



Legislation Text

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Res. No. 147

Resolution calling upon the United States Federal Aviation Administration to institute an immediate moratorium preventing all sightseeing helicopters from flying over New York City until adequate safety measures governing these types of aircraft are implemented.

By Council Members Brewer, Chin, James, Palma, Rodriguez, Williams and Levin

Whereas, On August 8, 2009, a helicopter operated by Liberty Helicopter Tours collided with a small private plane over the Hudson River; and

Whereas, This tragic accident resulted in the loss of all nine individuals, one of the deadliest helicopter accidents in New York City history; and

Whereas, Before this incident, there have been several other notable accidents over New York City's airspace; and

Whereas, In April 1997, a corporate helicopter taking off from a heliport on East 60th Street, crashed into the East River, killing one passenger and injuring three others; and

Whereas, Later that same year, a helicopter was forced to make an emergency landing after clipping a Manhattan building, resulting in damage to the helicopter's rotor; and

Whereas, A plane piloted by Yankee pitcher Cory Lidle crashed into a building in Manhattan in 2006, killing Mr. Lidle and his flight instructor; and

Whereas, In 2007, a tour helicopter had to make an emergency landing in the Hudson River on its emergency pontoons; and

Whereas, These accidents and the terrible catastrophe of August 8th are sobering reminders of the dangers associated with air traffic safety and has led some individuals to refer to the air space

over New York City as the “wild, wild west” due to its lack of regulation; and

Whereas, The federal government has exclusive jurisdiction over regulating airspace and the United States Federal Aviation Administration (FAA) is the entity that is charged with developing airspace regulations; and

Whereas, Currently, aircraft flying over the Hudson River below 1,100 feet are subject to federal requirements including minimum air speeds, right of way and operating heights; and

Whereas, Yet, these aircraft are not required to communicate with a control tower but rather use visual flight rules and periodically broadcast their altitude on a common frequency; and

Whereas, Aside from the FAA regulations, other federal entities including the National Transportation Safety Board and the United States Department of Transportation (DOT) have put forward recommendations to improve commercial aviation safety; and

Whereas, Notably, the DOT Inspector General issued a report, nearly one month before the August 8th accident, that indicated that the national fatal accident rate of on-demand operators was fifty times higher than the rate for commercial operators; and

Whereas, The report also stated that on-demand operators are subject to significantly less safety requirements and oversight than commercial air carriers, and noted that on-demand pilots have less experience and safety training, and the equipment is less sophisticated than that used by their commercial pilot counterparts; and

Whereas, In an attempt to make the airspace over New York City safer, on September 2, 2009, the FAA announced new recommendations which would include new training programs for pilots, air-traffic controllers, and the tourist helicopter operators, set new mandatory speed limits for these vehicles and require all pilots to tune into the same radio channel; and

Whereas, Despite these proposed safety measures, United States Senator Charles Schumer felt the recommendations do not go far enough, as controllers would still not be required to monitor

aircraft below 1,000 feet; and

Whereas, Congressman Jerold Nadler referred to the recommendations as inadequate because they do not require the installation of a cockpit device that would automatically alert the pilot that another aircraft is close; and

Whereas, Without necessary and proper safety regulations, the airspace above New York City remains dangerous for these types of vehicles; and

Whereas, According to the New York City Economic Development Corporation, more than 300,000 tourists took a helicopter trip in 2008 and all unscheduled air transportation, including tour helicopters and corporate charters, generate nearly \$290 million annually; and

Whereas, While this represents a significant economic interest, the overarching safety concern of passengers and members of the public are paramount; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Federal Aviation Administration to institute an immediate moratorium preventing all sightseeing helicopters from flying over New York City until adequate safety measures governing these types of aircraft are implemented.

JM
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October 20, 2009