared to testify in the next panel. Matthew Washington, Joy Held, Diana Schneider and Joseph Losanti.

[Pause]

CHAIRPERSON LIU: Mr. Paskar, please proceed.

[Pause]

CHAIRPERSON LIU: Push the button so the red light is on.

MR. KEN PASKAR: Okay.

CHAIRPERSON LIU: And before we, before this panel begins I do want to thank them for stepping up and giving us some of their professional expertise on the FAA and aircraft management. Thank you very much. Please proceed.

MR. PASKAR: Thank you. Good

1  
2 afternoon Chairman Liu, Speaker Quinn and members  
3 of this Committee. My name is Ken Paskar and I am  
4 proud to be a resident of this great City. I'm a  
5 pilot and I began my flight training over 30 years  
6 ago. Currently I am a volunteer FAA Safety Team  
7 Lead Representative. However I am not here today  
8 in that capacity and I do not speak nor do I  
9 represent that FAA at this hearing.

10 I am here however as a resident of  
11 the City of New York and the Borough of Manhattan.  
12 My testimony, comments and opinions which I give  
13 here today are my personal views and not those of  
14 the FAA.

15 I would like to first begin by  
16 expressing my heartfelt condolences and deepest  
17 sympathies to the family and friends of those who  
18 died in the midair collision over the Hudson River  
19 earlier this month.

20 With the Committee's permission, I  
21 would now like to talk a little bit about the FAA  
22 Safety Team of which I am a volunteer. The FAA  
23 Safety Team's mission is to improve the nation's  
24 aviation safety record by conveying safety  
25 principles and practices through training,



I would like to now turn to another subject which I believe is a contributing factor. to some extent, in most of, if not all of, aviation-related accidents and that is human factors. There are many definitions of human factors depending on its application.

One such definition of human factors is a multi-disciplinary effort to generate and compile information about human capabilities and limitations and apply that information to equipment, systems, software, facilities, procedures, jobs, environments, training, staffing, and personnel management to produce safe, comfortable and effective human performance.

Knowing the role that human performance factors played in this aviation accident is paramount to identifying the sequence of events leading up to the midair collision over the Hudson River exclusion. An exhaustive analysis by the NTSB of the human factor issues will focus attention on the causal and contributing factors that allow human error such as slips, mistakes and lapses, to breach the prevailing system defenses or to expose ones that

should have been in play.

The science of human factors was introduced into commercial aviation in 1978 as part of an event investigation analysis with great success. From that we have learned that all preliminary cries of corrective action initiatives calling for immediate change to policy, procedures, electronic monitoring systems, or airspace restructuring must be arrested until the human performance factors are made known.

From the final NTSB report will be born the recommendations to the FAA that if adopted will remove any number of the contributing links in the chain of events that lead up to this accident. So until the NTSB has completed its investigation, nothing is a fact. A rush to judgment is not the prudent course. I implore this Committee and the entire New York City Council, along with my fellow residents of New York City, to refrain from the rhetoric, realign our bearing and pursue a heading that will produce the best possible outcome for all stakeholders.

Safety in the air begins right here. Let's make the prudent decision that

increases the margin of safety for all aviators.

Mr. Chairman, thank you for the opportunity to address this Committee.

CHAIRPERSON LIU: Thank you very much Mr. Paskar. Mr. Damelio?

MR. DAVID DAMELIO: Good afternoon. Speaker Quinn, Chairperson Liu, honorable City Council Members, my name is David Damelio, I'm the Secretary of the New York State Aviation Management Association and the Director of the Greater Rochester International Airport in Upstate New York.

NYAMA has been a voice of aviation in New York for over 32 years and represents 120 airports and aviation organizations across New York. Our diverse membership includes small general aviation airports as well as large hub airports. We represent economic development across many industries including manufacturing, flight schools, fixed-based operators, business aviation, maintenance and service.

Additionally we provide critical support for the Department of Defense, Homeland Security, TSA and US Customs all of whom rely on



the economic stability of our airports.

Airports are economic engines fueling the growth in the communities they serve. The economic benefit in aviation in New York is impressive. Over \$35 billion annually economic activity for New York State airports generate business and institutions attribute to over 350,000 state residents working directly or associated with the aviation industry. As a result of that more than \$2.8 billion in sales tax, in local taxes and state tax are generated from the aviation industry.

NYAMA appreciates your invitation to testify here today and examine air traffic in the Hudson River area and investigate ways in which we all can work together to ensure the safety of aircraft, passengers and the communities on the ground.

Federal regulation of airports, operations and facilities is managed by the FAA which has the primary responsibility for safety of civil aviation. They carry out this responsibility by issuing and enforcing regulations and minimum standards. The FAA

certifies airmen and airports. They server carriers, operate a network of airport towers, air route traffic centers and flight service stations.

Their near exclusive responsibility for air safety however does not preclude the appropriateness of the inquiry made by government officials. Thus the Transportation Committee and its Chairman, Councilman Liu, is correct when he suggest that the Council should explore whether there can be developed a better system between the City and Federal authorities.

NYAMA itself has developed a working relationship with the FAA to advance our mutual goals of safety. Aviation has grown considerably in the United States, particularly in New York over the last 20 years. Contributing to airport related growth, given the aforementioned economic benefits of airports and the aviation industry, there are no surprises that communities adjacent to airports have grown and thrived as well during this period.

Left to change this expansion of aviation activity and proximity to growing population centers would likely lead to

1  
2 compromises in safety, heighten noise impact and  
3 other opposition to airport projects and  
4 expansions. However most of the development of  
5 activities regulated by both the FAA whose primary  
6 concern is safety and controlling aircraft  
7 operations, and by local governments that exercise  
8 their power over, through zoning, land use  
9 restrictions. The FAA is bound by the NEPA to  
10 enact regulations and consideration of  
11 environmental impacts in noise, environmental  
12 emissions that it has at its airports.

13               It is this relationship and shared  
14 goal in the aviation safety that results in good  
15 outcomes and community benefits. When projects  
16 are proposed, they need to seek to enhance flight  
17 safety and modify the facility of the airports.  
18 These projects are generally aircraft operations  
19 under exclusive responsibilities of the FAA.  
20 Local zoning or land use regulations are generally  
21 preempted by Federal law. However local zoning  
22 law and community input is seen appropriate when  
23 for example runway expansion or acquisition of  
24 lands seemed necessary for an airport.

25               For its part NYAMA with its

1  
2 members, affiliate organizations and other stake  
3 holders regularly participate in aviation planning  
4 and decision-making processes at the Federal  
5 level. We do this through testimony at public  
6 hearings before the FAA and other appropriate  
7 Federal agencies. Formal involvement in Federal  
8 rule-making process and in appropriate situations  
9 through our Congressional, state and local  
10 representatives.

11               The bottom line is the FAA plays a  
12 dominant, nearly exclusive role in civil aviation  
13 operations. And the FAA's decisions impact not  
14 only safety but also economic vitality of airports  
15 and the aviation industry. Therefore it is  
16 incumbent upon all of us to work closely with the  
17 cooperation of the FAA.

18               Policy makers and law makers need  
19 to ensure that these policies are comprehensive,  
20 understanding the Federal, state and local laws  
21 and land use regulatory authority in order to  
22 carry out their individual responsibilities. We  
23 also must be informed and sensitive to the needs  
24 of aviation as it is related to business, the  
25 aviation job sector creation, and overall

1 contribution of aviation to the State's economy.

2           The Council is to be commended for  
3 your desire to gain a better understanding of what  
4 procedures and safeguards are already in place in  
5 and around the Hudson River airspace and what new  
6 procedures and protocols may be worth considering  
7 to enhance the safety and security of the public.

8           NYAMA appreciates participating in  
9 this outreach and to all interested parties in  
10 order to gain valuable insight into the role of  
11 the FAA as it plays in civil aviation, to explore  
12 ways in which we all can cooperate to promote our  
13 mutual goals of promoting aviation service and  
14 safety for the flying public. I again thank you  
15 for the opportunity to address you today.

16           CHAIRPERSON LIU: Well thank you  
17 very much gentlemen. I just have a quick question  
18 for you because it seems that the two of you may  
19 be better versed in some of the technicalities of  
20 these airspace rules.

21           We've already mentioned a couple of  
22 times, a few times this morning, and it's been  
23 mentioned a few times over the last weeks, that it  
24 doesn't make sense for the airspace closest to  
25

1 where people live remain unregulated. Is it in  
2 fact unregulated or do you know of regulations  
3 that actually govern this, the airspace below  
4 1,100 feet?  
5

6 MR. PASKAR: Thank you very much  
7 for your question Chairman Liu. It's an excellent  
8 one. The airspace below 1,100 feet is very  
9 heavily regulated by the FAA however it is not  
10 controlled by air traffic control. And one of  
11 those reasons is because based upon the existing  
12 technology that air traffic control has, line of  
13 sight doesn't allow the air traffic controllers to  
14 pick up the aircraft on their radar because  
15 they're too low and also transmission over the  
16 airwaves at that low altitude is very difficult  
17 and scarce at times.

18 CHAIRPERSON LIU: Okay. So you're  
19 saying the FAA does regulate it--

20 MR. PASKAR: [Interposing]  
21 Absolutely.

22 CHAIRPERSON LIU: --it's just that  
23 nobody is--the controllers are not able to see it  
24 or to even view it on the radar screen.

25 MR. PASKAR: That's correct; yes

It's extremely heavily regulated. There's a myriad of FARs, the Federal Air Regulations, that control the operation of all aircraft regardless of where they are anywhere in the United States. And however there's a difference between unregulated and uncontrolled. And the area that we speak of today at 1,100 feet and below is regulated however uncontrolled which means that there is little or no availability of communication with air traffic controllers. And they're unable to pick them up on their radar.

CHAIRPERSON LIU: Okay.

SPEAKER QUINN: Can I jump in for a minute?

CHAIRPERSON LIU: Yes.

SPEAKER QUINN: So from a layperson's perspective, that sounds, although--it sounds like the same thing as unregulated, right? Or in a way, honestly, it means, it sounds a little worse, right? 'Cause there's regulations but they're not implementable. I mean is that a fair--I just to make sure is that a fair understanding? There's regulations that are not implementable.

1  
2 MR. PASKAR: Madam Speaker, all of  
3 the regulations that the Federal Aviation  
4 Administration have is certainly implementable.  
5 Their regulations have to do with visibility, with  
6 the type of aircraft that goes through the  
7 airspace, the speed at which they go through,  
8 separation, altitude restrictions, proximity to  
9 clouds and weather so that see and avoid is  
10 possible within that airspace--

11 SPEAKER QUINN: [Interposing] Well  
12 weren't you--but did you just say, I'm sorry, and  
13 again--

14 MR. PASKAR: [Interposing] Um-hum.

15 SPEAKER QUINN: --I was going to  
16 ask this but that in essence what you're saying is  
17 it became kind of impossible for the air traffic  
18 controllers to see the planes or helicopters which  
19 is why I used the word not implementable because  
20 if they can't see where the helicopter or the  
21 plane is, there's really no way for there to be  
22 any confirmation that the planes or the helicopter  
23 pilots are in fact abiding by whatever the see and  
24 avoid regulations are.

25 MR. PASKAR: Very good question



12 SPEAKER QUINN: Okay. So it's a  
13 little bit of an honor system, right? I mean we  
14 have this set of rules that we're hoping they're  
15 abiding by but there's--they're not required to  
16 check in and technologically as we're presently  
17 set up the air traffic controllers don't have any  
18 way to do kind of random checks or whatever  
19 because they can't identify them.

20 Now if the planes or helicopters  
21 were to have the devices that the Congress Member  
22 has proposed, do you know, and you may not, and  
23 again I want to thank you both for being here  
24 today, and thank you for your service to the NTSB.  
25 Do you know if they have that type of equipment,

would they be then on the radar, so to speak, of the air traffic controllers?

MR. PASKAR: Well first of all, let me say that at some point any aircraft flying through that airspace could or would eventually be identifiable. So therefore any aircraft that might in fact break the regulations in terms of the airspace would eventually be caught. They would come up--

SPEAKER QUINN: [Interposing] How would that be, Sir? Because I thought that you said that they couldn't be seen on radar by the-- they couldn't be seen by the air traffic controller.

MR. PASKAR: Well here's what happens, you know, they're not going to be at 1,100 feet for instance, for the entire duration of the flight. They may be there just over the Hudson River but at some point they're going to exit that area--

SPEAKER QUINN: [Interposing] Right.

MR. PASKAR: --they will be at a higher altitude and they will be picked up.

SPEAKER QUINN: Right. Fair

1  
2 enough. I think for the purposes though of this  
3 oversight--

4 MR. PASKAR: [Interposing] Um-hum.

5 SPEAKER QUINN: --which, you know,  
6 you're right to caution us not to make  
7 determinations based on the accident 'cause we  
8 don't know all the facts yet--

9 MR. PASKAR: [Interposing] Yes.

10 SPEAKER QUINN: --we'll have  
11 another hearing on that. But for the purposes of  
12 this oversight, I think we're mostly concerned  
13 about the actions 1,100 feet--

14 MR. PASKAR: [Interposing]

15 SPEAKER QUINN: --and below. And,  
16 you know, I understand, you know, when they get  
17 above that the air traffic controllers will see  
18 them. But that's not our focus today.

19 MR. PASKAR: Um-hum. Okay. It is  
20 possible that air traffic control would not be  
21 aware of aircraft at 1,100 feet or below.

22 SPEAKER QUINN: Do you know if--  
23 either of you, do you know if the equipment that  
24 the Congress Member is proposing be a requirement,  
25 would that make these planes and helicopters be

identifiable to air traffic control or they would just be able to see each other which is a benefit in and of itself--

MR. PASKAR: [Interposing] Yeah.

SPEAKER QUINN: --but it seems to me probably that they would then appear on the radar so to speak.

MR. PASKAR: They might be, they could be, depending exactly on the technology that we're talking about but keep in mind that in order for that to work all of the components must have that compatible equipment. So one aircraft having it and the second aircraft not having it--

SPEAKER QUINN: [Interposing] No of course.

MR. PASKAR: --neither would see each other.

SPEAKER QUINN: Right--

MR. PASKAR: [Interposing] Of course.

SPEAKER QUINN: --which is why we would want it to be kind of a uniform requirement.

MR. PASKAR: Um-hum. I understand.

SPEAKER QUINN: Thank you.

CHAIRPERSON LIU: Thank you Madam Speaker. Council Member Gerson.

COUNCIL MEMBER GERSON: Yeah I just want to add, you know, the questions having been, you know, asked and clearly point to the work we need to undertake, but I just want to acknowledge that Mr. Paskar has in his volunteer capacity provided very helpful advice to my office and our community with respect to highly technical issues involving the Wall Street Heliport. And that I know Mr. Paskar to be, you know, earnestly committed to safety and community wellbeing. And we're better for his volunteer efforts. So thank you very much.

MR. PASKAR: Thank you very much Councilman.

CHAIRPERSON LIU: Thank you very much Council Member Gerson. And with that, we thank--oh I'm sorry, Council Member Ignizio has a question for you.

COUNCIL MEMBER IGNIZIO: Thank you very much. I have a brief question here. For those of you who may not know, my father ran these heliports, West 30<sup>th</sup> Street and Downtown Manhattan

1  
2 as he was 38 years with the Port Authority. And I  
3 believe the last major incident was in 1983 upon  
4 talking to him which was, I don't know if a  
5 helicopter hit the water or what not.

6 And there's been several concerns  
7 about safety regarding helicopters. But the  
8 amount of accidents per flight, according to him,  
9 going from Dad's comments or Dad's advice, is  
10 extremely miniscule. So it sounds to me like  
11 there's two legitimate discussions here.

12 There are those that have  
13 legitimate concerns vis a vis noise. And that is  
14 fair and their communities deserve respite and  
15 what not. But to approach a draconian move of  
16 ending tourist flights under the parochial cloak  
17 of safety, juxtaposed to the amount of accidents  
18 that have occurred, simply doesn't seem logical to  
19 me. It doesn't seem like it adds up based on the  
20 numbers.

21 So while I am putting aside, and  
22 there is a legitimate issues and concern vis a vis  
23 noise, but specifically speaking to flights and  
24 incidents, do you guys have any idea what those  
25 numbers are? I don't. I want to be very clear.

1  
2 My understanding is it's very miniscule but that's  
3 anecdotal.

4 MR. PASKAR: Excellent point  
5 Councilman. Let me say this, to the best of my  
6 recollection the very first flight down the Hudson  
7 River was 100 years ago this December. It was a  
8 flight from Albany, New York to Manhattan. And  
9 within that, in the past 100 years, I only know of  
10 1 midair collision over the Hudson River that was  
11 a fatality. And that's the one that just  
12 happened.

13 COUNCIL MEMBER IGNIZIO: Right.

14 MR. PASKAR: So. Listen, from my  
15 perspective, one accident is one--

16 COUNCIL MEMBER IGNIZIO:  
17 [Interposing] One too many, I appreciate that.

18 MR. PASKAR: --too much. And it's  
19 for a lifetime or however statistically speaking I  
20 think it's very safe. I mean I've been a pilot  
21 for about 30 years. I feel very safe flying down  
22 the corridor. At the same time I'll say that I  
23 agree that we need to take a look at some of the  
24 rules and regulations that affect the flights up  
25 and down the Hudson River exclusion.

COUNCIL MEMBER IGNIZIO: Fixed wing  
or helicopter?

MR. PASKAR: Both--

COUNCIL MEMBER IGNIZIO:  
[Interposing] Okay.

MR. PASKAR: --both. I'm a  
proponent of education. And I'd like to see, for  
instance, greater role on the part of the FAA in  
terms of education--

COUNCIL MEMBER IGNIZIO:  
[Interposing] Yeah.

MR. PASKAR: --I think they've done  
a good job so far however it could be better. I  
think that this is--what's called a special use  
airspace, and for instance in Washington, D.C. we  
have the, what's called the ADUS [phonetic] which  
is you have to take an online course to understand  
the airspace surrounding the Washington, D. C.  
area--

COUNCIL MEMBER IGNIZIO:  
[Interposing] Right.

MR. PASKAR: --without taking that  
course you cannot even fly, and I believe it's  
within 60 miles, of Washington D.C. And we could



1 have, for instance, something along that line to  
2 make sure that those people who fly in the New  
3 York Hudson River exclusion have the knowledge and  
4 the understanding to fly that special airspace.  
5 And I would be a big proponent of that.

6 I think that this hearing is a very  
7 important hearing. The City of New York is a  
8 stake holder in everything that happens within its  
9 boundaries. And this Committee represents myself  
10 as a citizen and as a resident of New York City.  
11 And I appreciate that and I thank this Committee  
12 for what it's doing. And it's very important  
13 work. And I would like this committee to know  
14 that I'm available any time if you have any  
15 questions, if any discussions require any  
16 technical information that might be of help. I'm  
17 available.

18 CHAIRPERSON LIU: Thank you Council  
19 Member Ignizio. Thank you gentlemen for joining  
20 us today.

21 Mr. PASKER: Thank you very much  
22 Mr. Chairman.

23 CHAIRPERSON LIU: Thank you. Let  
24 me ask our next panel to join us at the witness  
25

[Pause]

MR. MATTHEW WASHINGTON: Thank you.

Good afternoon Chairman Liu, Speaker Quinn and members of the Transportation Committee. My name is Matthew Washington. I'm the Deputy Director of Friends of Hudson River Park. Friends of Hudson River Park is a 501(c)(3) organization that began

1  
2 in 1999 to support the completion and maintenance  
3 of Hudson River Park. We're the only community  
4 organization exclusively dedicated to the creation  
5 and preservation of the entire Hudson River Park.  
6 We advocate for public funding to build the park,  
7 raise private sector support to develop programs,  
8 and support the activities of the Hudson River  
9 Park Trust.

10 Another of our major objectives has  
11 been to uphold the integrity of the Hudson River  
12 Park Act of 1998 and take efforts to make sure  
13 compliance with the Act is achieved using legal  
14 action as a last resort. In the case of the  
15 helicopter operations within the boundaries of  
16 Hudson River Park, the Act does not allow tourist  
17 flights but they did continue out of the 30<sup>th</sup>  
18 Street Heliport.

19 In 2008, Friends, along with many  
20 community members, filed a lawsuit against the  
21 heliport operators in an effort to end the tourist  
22 flight operations in Hudson River Park. The basis  
23 of this lawsuit was to eliminate the disturbance  
24 that the helicopters had been causing the park  
25 users and neighbors, and to make sure that this

1  
2 piece of the Act was brought into compliance. The  
3 result of this action brought on an agreement in  
4 court that would phase out tourist flights  
5 completely from the 30<sup>th</sup> Street Heliport by April  
6 1<sup>st</sup>, 2010.

7                   This year the maximum number of  
8 operations has been reduced by half, down to  
9 12,500 from the previous year of 25,000. While  
10 our suit was not based on specific air traffic  
11 concerns we hope our efforts will aid in a  
12 reduction of potential dangers. It is important  
13 for me to state that Friends of Hudson River Park  
14 fully supports efforts to have the Federal  
15 Aviation Administration regulate airspace below  
16 1,100 feet. It is clear that there is a real need  
17 to have a stronger system in place than the  
18 current see and avoid rules that govern that  
19 airspace.

20                   We understand that there is a lot  
21 to consider when trying to introduce new  
22 regulations but on the heels of the most recent  
23 August 8<sup>th</sup> accident over the Hudson River we are in  
24 agreement with those who would like to see  
25 movement sooner rather than later. We encourage

1 the Council to continue their work towards  
2 addressing these issues. And we'll make ourselves  
3 available as needed. Thank you for your time.

4 CHAIRPERSON LIU: Thank you very  
5 much Mr. Washington. Ms. Held?

6 MS. JOY HELD: I'm Joy Held,  
7 President of the Helicopter Noise Coalition of New  
8 York City. Speaker Quinn, the community has been  
9 active in protesting these flights for at least  
10 two decades. New York City has one of the busiest  
11 airspaces in the world with the most non-military  
12 helicopter traffic of any place in the world. But  
13 the FAA does not count what's in our airspace.  
14 They don't even know what's up there.

15 The majority of our helicopter  
16 traffic is air tours. Sightseeing helicopter  
17 flights clog our airspace and they provide no  
18 utility to residents. Air tours are an accident  
19 waiting to happen. Helicopters are structurally  
20 unstable. There are blind spots. Helicopters can  
21 develop mechanical failures. Once damaged a  
22 helicopter can't be steered but it drops like a  
23 bomb.

24 New York City is a dangerous flying  
25

1  
2 environment for air tours, densely populated  
3 residential city full of high rises, small  
4 heliports surrounded by hazards, river corridors  
5 that are narrow. The Hudson River corridor has  
6 low altitude turbulence and hard winds, both  
7 problematic for helicopters and there's also pilot  
8 error, much more likely in this environment.

9           What results are not only accidents  
10 like the one on the East River that killed the bar  
11 mitzvah boy, there was no collision, it just  
12 failed. And the accident on the East River that  
13 killed the Colgate-Palmolive executive, again, no  
14 crash, just an accident. There are also countless  
15 near misses. There are dangerous emergency  
16 landings like the one in the Central Park ball  
17 field full of children.

18           And what is the reason for all of  
19 this? What's the rationale? So tourists can have a  
20 few minutes of fun. Our tourists constitute a  
21 small part of the overall New York City budget, a  
22 miniscule part. Tourists will come and spend  
23 their money here regardless. There are many other  
24 ways to tour the City and all the regulations that  
25 our elected officials are talking about will not

control the threats that these aircraft post to New Yorkers.

Bringing these flights lower will only increase the noise. We ask the City Council to pass legislation banning the air tours from City heliports, a policy fully supported by two United States Appellate Court decisions. We also ask the Council to pass a resolution to the FAA to ban air tours from New York City airspace over land and waterways.

Mayor Giuliani banned air tours from the City heliports because of their frivolous nature, their safety risks and their noise impact. And in that same year the Natural Resources Defense Council studied the negative impact of helicopter traffic in New York City and concluded that the City should continue its ban on sightseeing flights at the East 40<sup>th</sup> Street Heliport and work towards banning all sightseeing flights over the City.

These flights are utterly unnecessary. They're dangerous. They're noise. They are a serious security risk and they cause pollution. Eliminating these flights from our

heliports and airspace will vastly improve the safety of all New Yorkers. Today these air tours are free to fly and we are all at risk. This travesty must end. Thank you.

CHAIRPERSON LIU: Thank you very much Ms. Held. Ms. Schneider?

MS. DIANA SCHNEIDER: Good afternoon. I wanted to thank you very much for providing this forum. My name is Diana Schneider. I've been an active member of the Borough President's Helicopter Task Force under both Borough President Ruth Messenger and C. Virginia Fields. Unfortunately Borough President Scott Stringer chose not to continue these important, timely meetings.

For 12 years during these Task Force meetings a dialog ensued between the City, the FAA, its air traffic controllers, Eastern Regional Helicopter Council, media representatives, representatives of the NYPD Helicopter Force, heliports and other interested parties and communities. During that time heliports were closed. Tourist helicopter flights began to fly over the river rather than over land.



Many operators of their own volition curtailed scouting for stories and began to fly higher with less hovering. I might add the NYPD Helicopter people did as well. We were on the way toward discussing pooling by media choppers for events. If those meetings had continued on such constructive veins, I firmly believe the recent tragedy could have been avoided.

My suggestions to improve air traffic safety, resume regular monthly Helicopter Task Force meetings. Two, work with the FAA to mandate three levels of traffic over the Hudson River, slower for the slower flying helicopters, higher up for general and the highest for commercial. Regulate all air space over every Borough. Mandate the filing of flight plans for each and every craft in New York airspace. All crafts in contact with the tower at all times. No mundane chatter over the airwaves. Reverse the lower altitudes the FAA has included in their flawed airspace redesign project.

And please see, and I've also given you the website in my testimony here, [www.](http://www.) (for

1 those in the audience) ourairspace.org. Ban all  
2 helicopter and general aviation flights over New  
3 York City airspace including the rivers except for  
4 emergency craft, police, fire and med evac.  
5

6 And I want to say that I'm also  
7 attaching some information, some questions  
8 regarding the airspace redesign project. What's  
9 happening with the FAA is they're lowering the  
10 flights, they're lowering it horizontally.  
11 They're squishing the flights together vertically.  
12 They were at 3,500 feet. They're thinking of  
13 bringing them at 2,500 feet.

14 If they could be encouraged to  
15 leave it at 3,500 feet, and the FAA said the 500  
16 feet spread is what's sought after, then we could  
17 have everybody in regulated space. 3,500 for the  
18 commercial, 3,000 for the general and 2,500 for  
19 helicopters, but I'm for banning tourist  
20 helicopter flights.

21 And as you will see, I'm sorry I  
22 forgot to put my information on this so I just  
23 stapled my business card but as you will see I'm  
24 in the industry. I'm the travel industry. And  
25 you know what? People love this City. If they

1 don't fly in the helicopters they will spend every  
2 penny while they're here on this City anyway.

3 Thank you.

4  
5 CHAIRPERSON LIU: Thank you. Thank  
6 you very much. And are those copies--

7 MS. SCHNEIDER: [Interposing] Yes.

8 CHAIRPERSON LIU: --of your  
9 testimony? Okay. Thank you. Mr. Losanti?

10 MR. JOSEPH LOSANTI: Yes. I'm Joe  
11 Losanti, member of the 83<sup>rd</sup> Street Block  
12 Association and the Riverside Park Fund. I'm here  
13 representing just myself. Picking up from the  
14 previous lady's statement, I don't think people go  
15 to Rome to fly over the Coliseum or to Paris to  
16 fly over the Eiffel Tower or London to fly over  
17 the Houses of Parliament. And they don't come  
18 here to fly over our homes and sights.

19 I can stand on my roof at the  
20 corner of Riverside Drive and West 83<sup>rd</sup> Street and  
21 look straight up in the air and follow the paths  
22 in six different directions over my house of  
23 helicopters. Helicopters don't crash unless they  
24 cross paths. And those helicopters cross those  
25 paths in six directions.

10                   And it was really enjoyable here to  
11       speak to everybody this afternoon without having  
12       to be drown out by helicopters.

14 CHAIRPERSON LIU: Thank you very  
15 much Mr. Losanti.

17 CHAIRPERSON LIU: With that I want  
18 to thank, I want to thank you for your input  
19 today. Thanks very much. We'll now call up our  
20 next panel of witnesses, Ilene Durnfeld, Patricia  
21 Saffron, Judy Stanton and John Kenny. As they  
22 prepare to testify let me give a head's up to the  
23 next panel consisting of Joanne Chernow, Isabel  
24 Shimel, Peggy Stitzenberg and--

[Off mic]

CHAIRPERSON LIU: And Ann Rogaski.

[Pause]

CHAIRPERSON LIU: Ms. Durnfeld,  
please proceed.

MS. ILENE DURNFELD: Good  
afternoon. My name is Ilene Durnfeld. I'm a  
resident of Brooklyn Heights. I've lived in the  
area for 30 years. When I arrived in Brooklyn  
Heights it was pleasurable because there was calm  
and there was serenity. But that has been  
shattered in recent years with the onslaught of  
the helicopters. They have taken over. I say ban  
all helicopters. They make noise. They idle.  
They are a security threat.

And as the previous speakers said,  
people come to New York. They love our City.  
They don't have to take a helicopter. You can  
take a Circle Line tour around the City. You will  
see everything you want to see. You want to see  
the Statue of Liberty? Take the ferry to the  
Statue of Liberty. We now have a popular tourist  
spot, Governor's Island. There is so much to see  
in our wonderful City, you do not need a  
helicopter. And people will continue to come

here.

As the previous gentleman said, you don't go to Rome and fly over the Coliseum. You don't fly over the Vatican. You tour the City. You see it by foot which is the best way to see any City. I love this City. I was born here. I will die here. I don't want to see it ruined by the helicopter industry. As I said earlier, they idle, they create pollution. They are a security risk. We must ban helicopter activity over our City. Thank you.

CHAIRPERSON LIU: Thank you very much Ms. Durnfeld. Ms. Saffron?

MS. PATRICIA SAFFRON: Good afternoon Speaker Quinn and Chairman Liu. I am Patricia Saffron, a member of the Helicopter Noise Coalition. The recent unnecessary crash of a tour helicopter and a private plane was not caused by the controller or even pilot error but by the FAA and the City in allowing these absurd, unsafe helicopter tour flights to continue in our airspace.

This tragic crash could have been prevented if the warning of the lack of safety of

1  
2 tour helicopters reports by our group, the  
3 Helicopter Noise Coalition of New York City, had  
4 been treated seriously.

5 We first met with the FAA and the  
6 Eastern Region Helicopter Council at the Manhattan  
7 Borough President's Office in 1996. At first we  
8 addressed safety, pollution and we attempted to  
9 change the helicopter tour routes so that the  
10 impact of their horrendous noise and their  
11 intrusion in our lives could be lessened.

12 On February 18<sup>th</sup>, 1997 we all met  
13 again to discuss the complaints of noise and  
14 safety. At that meeting I read the following  
15 statement into the record entitled Helicopters and  
16 National Security in New York City.

17 The following is an excerpt of what  
18 I read. "I recently spoke with four Coast Guard  
19 officers including two current officers and a  
20 retired career helicopter pilot and flight teacher  
21 and a retired Admiral and Commandant. To each  
22 officer I described our situation where hundreds  
23 of tour and corporate helicopters fly daily on our  
24 rivers and over land including over the UN and  
25 World Trade Center. My question to each officer

1 was because of the flight path and huge volume of  
2 tour and other flights and the resulting confusion  
3 in the air, wouldn't it be easy for a terrorist  
4 helicopter to slip in under 1,200 feet, escaping  
5 radar detection and drop a charge on the UN, World  
6 Trade Center or other strategic building? All four  
7 men answered emphatically with their personal  
8 opinions, yes, your concerns are well-founded.  
9 It's a security risk. You're right. There's a  
10 possibility of a terrorist attack. Your analysis  
11 is correct. Yes. It should be a no-fly zone."

12 I speak in favor of banning tourist  
13 helicopter flights from New York City airspace.  
14 This concludes my statement.

15 CHAIRPERSON LIU: Thank you very  
16 much Ms. Saffron, thanks for your testimony. And  
17 Ms. Stanton?

18 MS. JUDY STANTON: My name is Judy  
19 Stanton. I'm the Executive Director of the  
20 Brooklyn Heights Association, New York City's  
21 oldest and largest neighborhood association  
22 serving the interests and welfare of residents and  
23 merchants in Brooklyn Heights.

24 In speaking on behalf of the  
25



1 Association, I wish to thank the City Council for  
2 holding this Oversight Hearing and I would urge  
3 the City Council to call for changes to the  
4 practices and policies followed by the self-  
5 regulated helicopter industry which in our opinion  
6 have contributed to a dangerous level of  
7 helicopter traffic above New York City and  
8 Brooklyn.

9  
10 As has been stated, we're here for  
11 a very sad reason. Nine people are dead from a  
12 midair collision that occurred over the Hudson  
13 River in an unregulated air corridor where pilots  
14 are required to do more than see and avoid each  
15 other. Thankfully such collisions do not happen  
16 every day but that is not reason enough to allow  
17 the industry to continue operating with virtually  
18 no clear rules for use of the air above a densely  
19 populated New York City.

20 The collision could have been over  
21 the East River or over downtown Brooklyn or over  
22 Manhattan rooftops. We maintain that there's  
23 simply too many flights occurring on an hourly  
24 basis every day for honest people to say that the  
25 air above New York City is safe. We are alarmed

1  
2 by a statement in an August 11<sup>th</sup> article of the New  
3 York Times which stated that the Economic  
4 Development Corporation has cleared the way for  
5 the excursion helicopter operators to move from  
6 West 30<sup>th</sup> Street to the downtown Manhattan  
7 Heliport. Is this Administration's answer to the  
8 questions being raised about helicopter safety? To  
9 transfer the danger from one side of the City to  
10 another? Have the residents of Brooklyn Heights  
11 not been loud enough such that our friends on the  
12 Upper West Side were heard but we are to be  
13 ignored?

14 I trust that the elected officials  
15 representing neighborhoods along the Hudson had no  
16 such intention but we must ask the question  
17 nonetheless. We're not going to solve the  
18 problems that exist by moving flights from one  
19 river to another.

20 We call upon the City and the  
21 industry to produce the economic data to support  
22 the economic benefit claims by the Mayor's Office.  
23 On behalf of residents in my community I would  
24 like the City Council to question whether there  
25 could in fact be rules that regulate the following

1  
2 practices: how many flights per day should be  
3 allowed to travel to and from the downtown  
4 Manhattan Heliport to nearby airports; whether  
5 it's a good idea to fly above residences rather  
6 than always being required to stay out over the  
7 river; how many business courier flights per day  
8 into and out of the downtown Manhattan Heliport  
9 are really necessary; how many media helicopters  
10 at one time are needed to cover the same flat tire  
11 on the BQE?

12 Brooklyn Heights sees and hears  
13 this traffic all day long, sometimes as many as  
14 seven or eight flights in an hour. And we  
15 question the necessity of all of it. Good people  
16 know that there is an inherent danger caused by  
17 the absence of traffic rules in the New York City  
18 airspace. We call upon the City Council to use  
19 its legislative power to examine and if necessary  
20 take steps to close the City's heliports to all  
21 but essential, emergency uses, until better  
22 management of City airspace is in place. Thank  
23 you.

24 CHAIRPERSON LIU: Thank you Ms.  
25 Stanton. Mr. Kenny.

1  
2 MR. JOHN KENNY: Before I press the  
3 button I would like to respond to Speaker Quinn's-  
4 -

5 CHAIRPERSON LIU: [Interposing]  
6 Okay.

7 MR. KENNY: --about--

8 CHAIRPERSON LIU: May I invite you  
9 to press the button because everything in here is  
10 on the record.

11 MR. KENNY: Yeah. Well this is--  
12 well--

13 SPEAKER QUINN: [Interposing] If  
14 you don't press the button it never happens.

15 MS. STANTON: He doesn't want it to  
16 count. I just pressed it for him--

17 MR. KENNY: [Interposing] I'm  
18 trying to cheat on my time. Okay.

19 SPEAKER QUINN: We may or may not  
20 let you, we'll see.

21 MR. KENNY: Okay. The question you  
22 asked earlier of the gentleman, previous panel,  
23 about the ability for controller to be able to  
24 sight traffic on the Hudson River corridor. Yes.  
25 He didn't perhaps answer the question technically

I believe.

But I do, I'm reasonably confident that if antennas, at FAA expense, were sited at the proper design positions, communication antennas, radar antennas and with the radar you also have what we can transponders. And every aircraft, that's one of the problems, AOPA for example, obliging their members to put money into additional technological aids which would allow those airplanes or helicopters, airplanes, to be sighted and controlled along the river. That would be--it is technically feasible I do believe. And I think I'm fairly safe to say that.

Okay. I'm John Kenny. I'm a 50-year resident of Brooklyn Heights and a former governor of the Brooklyn Heights Association. I'm also a retired aviation professional. I had two points to offer but Congressman Nadler's testimony negated any necessity for me to offer, other than to say, quite simply, control, complete, safe and efficient, is required of the FAA and as soon as possible from surface through the whole TCA, the Terminal Control Area which is this immediate airport environment.

1  
2 My testimony now shortens, allows  
3 me a personal anecdote that more than 30-some-odd  
4 years ago, I hope I won't be vilified, I happened  
5 to borrow on a military transport. And with the  
6 family's video camera, I produced film  
7 documentation for the Aviation Development Council  
8 of New York to convince the FAA to make use of the  
9 Hudson River corridor as a noise reduced entry  
10 point to the LaGuardia Airport.

11 My point number two, strangely  
12 enough, has not been addressed at this moment in  
13 the hearing which surprised me considerably. On  
14 the 24<sup>th</sup> of July, 2009, a helicopter hovered over  
15 my home perhaps no more than 200 feet above my  
16 head. In the hover mode, helicopters are at their  
17 most vulnerable, a fixed target, hanging on its  
18 rotor blades with absolutely no place to go but  
19 down in case of failure, error or treachery.

20 Nearby was the well-used Heights  
21 Promenade and the Pierpont Street children's  
22 playground. And yet even further away from that  
23 to the west was open area over the Brooklyn Bridge  
24 Park Piers, now vacated due to the fact  
25 construction hasn't been completed. And of course

1 the Hudson River. That particular helicopter was,  
2 from my point of view, not doing the right thing.

3 Okay, why? The--

4 CHAIRPERSON LIU: [Interposing]  
5 Well Mr. Kenny I have to ask you to wrap up.

6 MR. KENNY: Yeah. Well I--I - -  
7 before--

8 CHAIRPERSON LIU: [Interposing] But  
9 you're certainly welcome to--

10 MR. KENNY: --in my mind the  
11 helicopter hover maneuver over a densely populated  
12 metropolitan community is the airborne equivalent  
13 of the well-criticized high speed chase by police  
14 automobiles in pursuit of perps. Risk must be  
15 weighed very carefully. For me this hovering  
16 helicopter was justified only in the very most  
17 extreme circumstances.

18 And since those helos most  
19 frequently are seen and heard hovering over an  
20 apartment. These helos, most helicopters that are  
21 seen and heard over our communities hovering are  
22 actually New York City helicopters. The--and I  
23 need not describe the agencies that they belong  
24 to.  
25

1  
2 And they also belong to companies  
3 that are licensed to do business here in the New  
4 York area, the newspapers and televisions  
5 stations. And so the City Council probably has  
6 the ability to immediately control the use of City  
7 and business helicopters hovering over our  
8 communities.

9 CHAIRPERSON LIU: Thank you Mr.  
10 Kenny. I know you have a lot to add Mr. Kenny,  
11 and you've been waiting very patiently all  
12 afternoon so let me give everybody a chance to  
13 give their input and you're certainly welcome to  
14 stay for a second round. Thank you very much.  
15 Ms. Joanne Chernow, Isabel Shimel, Peggy  
16 Stitzenberg and Ann Rogaksi. And they will be  
17 followed by another panel consisting of Yaffa  
18 Slessinger, John Genopolis, Sam Leff, and John  
19 Ost.

20 [Pause]

21 CHAIRPERSON LIU: Thank you Ms.  
22 Chernow, please proceed.

23 MS. JOANNE CHERNOW: My name is  
24 Joanne Chernow--

25 CHAIRPERSON LIU: [Interposing]



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Please bring the mic a little bit closer to you.

Ms. CHERNOW: I'm a Battery Park City resident and a board member of the West Street Coalition which was one of the plaintiffs in the lawsuit against the West 30<sup>th</sup> Street Heliport.

We are concerned about low-flying and hovering small planes and helicopters that are pervasive over the West Side of Lower Manhattan and insist that there are at least three reasons to ban them. The first is for safety reasons and I think that has been pretty much covered here today. I would like to point out that news helicopters are not safe either and that they also crash. There has been like three of them in the area in recent years. And we were lucky because most of these incidents occur over water. If it had been over a building, there would have been a lot more problems.

Another major concern is that there does not seem to be any requirement for routine drug and alcohol testing on the pilots who are up there and I think that should be something you consider. Two other things that I don't think

1  
2 have been covered quite as much, the second reason  
3 to ban these flights is that security threats are  
4 coming from people who are obsessed with  
5 airplanes. We do not know who was in the planes  
6 that are up there or what their cargo is and  
7 neither do authorities. And that is really scary.

8                   Thirdly, downtown residents are  
9 being subjected to a double quality of life hit.  
10 We are living in a huge construction area while  
11 enduring the additional noise and pollution from  
12 above. On August 12<sup>th</sup> a media helicopter hung low  
13 over Gateway Plaza for almost an hour, starting at  
14 6:30 A.M. Yesterday we had several media  
15 helicopters from 6:30 A.M. until after Noon for an  
16 event at the World Trade Center site that could  
17 have easily been covered from the ground.

18                   Early morning hovering by news  
19 helicopters is a common occurrence downtown. The  
20 noise they make is very loud. And 311 does not  
21 take helicopter noise complaints and I hope that  
22 you will consider this, what you're doing. These  
23 hovering helicopters are a huge, huge issue in  
24 some areas.

25                   Allowing small low-flying aircraft

1 over the river just means that people who live  
2 closer to the water are unfairly burdened by the  
3 danger and noise. Tourist and media helicopters  
4 and small planes should be banned from airspace  
5 above and around New York City to increase  
6 security, safety and quality of life in an area  
7 that has been disproportionately endangered by  
8 these flights. Thank you.

10 CHAIRPERSON LIU: Thank you very  
11 much Ms. Chernow. Ms. Shimel?

12 MS. ISABEL SHIMEL: Yeah. Hi.  
13 I've never done this before.

14 CHAIRPERSON LIU: you're doing very  
15 well.

16 MS. SHIMEL: [Laughing] So I don't  
17 have anything written but I live on 74<sup>th</sup> Street  
18 between 3<sup>rd</sup> and Lexington Avenue. And for the past  
19 few years, I don't know when it began; I hear  
20 nonstop helicopter noise, east to west, west to  
21 east, north to south, and south to north.

22 Anyway in order for me to read I  
23 have to go into a room and put on an air  
24 conditioner so that it will block out the noise.  
25 I'm obviously against the helicopters and planes

1  
2 for the noise reason. I'm also against them  
3 because I think they're all totally unnecessary.

4 I think commercial helicopter trips  
5 are unnecessary. I know of one young man who  
6 takes a helicopter to the Hamptons. He could take  
7 a car like everybody else. I don't think they're  
8 necessary for law enforcement because I see, you  
9 know, police cars manage to go through the street  
10 and drive everybody off if necessary, same thing  
11 with ambulances. There is no reason to have  
12 helicopters or planes over Manhattan.

13 CHAIRPERSON LIU: Thank you very  
14 much. That was very witty of you. Thank you.  
15 Ms. Stitzenberg.

16 MS. PEGGY STITZENBERG: My name is  
17 Peggy Stitzenberg. I'm the President of the  
18 Hudson River Helicopter Noise Coalition. We're a  
19 grassroots organization made up of concerned New  
20 York and New Jersey citizens and community groups.  
21 Eliminating tourist helicopter and recreational  
22 flights over New York City, New Jersey and the  
23 Hudson River corridor will improve air traffic  
24 safety and quality of life in the metropolitan  
25 area.

New York has the busiest air corridor in the nation. Unlike roads, no new airspace can be added as the number of flights increase. All aircraft must be packed into the existing airspace and have obviously exceeded the capacity for safe flight over our metropolitan area.

The overcrowded conditions dominated by the many air tour helicopters using the West 30<sup>th</sup> Street Heliport created an accident waiting to happen and it did happen on Saturday, August 8<sup>th</sup>. Now that tragedy has struck, it is time to act. Stop all air tours and recreational flights over the metropolitan area.

The Hudson River corridor which was once populated by industry is now almost entirely residential on both the New York and New Jersey sides of the river. The air tours and recreational flights using this airspace are in complete contradiction to public safety and provide no useful purpose to the citizens of our community. Instead they increase our risk of harm from planes and helicopters falling from the sky due to overcrowded conditions, inexperienced

pilots, weather and mechanical failure.

Some may make self-serving arguments that these air tours provide an economic benefit to New York City but the gross revenue from air tours is a miniscule part of the City budget and hardly worth jeopardizing the safety, security and peace of mind of our residents. Tourists will not stop coming to New York City because they can't take an 8 to 15 minute helicopter ride.

Nine people are now dead because New York City and the FAA failed to address these serious safety issues earlier. It's time to stop the craziness, eliminate the future risk for our residents, and ban all helicopter tours and other unnecessary flights in our metropolitan airspace. Thank you very much.

CHAIRPERSON LIU: Thank you very much for testifying Ms. Stitzenberg. Ms. Rogaski?

MS. ANN ROGASKI: Hi. I'm Ann Rogaski, Hudson River Helicopter Noise Coalition. I think it's all been said by everybody that spoke here today: safety, noise. I think the only meaningful statement I can possibly make at this

1 point is I am appalled. Attention and reparations  
2 have been made for far more frivolous issues that  
3 this one. Two weeks ago I was on NBC News with  
4 Tim Minton explaining this situation. Two years  
5 ago I wrote a letter to The Times and the New  
6 Jersey newspapers regarding an accident about to  
7 happen right above where I live.  
8

9 Well that has come true. Two years  
10 ago a helicopter went into the water 300 yards  
11 from our living room window. And two weeks ago  
12 the helicopter crashed about a third of a mile  
13 from my bedroom window. We live on a pier so we  
14 jut out into the river. We live across from the  
15 34<sup>th</sup> Street Heliport. It is a swarm of bees on any  
16 given day or weekend.

17 There has been pleasure and peace  
18 in the past ten days because this terrible tragedy  
19 has silenced the air traffic above us. On a final  
20 note I would have to say that I have--we have  
21 dealt with the FAA. We have dealt with our local  
22 politicians in New Jersey. I don't even know if  
23 we have a right to be here today--

24 SPEAKER QUINN: [Interposing] Yes  
25 you do.

1  
2 MS. ROGASKI: --we are the New  
3 Jersey counterpart of this problem. We get no  
4 representation from our Senators or Congressmen.  
5 And I wrote a letter this week to our local  
6 papers. I'm getting--we are getting nowhere with  
7 the issue. Thank you for hearing us out. The  
8 FAA, the spokesman that was just here, I give him  
9 a lot of credit for coming with his prepared  
10 statement but I just heard the quintessential  
11 double-speak by saying the airwaves are regulated  
12 but they're not controlled.

13 Help us, the airwaves above our  
14 homes are out of control and unregulated. We just  
15 want safety for our lives. Thank you.

16 CHAIRPERSON LIU: Thank you. Thank  
17 you. And just for the record, the gentleman who  
18 spoke before was not speaking on behalf of the  
19 FAA. The FAA, we expect that the FAA and the NTSB  
20 will testify at a future hearing after their  
21 investigation is concluded. Thank you very much  
22 for joining us this afternoon. Our next panel  
23 consisting of Yaffa Schlesinger, John Genopolis,  
24 Sam Leff and John Ost, please come up.

25 [Pause]



CHAIRPERSON LIU: They will be followed by Michael Lamb, Harriet Frank and Rhonda Wagoner.

[Pause]

CHAIRPERSON LIU: Mr. Schlesinger, please proceed.

[Pause]

CHAIRPERSON LIU: Mr. Schlesinger?

MS. YAFFA SCHLESINGER: My name--

CHAIRPERSON LIU: [Interposing] Oh I'm sorry, Yaffa Slessinger--

MS. SCHLESINGER: [Interposing] That was fine.

CHAIRPERSON LIU: Miss Schlesinger. Sorry about that.

MS. SCHLESINGER: Thank you. My name is Yaffa Slessinger. I do not live in Montana. I live in Forest Hills between LaGuardia and Kennedy. I came to give expression to the rage I had against our Mayor when I read his statement about a tragedy in August 8<sup>th</sup> on the Hudson River. I voted for him.

Such cynicism should not be allowed. And the same cynicism was said from this

1 place when they said that you have to be from  
2 Montana to express objection to the helicopters.  
3 Stop the helicopters.  
4

5 The second, I came here to honor,  
6 to respect, to support Joy Held in her work, she's  
7 the President of the Helicopter Noise Coalition of  
8 New York City. Our first commitment is to the  
9 people of New York. And don't let the greed stop  
10 you. Do everything to promote people to come to  
11 New York. Tourist is great, not helicopters.  
12 Thank you.

13 CHAIRPERSON LIU: Wow, thank you  
14 very much. Please proceed.

15 MR. JOHN GENOPOLIS: Good afternoon  
16 Council Members. My name is John Genopolis. I'm  
17 a native West Sider and I want to take a moment of  
18 my time to thank Gale Brewer who called for a  
19 press conference in early January to address this  
20 problem. And certainly Speaker Quinn has been  
21 very active.

22 I also, behind the scenes, want to  
23 thank Jerry Nadler and his office which was  
24 thanked over and over again here. And also Tom  
25 Dwayne's office who has received many of these

1  
2 complaints. I have given you a written version of  
3 my statement so I will only highlight a few  
4 things.

5 I want to say that, you know, it's  
6 been described as the Wild West but it's not  
7 confined to the West Side. This is a citywide  
8 problem. And the term Wild West invokes an image  
9 of a lawlessness but unfortunately it is legal.  
10 They are operating in a legal confines that caters  
11 to visitors to our City rather than to its  
12 citizens. Why do we take--what does take? A  
13 Triangle Shirt Factory tragedy or the General  
14 Slocum tragedy, or 9/11 to get safety measures for  
15 our City?

16 We have known about this since 1977  
17 when the Pam Am crash, Abe Beam [phonetic] took  
18 measure to ban helicopters over our City. Again  
19 this is not a new issue. This is something that  
20 keeps revisiting itself.

21 Now blame has been leveled at the  
22 FAA and the air traffic controllers. But really  
23 we should be blaming the City. Because the City  
24 encouraged much of what is our problem today which  
25 is this increase in catering to the tourist

1 traffic for the sake of having a 15-minute ride  
2 for \$150 and placing those people not only at risk  
3 but citizens at risk. So I think that in an  
4 effort, we have to balance out economic benefit to  
5 the City with the safety of our citizens.  
6

7 One of the things you should be  
8 aware of is that many of these helicopter  
9 operators, when the pilots are flying, they act as  
10 tourists guides. So instead of focusing on the  
11 flying, they are giving, describing what the  
12 visitor should be looking at. They're also  
13 banking their flights to people can get photo  
14 opportunities.

15 We must look at the way these  
16 helicopters are being operated. The media  
17 outlets, we used to say, with all due respect to  
18 the people at Channel y, there goes that  
19 Eyewitness News van again. Now it's go look at  
20 that helicopter again. We have to use those  
21 judiciously. I think my time started a little off  
22 because--okay. So I have a few more seconds.

23 [Off mic]

24 MR. GENOPOLIS: All right I'll wrap  
25 it up quickly then. The recent flyover of Air

Force One over our City shows that the psyche of 9/11 is still in our souls. We must not forget the 50,000 victims of 9/11 who are being treated at Mount Sinai and other--with post traumatic stress that are impacted every day by these low level flights.

So I urge you to take whatever steps necessary and don't make it simply a Federal question. Make it a City question and you can pass legislation in this Council that can control that. Thank you.

CHAIRPERSON LIU: Thank you Mr. Genopolis. Thank you. Mr. Leff?

MR. SAM LEFF: Hi. My name is Sam Leff. I'm the Past President of the West 79<sup>th</sup> Street Block Association. And I'd like to speak on several issues regarding, well it's not much time, but many of the flights that come up the Hudson, they're going to Central Park.

And in order to go to Central Park they have to cross over our neighborhood, the very densely populated Upper West Side. And in order to get back, if they come up from the south in order to get back to the Hudson, they have to fly

1  
2 over our neighborhood again. And they are doing  
3 it incessantly.

4 In that neighborhood there are  
5 dozens of schools and the children in those  
6 schools, like the professionals who are in their  
7 apartments working, are constantly being  
8 interrupted by the sounds of the helicopters going  
9 over. Now we hear about Attention Deficit  
10 Disorder. Well in order to have enough attention  
11 to hear a teacher or to write a paragraph, you  
12 have to have a certain amount of quiet. And if  
13 you have a helicopter going over your head every  
14 5, 10 or 15 minutes, it's very, very hard to  
15 sustain your attention.

16 We were out on the Clearwater a  
17 couple of months ago and the skipper of Pete  
18 Seegar's Clearwater told me about her classes that  
19 they give for people, for sailing. They give  
20 regular classes for high school students on the  
21 Clearwater. And she said that they cannot give  
22 their classes without being interrupted  
23 incessantly by the helicopters.

24 So I invite you all to think more,  
25 also, about the people, the hundreds of thousands

of people who are being constantly disrupted by this totally, totally unnecessary noise. Thank you very much, all of you, for listening to this.

CHAIRPERSON LIU: Thank you very much Mr. Leff. Mr. Ost--

MR. JOHN OST: [Interposing] Hi--

CHAIRPERSON LIU: --it's been a while.

MR. OST: How are you?

CHAIRPERSON LIU: Where've you been?

MR. OST: [Chuckling] My name is John Ost. I serve on the Board of Directors of South Bridge Towers. It's a 1,600 development unit right by the seaport. I'm also a founding member of the Civic Center Residents Coalition. And thank you for your help on the Park Row issue.

The latest helicopter crash, Liberty Tour had accidents actually since 1995. I read that in the paper. But this is their first fatality. It causes one to question why we are allowing these flights at all over one of the most densely populated areas in the country.

A few weeks ago the same NYPD

1 helicopter made two emergency landings in our  
2 public parks. What would have happened if the  
3 park had been full of people at the time? Worse  
4 what would have happened if there was no public  
5 park below at the time it went down?

7 Helicopters are dangerous machines.  
8 Unlike the recent safe airline landing that Sully  
9 performed in the Hudson, helicopters do not glide.  
10 If they lose power they drop like stones, straight  
11 down. My take, which may not be that popular, is  
12 that all non-emergency helicopter flights, that  
13 means police, news, traffic and tour, should be  
14 banned over the five Boroughs. And the City's  
15 heliports should be closed.

16 No information transport or  
17 passenger transport is so urgent or important that  
18 the lives of people on the grounds should be  
19 placed in jeopardy. I speak as a licensed private  
20 pilot who along with friends has flown thousands of  
21 uneventful small plane trips in the area. And I'd  
22 also like to underscore the noise problem. I walk  
23 around a lot, living in Lower Manhattan, and I've  
24 been on the West Side and I actually had to leave  
25 the World Financial Center area, the helicopters



were so unpleasant that I just sit and eat or read in the park. It's really unpleasant.

And previously the Port Authority which ran the Lower Manhattan Heliport had said that they were going to close it to tour helicopters completely when the Federal requirements allowed it. But unfortunately now EDC is running it and they are allowing tourist helicopters. Thank you. Appreciate it.

CHAIRPERSON LIU: Thank you Mr. Ost. And I want to thank this panel for their testimony this afternoon. Let me invite our next speakers, Michael Lamb, Harriet Frank and Rhonda Wagoner.

[Pause]

CHAIRPERSON LIU: Good afternoon. Mr. Lamb, please proceed.

MR. MICHAEL LAMB: Thank you Council Person Liu for having this hearing. I want to say that I think we've spent too much time, really, on the safety of helicopters and planes when I think our concern should be with the security, safety and wellbeing of our citizens of the City of New York.

To me the principle that should be applied here is that the security, safety and wellbeing of the millions of citizens is more important than the pleasure of a few people who ride helicopters and take these planes, excluding perhaps emergency.

So I'd like to see us apply that principle across the board and stop trying to figure out how a helicopter can fly and not get into an accident. They should just be banned altogether. There will be no accidents if there are no helicopters in the skies. That's all I have to say. Thank you.

CHAIRPERSON LIU: Thank you very much. Ms. Frank?

MS. HARRIET FRANK: Well could we  
restart the clock?

CHAIRPERSON LIU: Yes I was going  
to--

MS. FRANK: [Interposing] So I have  
my two minutes.

CHAIRPERSON LIU: --do that.

MS. FRANK: Okay. Okay do I need  
to press this now?

CHAIRPERSON LIU: You're already set.

MS. FRANK: Already set. Okay. My name is Harriet Frank and I'm a concerned citizen who lives at the intersection of two flight paths with a very high volume of helicopter traffic. And so I'm in a great position to observe what's going on.

I live at Riverside Drive and 79<sup>th</sup> Street and I would like first to thank Gale Brewer, my Councilwoman, for being active on this issue. From where I live I could look through my windows and see the enormous volume of helicopter traffic going in various directions. They're going north and south.

A lot of the tour, most of the flights consist of tourist helicopters. And they come uptown and then they make wide u-turns and go down town. And then 79<sup>th</sup> Street as an east/west corridor and there's a great deal of traffic coming from that direction. And so they're all weaving a web that's very complex and there's extreme congestion there.

And I would submit that this level

1 of traffic cannot be supported in this narrow  
2 corridor. And it certainly shouldn't be flying  
3 over our residences and our places of work and our  
4 streets and our neighborhoods. So a lot of the  
5 other speakers have reflected some of the concerns  
6 that I have so I'm departing from my written  
7 testimony.  
8

9 I would like to do a couple of  
10 things. One is I would like to question the basic  
11 premise that seems to have motivated a lot of the  
12 speakers here which is that the issue was one of  
13 better regulation, better equipment and improving  
14 the safety of helicopter flights. I don't think  
15 you need to be an aeronautical specialist to know  
16 that this volume of traffic is unsupportable. And  
17 it would be very simple to eliminate tourist  
18 helicopters which comprise more than 50% of the  
19 flights that are going up and down river and  
20 probably affecting other neighborhoods as well.

21 I also would like to submit that  
22 safety, the concern for safety, should comprise  
23 the concern for the health and wellbeing of the  
24 people who live here and how the flights affect  
25 them. And it's talking about flight safety as

1 simply governing how people fly up and down the  
2 river is a very narrow view of things. And these  
3 flights are noisy, they produce great vibration,  
4 they produce tremendous stress. It's impossible  
5 to concentrate. And it's very hard to live here.

6 Often when you walk on City  
7 streets, the noise of the helicopters is louder  
8 than the noise of busses and trucks on that very  
9 same street. And this is truly intolerable and  
10 something has to be done about it.

11 I therefore would support the  
12 efforts of the Helicopter Noise Coalition of New  
13 York City and the Hudson River Helicopter Noise  
14 Coalition and the Heli Free New York in their  
15 efforts and ask that the City Council take action.  
16 Any progress on this absolutely depends on the  
17 City Council, absent a strong voice from the  
18 Council, the City Administration and the Federal  
19 government will not do anything constructive about  
20 this.

21 So I implore you to act on the  
22 behalf of the citizens and their daily quality of  
23 life and their daily safety. And I ask that you  
24 pass legislation to ban air tours from the New  
25

1  
2 York City Heliport. This is an action that could  
3 be taken promptly. The legal precedent is there.  
4 It does not require reports from the FAA and  
5 etcetera. It can be done as soon as the will is  
6 there.

7 And also ask that you pass a  
8 resolution to the FAA to ban air tours from New  
9 York City airspace, both over land and over water.  
10 These actions are long overdue. It is long past  
11 time that priority be given to the safety and  
12 quality of life of the people who live here. And  
13 we ask you please, please act on behalf of the  
14 citizens of this City. Thank you very much for  
15 the opportunity to testify.

16 CHAIRPERSON LIU: Thank you Ms.  
17 Frank. Ms. Wagoner.

18 MS. RHONDA WAGONER: Hi. I thank  
19 you. I too live on the Upper West Side on 86<sup>th</sup>  
20 Street and almost on Riverside on the top floor  
21 and have written many letters to no avail.

22 One which I have in front of me  
23 where I, you know, speak of seeing conditions that  
24 are going to eventually result in a tragic midair  
25 collision. So I've been talking to friends for

1 years about this. And it's really an opportunity  
2 to be here today and hear all the comments.

3 I mean a couple of things I haven't  
4 heard mentioned are the banking degrees and the  
5 fly-neighborly, you know, policies. I think that  
6 Ruth Messinger worked on. But we're beyond flying  
7 neighborly I think. I mean we really need some  
8 enforcement.

9 And but the banking degrees, like  
10 I, on 86<sup>th</sup> can see the u-turns mostly of the  
11 tourist helicopters. And I think they're supposed  
12 to bank at like 10 degrees. And what you see is  
13 more like 45. And so that has to mean a  
14 fluctuating and unpredictable blind spot I would  
15 think. But, you know, the behavior of the pilots,  
16 also even for essential personnel, the emergency  
17 is over. So do you have to fly so low and  
18 possibly so fast. I mean these are just a couple  
19 of things, you know, that I've heard.

20 Basically I think everybody's  
21 covered most of all the issues. And, you know, I  
22 would invite anyone to come and set up a video  
23 camera on my balcony and you can see for yourself.  
24 I don't think most people really have any idea  
25

1  
2 what it's like to look out at five aircraft, you  
3 know, two helicopters, a plane, two jets higher  
4 up, and to look up and go oh my god, that was  
5 close.

6 I mean how many times do you have  
7 to do that, you know? So. It's just sort of  
8 mushroomed I think since 9/11. We have more and  
9 more tourist helicopters. So I heard but it just  
10 seems like hundreds, you know. I've lived where I  
11 live for 23 years. And it just seems to have  
12 gotten really, you know.

13 CHAIRPERSON LIU: Well Ms. Wagoner,  
14 you're probably right that New York City is  
15 probably not ready for a scene out of the Jetsons,  
16 just quite yet.

17 [Chuckling]

18 CHAIRPERSON LIU: Thank you very  
19 much for your testimony. Oh I'm sorry, Council  
20 Member Brewer.

21 COUNCIL MEMBER BREWER: All right.  
22 What do you think in terms of numbers on the  
23 weekends? I know that I've gotten some from John  
24 and from Sam, but what do you think in terms of  
25 the numbers, in terms of coming by on their way to



Central Park and back?

MS. FRANK: Oh you mean  
specifically about the east/west traffic?

COUNCIL MEMBER BREWER: Yes.  
Helicopters.

MS. FRANK: I don't know. I don't  
know. The traffic has subsided certainly since  
the accident. And it's been a little bit last the  
last several months because we've had a lot of bad  
weather and because of the economic downturn I  
think. But before that I could tell you that in  
terms of frequency of flights that I could see  
from my window, 'cause I have the view of it, that  
the headway between flights is often less than one  
minute. That it's not unusual for me, just  
looking straight, not having to turn right or  
left, to see three helicopters or four going in  
different directions. This is inherently unsafe.

COUNCIL MEMBER BREWER: Right, no I  
agree with that. I just want to get some numbers  
so people understand--

MS. FRANK: [Interposing] On the  
east/west, I have not made a count but it is  
probably--

COUNCIL MEMBER BREWER:

[Interposing] And it goes from the morning until the evening, right?

MS. FRANK: It goes from the morning to the evening.

COUNCIL MEMBER BREWER: Right.

MS. FRANK: And it's not limited to weekends. It's a lot of it during the week.

COUNCIL MEMBER BREWER: During the week, okay. Thank you very much.

MS. FRANK: Okay. Thank you.

CHAIRPERSON LIU: Thank you Council Member Brewer. And thank you very much to the panelists this afternoon.

MS. FRANK: Thank you.

CHAIRPERSON LIU: With that I want to thank everybody still here for participating in today's hearing of the City Council's Committee on Transportation. A substantial number of people testified today and your comments and suggestions will certainly be taken to heart by this Committee. Thank you very much. This hearing is adjourned.

[Gavel banging]

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COMMITTEE ON TRANSPORTATION

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CHAIRPERSON LIU: Thanks Gale.

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[END 1002.MP3]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in dark ink on a light-colored background.

Signature \_\_\_\_\_Laura L. Springate\_\_\_\_\_

Date \_\_\_\_\_November 17, 2009\_\_\_\_\_