SCOTT A. RUSSELL
SUPERVISOR

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P.O. Box 1179
Southold, New York 11971-0959
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OFFICE OF THE SUPERVISOR
TOWN OF SOUTHOLD

January 2, 2019

VIA ELECTRONIC SUBMISSION

U.S. Department of Transportation
Docket Operations, M-30
1200 New Jersey Avenue, SE
West Building Ground Floor, Room W12-140
Washington, DC 20590

Re: Request for Comments on Requirement for Helicopters To Use the New York North Shore Helicopter Route
Docket No.: FAA–2018–0954

Dear Sir or Madam:

The only thing wrong with the Rule under review is its implementation which has increased helicopter noise, rather than to reduce it. Proper implementation and enforcement of the Rule would effectuate its purpose, i.e., "to secure and improve upon decreased levels of noise." FAA intervention and clarification is the only course available to effectuate this objective.

Helicopter pilots who voluntarily fly the North Shore Route ("NSR") are required to fly the entire route with transition between the route and a point of landing or takeoff "by the shortest and most direct flight path possible to minimize the flight time over land.

Instead, and with impunity, about 80% of helicopters using the NSR fly over Southold on routes promulgated by agreement among the Eastern Regional Helicopter Council ("ERHC"), East Hampton and its tower operator and individual operators. Treating Southold as a free-fly zone constitutes a flagrant and continuing violation of the Rule obvious to anyone who cares to look to the sky or a computer screen.

Southold joins Southampton in proposing clarification of transition from the NSR as follows:

Transition over land to or from a landing facility may occur only

within the borders of the Town in which such facility is located.

A. The FAA Must Conduct a Review and Assessment of the Rule Establishing the North Shore Route and Special air traffic Rules, Specifically, Their Noise Impact, Enforcement and Alternative or Supplemental Routing

The FAA Reauthorization Act of 2018 directs the FAA to initiate a review of the regulations prescribing a special air traffic rule for civil helicopters operating VFR along the North Shore, Long Island, New York that assesses the—

(1) noise impacts of the regulations for communities, including communities in locations where aircraft are transitioning to or from a destination or point of landing;

(2) enforcement of applicable flight standards, including requirements for helicopters operating on the relevant route to remain at or above 2,500 feet mean sea level; and

(3) availability of alternative or supplemental routes to reduce the noise impacts of the regulations, including the institution of an all water route over the Atlantic Ocean.

In furtherance of its statutory to obligation, the FAA has requested public comment, 83 FR 55133. Southold responds to the four questions that the FAA has posed as follows:

(1) *Did implementation of the Rule result in more or less helicopter noise in your community compared to levels you experienced prior to implementation of the Rule?*

Southold response: Implementation of the Rule caused more aircraft noise in Southold because the FAA's interpretation of the Rule has been used to enable pilots to transition from the NSR by allowing them to fly at will over Southold en route to and from facilities located in the towns of East Hampton and Southampton.

In its comment to the FAA, the Helicopter Association International agrees that the Rule has not reduced helicopter noise:

> Unfortunately, the FAA's implementation of 14 CFR Part 93, Subpart H has failed to serve its intended purpose and has instead exacerbated the noise problem along the Long Island North Shore by focusing helicopter traffic over fewer neighborhoods.[1]

This a fair statement of the problem. The solution is not repeal of the Rule, but enforcement of the intended purpose of the NSR special air traffic rules, that is, no transition to or from the route except at its terminus.

(2) *How and when do helicopter operators deviate from the Rule?*

Southold response: Helicopters deviate from the Rule every time they transition to or from

[1] https://www.regulations.gov/document?D=FAA-2018-0954-0176

the NSR by flying over Southold, in particular, when using the so-called Sierra Route. The FAA has not enforced the Rule. Enforcement is simple given online tracking tools readily available to the FAA.

(3) *Are there alternative or supplemental routes that you believe will reduce the noise impacts without jeopardizing the safe operation of aircraft?*

Southold response: The establishment of: a) a mandatory transition point east of Plum Island, and b) an Atlantic Ocean Route with the same special air traffic and transition rules as the NSR, would reduce substantially, or more likely eliminate, helicopter noise in Southold.

(4) *Should the Rule be extended, modified, or allowed to expire in 2020?*

Southold response: Yes. The FAA should amend the interpretive memorandum dated November 30, 2012 to prohibit NSR transition over Southold of flights to and from aircraft facilities located in the towns of East Hampton and Southampton.

As of January 2, 2019, the FAA's docket contains no comment from the ERHC or the Town of East Hampton. From this, it must be concluded that neither has any position on the FAA's current review and assessment of helicopter noise impact, rule enforcement and alternative or supplemental routing. ERHC has advised that it has submitted a comment. In the event, an ERHC comment is entered on the docket, Southold reserves to right submit a response.

B. The Town of Southold

Southold is a bucolic, rural community located about 94 miles east of Manhattan's East 34th Street heliport. Settled by English colonists in 1640, the Town celebrated its 375th anniversary in 2015. With a residential population of about 20,000, Southold occupies most of Long Island's North Fork and includes ten hamlets (Fishers Island, Orient, East Marion, Greenport West, Southold, Peconic, Cutchogue, New Suffolk, Mattituck and Laurel along with the incorporated Village of Greenport).

Our Town is bounded to the north by the Long Island Sound Estuary and to the south by the Peconic Bay Estuary with approximately 163 linear miles of shoreline. The U.S. Environmental Protection Agency has designated both the Sound and the Bay each as an "Estuary of National Significance." In addition, The Nature Conservancy has recognized the Peconic Bay Estuary as one of the "Last Great Places in the Western Hemisphere," whose environmentally sensitive waters support commercial fishing, a family run oyster farm and bay scallop cultivation.

The Town possesses a rich heritage of scenic, historic, and natural resources which are vital to Southold's sense of place and community, as well as its economy... unspoiled beaches, 38

sprawling vineyards and wineries, agricultural production on family owned farms, farm stands, historic buildings, museums and unlimited recreational opportunities. In recent years, the North Fork has become home to an award-winning craft brewery, a cider mill and a distillery, hops farms, as well as a cattle ranch, an organic poultry farm and a dairy farm.

On May 16, 2017, the FAA denied a petition from Southold to the FAA to reconsider, repeal in part, amend in part, notice and open for public comment the Rule extending the NSR until 2020 because it deprived Southold and the public of their right to notice and opportunity to be heard before extension. We incorporate herein by reference Southold's petition dated November 15, 2016.

C. Use of the NSR Is Completely Voluntary and Wilful

Helicopter operators choose overwhelmingly to fly over Southold with impunity in open defiance of the noise reduction purpose of the Rule. They do so because they choose to.

Helicopters flying between New York City facilities and locations in East Hampton and Southampton may fly any routes pilots choose. Several FAA officials - among them Regional Counsel Mary McCarthy, Deputy Regional Administrator Maria Stanco and Aviation Safety Inspector Victor Mevo - so stated to Southold special counsel at a recent FAA public workshop in Garden City.

The comment of the Helicopter Association International ("HAI") is plainly incorrect when it states as follows that the FAA requires pilots to use the NSR if they are flying to Long Island's East End:

> Requiring pilots to closely follow the published North Shore Route creates "bottlenecking" and concentrates helicopter traffic and noise over finite areas....Helicopter operators in [the New York] area report that pilots no longer fly inland over Long Island due to an understanding that if an operator is flying to the East End they must be on the North Shore Route.

Pilots must adhere to the 2500 feet/one mile special air traffic rule only if they voluntarily choose to fly along the North Shore east of waypoint VPLYD, as the FAA has stated to Southold." In that sense, the NSR is both voluntary and mandatory.

The choice to overfly Southold is the deliberate result of an agreement sponsored by the ERHC. This multi-party agreement, executed annually among ERHC, East Hampton, East Hampton's contract tower operator and individual operators, establishes "strongly recommended" routes in and out of HTO, including routes targeting Southold. East Hampton's tower operator actively vectors departing helicopters to these routes on departure, especially the most used route

known as the November Route which overflies Southold. *See* East Hampton-ERHC Agreement with Routes and Signature Page annexed as Exhibit A.

D. About 80% of All Helicopter Flights Fly over Southold

At Southold's request, the FAA conducted an analysis of helicopter routing during the Memorial Day and July 4th holiday periods. The resultant PDARS tracking established that about 80% of helicopter flights between NYC locations and East Hampton's airport flew over Southold. *See* PDARS 2018 tracks annexed as Exhibit B.

This represents an increase of about 18% since a previous PDARS analysis which showed 62% of NYC-East Hampton flights flew over Southold during a four day period in July and August 2016, while 38% used the Atlantic Ocean Route. This analysis is included in Southold's 2016 petition to the FAA.

The deliberate nature of Southold overflights is confirmed by East Hampton's VECTOR tracking and the FAA's further PDARS tracking presented at recent public meetings. *See* East Hampton VECTOR tracks and FAA PDARS chart (August 2018) annexed as Exhibits C and D, respectively.

E. Helicopter Noise Has Increased Substantially in Southold Since the FAA Permitted Transition at Will from the NSR

In 2018, transportation planning consultants HMMH conducted an aircraft noise complaint analysis for East Hampton. The study analyzed complaints during the period January 1 through July 31, 2017 and reported:

- an exponential increase in noise complaints from 2014 - 2017
- noise complaints made during January 1 through July 31, 2017 increased by 17,587 (133%) compared with complaints during the same period in 2016
- as of July 31, 2017, total complaints for 2017 exceeded calendar year 2016 levels with 5 months of 2017 then remaining

See HMMH Complaint Analysis Excerpt (2018) annexed as Exhibit E.

It is hardly surprising that the skyrocketing volume of noise complaints closely tracks the November and Echo routes over Southold as pictured in the last two pages of Exhibit E, the HMMH report.

This link between the ERHC-East Hampton designated routes and noise complaints was

also documented in Southold's 2016 petition.

F. The FAA's Misinterpretation of the Rule Has Led to the Increase in Helicopter Noise in Southold

An FAA letter dated November 30, 2012 has been used to create a transition loophole which entirely undercuts the purpose of the Rule as upheld by the United States Circuit Court of Appeals for the District of Columbia in 2013. The letter, addressed to the ERHC, reads as follows in part:

> For noise abatement purposes, transitions between the route and a point of landing should be made by the shortest and most direct flight path possible to minimize the flight time over land.
>
> * * *
>
> As a general guide, transitions between the route and a point of takeoff or landing should be made by the shortest and most direct path possible to minimize flight time over land. In your example, instead of transitioning 1/4 mile east of VPLYD for a landing at Southampton heliport (87N), the pilot should transition at a point where the heliport is directly abeam of the helicopter's flight path on the mandatory route.

FAA Letter Memorandum dated November 30, 2012, ¶¶ 4-5, annexed as Exhibit F.

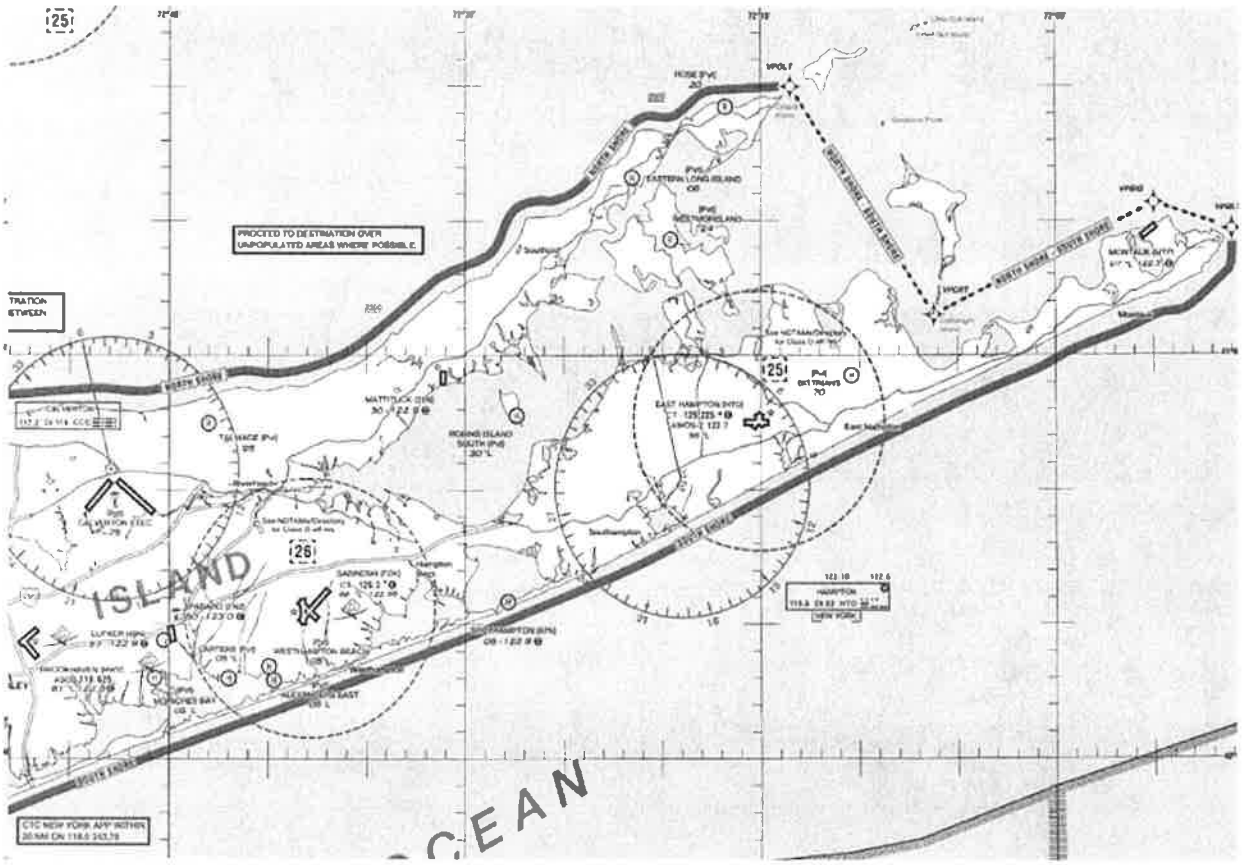
It is correct to for the FAA to note that pilots must take the "most direct flight path possible to minimize the flight time over land." However, the FAA letter is incorrect to state that a pilot's transition from the NSR must be "where the heliport is directly abeam of the helicopter's flight path on the mandatory route." This statement, by way of example, guts the Rule because it allows pilots to depart from the NSR at will. It also contravenes correct characterization of the NSR as stated elsewhere in the letter.

Once a pilot voluntarily chooses to fly along the north shore of Long Island, the NSR special air traffic rule applies and is mandatory. The pilot must follow the route which is "mandatory" and must also comply with its altitude and distance-from-shore requirements end-to-end, i.e., between Orient Point and waypoint VPLYD, without transition. The November 30th letter is clear on this as follows:

> The rule applies to those pilots of helicopters whose intended route of flight takes them along the northern shore of Long Island. It is not expected that pilots whose route of flight is across the center or southern portions of Long Island would alter their flight path to the

north. The requirement to utilize the route is contingent on planned route of flight, not altitude.

* * *



[T]he mandatory portion of the route extends from the "VPLYD waypoint (north of Lloyd Harbor) to the VPJAY waypoint (northwest of Port Jefferson LIPA plant smokestacks), then via and off the shoreline to Orient Point."

FAA Letter Memorandum dated November 30, 2012, ¶¶ 2-3.

The Rule itself states that NSR is mandatory when pilots choose to fly the north shore. In promulgating the Final Rule, the FAA did not change the NSR which been in use for several years but explained that "[m]aximizing the utilization of the existing route by making it mandatory will secure and improve upon the decreased levels of noise that have been voluntarily achieved." Final Rule, 77 Fed. Reg. at 39,914. "Maximizing utilization" could never mean maximizing helicopter noise in Southold, which is what has happened. The ERHC-East Hampton November and Echo

routes do not transition directly abeam of KHTO. Furthermore, "the most direct flight possible to minimize flight time over land" with transition directly abeam is for helicopters to transition past the eastern terminus of the NSR, i.e., east of Orient Point around Plum Island, then over water southwest, until directly abeam of HTO in East Hampton.

Clarification of the FAA's interpretive letter is required to effectuate the intent of the Rule which is to minimize noise over populated areas. The "directly abeam" language is the problem and should be deleted. Transition to and from the NSR over Southold should be prohibited. Southold supports Southampton's transition formulation as stated in its comment to the FAA:

> Transition over land to or from a landing facility may occur only within the borders of the Town in which such facility is located.[2]

Southold urges the FAA to define permissible transition in this way. Such a reasonable interpretation of the Rule is entirely consistent with the goal of noise reduction and will fully remedy the problem of increased noise caused by the current transition loophole. Southold urges the FAA to take immediate action to rectify the adverse impact of the "directly abeam" language.

G. Adoption of an Atlantic Ocean All-Water Route Is Feasible and Reasonable

Establishment of an all-water Atlantic Ocean Route with the same special air traffic and transition rules as the NSR would also reduce helicopter noise over residential areas.

The Atlantic Ocean Route is demonstrably feasible. PDARS tracking shows that pilots do fly over the ocean regularly, i.e., about 20% of flights during the periods tracked in 2018.

The FAA has tested the Atlantic Ocean Route and found that it works. On September 12th and 13th, 2011, the FAA Flight Test Group conducted demonstration helicopter flights of the Atlantic Ocean Route, as well as Manhattan heliport approaches, cross-island transition routes joining flights from Long Island Sound to the Atlantic Ocean Route, and other eastern Long Island approaches. At that time, the FAA reported that the Atlantic Ocean Route would "greatly reduce noise" and would not conflict with JFK flight operations as follows:

> The South Shore Helicopter Route channels helicopter traffic over the water along the southern shore of Long Island, thus greatly reducing noise in residential neighborhoods.
>
> * * *
>
> The South Shore Helicopter Route, for example, does not conflict with fixed-wing aircraft coming in and out of JFK International

[2] https://www.regulations.gov/document?D=FAA-2018-0954-0171

Airport.[3]

In letters to the FAA, Congressman Zeldin and Senator Schumer each has advocated adoption of an all water helicopter route:

> The final and most important goal throughout this process must be a shift to true all water routes including along the Atlantic Ocean for aircraft bound for Long Island's east end. In the interim, much stricter enforcement of altitude requirements and much more thorough follow-up on noise complaints along the NSR must be your agency's priority.
>
> * * *
>
> As I have expressed many times in the past, I continue to support an all -water North Shore helicopter route that includes an extension of the current route around Orient Point and Shelter Island, as well as an all-water route on the South Shore.

Letters of Lee Zeldin and Charles Schumer to the FAA dated November 18, 2018, respectively.

There is every well-documented reason to adopt all water helicopter routes with transition over land to or from a landing facility permitted only within the borders of the town in which such a facility is located. There is no reason to continue NSR transition over Southold, except to perpetuate avoidable helicopter noise, a beyond irrational result.

Further contact regarding this comment should be made with:

James D. Harmon, Jr.
Special Counsel
Town of Southold
53095 Route 25
P.O. Box 1179
Southold, New York 1197
harmonj@harfirm.com
(917) 680-4401

Southold is pleased to have the opportunity to be heard on this issue which concerns the quality of life of all of our Town's residents. We await your considered response.

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[3] 41 SatNavNews (Fall 2011) *viewed at* https://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/techops/navservices/gnss/library/satnav/media/SatNavNews_Fall2011_final_web.pdf

Respectfully submitted,

Scott A. Russell
Town Supervisor

TOWN OF SOUTHOLD NY COMMENT
Docket No.: FAA–2018–0954

LIST OF EXHIBITS

A East Hampton-ERHC Agreement with Routes and Signature Page

B PDARS 2018 tracks (Memorial Day and July 4th periods 2018)

C East Hampton VECTOR tracks (Memorial Day and July 4th periods 2018)

D FAA HELO Workshop PDARS chart (August 2018)

E HMMH Complaint Analysis Excerpt (2018)

F FAA Letter Memorandum dated November 30, 2012

Exhibit A

East Hampton-ERHC Agreement with Routes and Signature Page

Town of East Hampton Airport
P.O. Box 836
East Hampton, NY 11937
631.537.1130

May 10, 2018

Helicopter Noise Abatement

The following Helicopter Noise Abatement Procedures have been developed in collaboration with the East Hampton Control Tower, the Eastern Region Helicopter Council (ERHC), and East Hampton Airport Operations. These routes are strongly recommended in order to mitigate the noise associated with helicopter operations at HTO.

This plan has been selected to best relieve communities surrounding East Hampton Airport from the noise produced from Arriving and Departing helicopter traffic. While noise mitigation is extremely important, these procedures should in no way supersede the safe operation of aircraft. These procedures will be monitored for compliance at all checkpoints for accuracy of the route and recommended altitudes. The ERHC will receive weekly compliance reports.

November Arrival: (figure 2)

Arrivals from the west proceed to "November 1" (N40*57.37 W072*27.16) at or above 3500 feet, continue to "November 2" (N40*58.41 W072*20.43) at or above 3000 feet, to "November 3" (N40*58.14 W072*17.60) at or above 2500 feet, then to the airfield.

Sierra Route Arrivals and Departures for RWY 28 (figure 2)

Arrivals from the southwest fly along the south shore approximately half a mile offshore, via S2 (N40*52.30 W072*19.91) at 2,000 ft which is a point of converging traffic departing East Hampton Airport (HTO) on the Sierra Route.

Proceed past the mouth Georgica Pond to S3 (N40*55.32 W072*12.33) which is a flyover fix and enter a left base for Runway 28 or the parallel taxiway depending on the traffic at the airport and the direction of the air traffic controller.

Please hold your altitude as high as possible. Please look for fixed wing traffic in the traffic pattern or on approach to the airport. Overhead Georgica arrivals with spiraling descents on the north side of the airport are no longer expected and impede the safe flow of traffic on the north side of the airport.

Depart the airport via runway heading until passing 1,500 feet in the vicinity of S1 (N40.56.94 W072.19.64) then turn left to S2 (N40*52.30 W072*19.91) climbing to 3,000 feet BROC. After reaching S2, proceed westbound approximately a half mile off shore.

Sierra Route Arrivals and Departures for RWY 10 (figure 3)

When the winds are out of the East and the airport is utilizing RWY 10, the Sierra Route will be reversed.

Inbound aircraft will fly to S2 (40*52.30 W072*19.91) at 2,000ft then enter a right base for Runway 10. Remaining South of RWY 10 aiming for the approach of RWY 4 and listen for specific ATC instructions before crossing the runway to the north side of the runway.

Out bound traffic will depart into the wind to the East BROC to 1,500ft and when cleared by the tower, turn a right crosswind towards S3 (40*55.32 W072*12.33). After proceed west bound climbing to 3,000ft looking for inbound traffic to S2.

Echo Departure: (figure 4)

Depart heading northwest over the power lines to "Echo 1" (N40*58.03 W072*16.28). Turn right, remaining well east of Town Line Road and proceed to the East side of Barcelona Neck "Echo 2" (N41*00.76 W072*15.29). "Echo 2" is a mandatory flyover point. Please keep your tracks away from the village of Sag Harbor. Use max performance climb so as to cross Barcelona Neck at or above 3000 ft. MSL. Proceed then to "Echo 3" (N41*02.63 W072*18.31) and then to "Echo 4" (N41*01.26 W072*22.58). Please avoid any over flight of Shelter Island and North Haven.

PLEASE NOTE:

The success of noise abatement depends on the requested routes and altitudes being observed with precision to the greatest extent possible.

Pathways depicted on the map are for illustration only and may not conform precisely to coordinates.

The Control Tower will advise pilots of traffic conflicts on each of the voluntary helicopter routes and will retain the option of issuing arrival and departure instructions as traffic permits.

East Hampton Airport Curfews *(Emergency Ops Exempt)*:

Please adhere to the voluntary curfew: 2300 – 0700

Ramp Operations

All arrivals and departures to HTO should be to and from active runways or parallel taxiways so as not to interfere with fixed wing traffic. Approaches and departures directly to and from the **Terminal Ramp** area are **prohibited.**

No part of a helicopter, **including rotor tips**, is to come closer than **100 feet** to the Terminal building. Parking spot 1 in front of the Terminal Building is reserved for fixed wing aircraft only.

Boarding and deplaning a helicopter with the rotors turning should be avoided. Use of a rotor brake, if installed is encouraged. **All passengers boarding or deplaning shall have an escort to and from the terminal or designated marshalling area.**

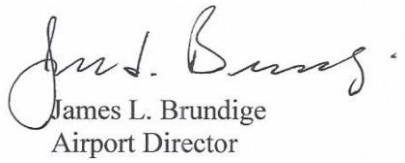
Operating rotors for an extended period of time on the ramp is discouraged. **More than ten (10) minutes is considered excessive.** Your cooperation with this limit is for noise and environmental considerations. Passengers who demand rotors turning when they arrive should be informed of this limit. If it is necessary to operate engines and/or rotors for extended periods of time, please move to one of the transient helicopter pads or as far from the Terminal Building as possible.

Other Considerations

Helicopter operations are the most serious environmental challenges we have at HTO. Anything you can do to mitigate the environmental impact of your operations will be greatly appreciated by this office and the surrounding communities.

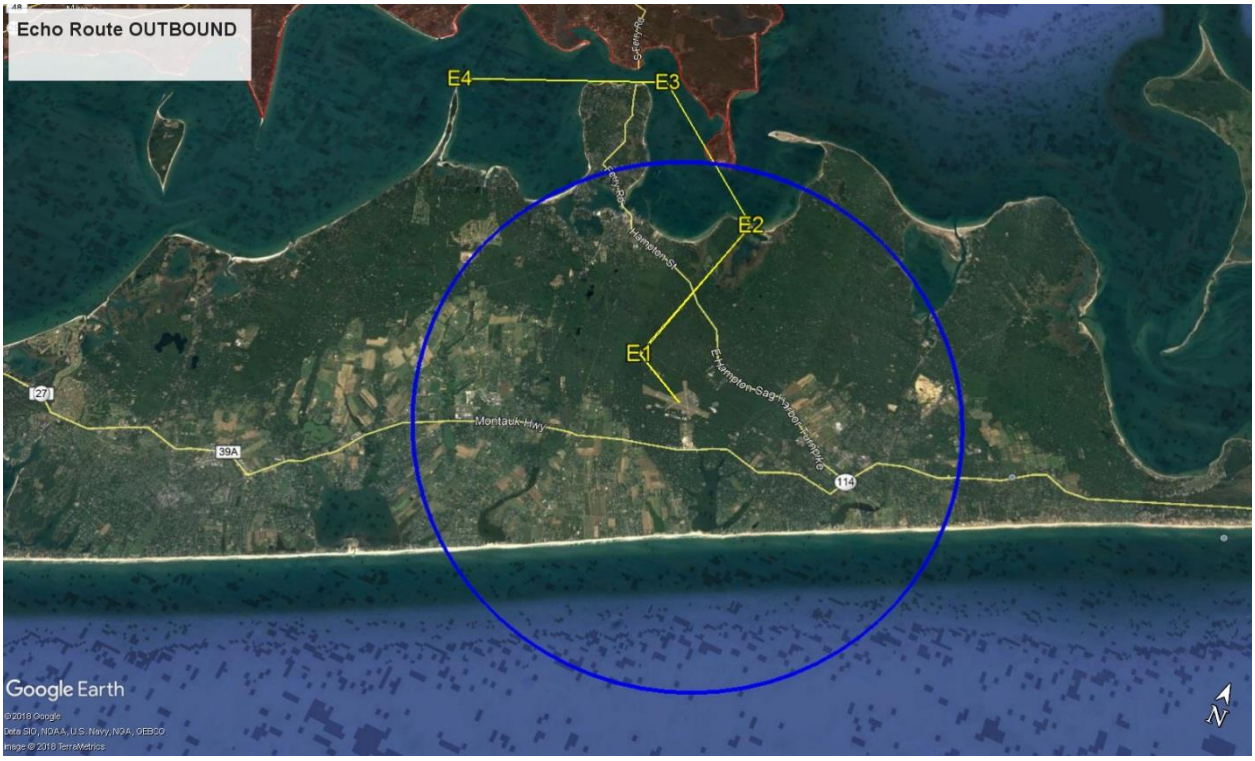
Non -Towered Operations: The area surrounding HTO has substantial air traffic during the summer months, some of which may have neither a radio nor transponder. Adherence to the suggested routes reduces the potential for conflicts but does not eliminate it. Frequent announcements of position, altitude and intended route are strongly encouraged. ***See and Avoid*** is paramount, all available aircraft lights should be illuminated day or night. Coordination with or monitoring of New York approach frequency is recommended to help avoid IFR traffic that may otherwise appear suddenly from IMC conditions.

Sincerely,

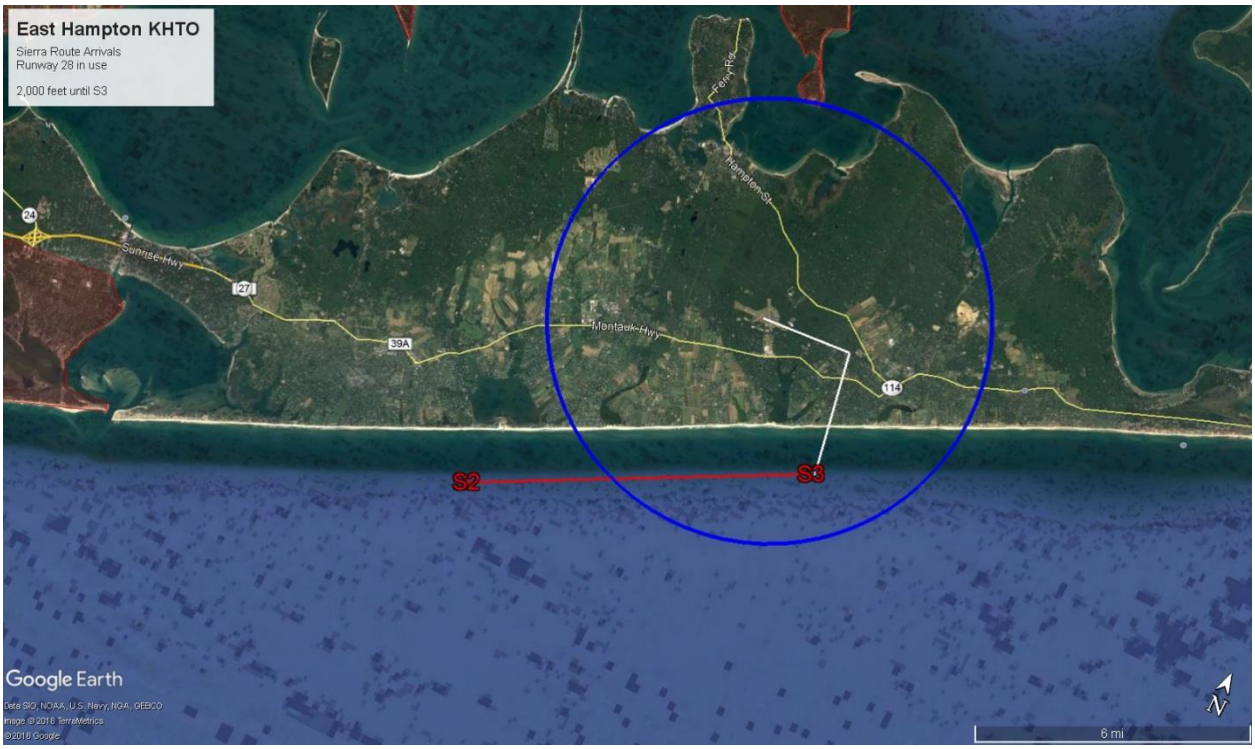


James L. Brundige
Airport Director

East Hampton KHTO
November Route
INBOUND ONLY
C1 3,500
C2 3,500
N1 3,500
N2 3,000
N3 2,500
FOK
Sound Ave
Main Rd
Cross Rd
Nugent Dr
Flanders Rd
Montauk Hwy
N Fork Rd
S Ferry Rd
Ferry Rd
Google Earth
8 mi
N


Echo Route OUTBOUND
E1
E2
E3
E4
S Ferry Rd
Ferry Rd
Hamptons St
E Hampton-Sag Harbor Turnpike
Montauk Hwy
Google Earth
©2018 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Image © 2018 TerraMetrics
N

East Hampton KHTO
Echo Route
East Extension
For choppers weighing more than 6,000 lbs
BROC to above 3,000 feet.
A2
A1
E2
E1
N Rd
Sound Ave
Main Rd
Cross River Rd
Flanders Rd
Sunrise Hwy
Montauk Hwy
Ferry Rd
105
48
25
24
27
39A
114
Google Earth
9 mi
N


East Hampton KHTO
Sierra Route Arrivals
Runway 28 in use
2,000 feet until S3
Ferry Rd
Hampton St
Sunrise Hwy
Montauk Hwy
24
27
39A
114
S2
S3
Google Earth
6 mi
N

East Hampton KHTO
Sierra Route Inbound
Runway 10 in use
2000ft to S2 then descending approach to S1. ATC will clear you across the runway.
S1
S2
Sunrise Hwy
Montauk Hwy
Hampton St
Fairy Rd
24
27
39A
114
Google Earth
6 mi
N

East Hampton KHTO
Sierra Route Departures
Runway 28 in use
BROC to 1,500ft at S1 then 2,000ft at S2
S1
S2
Sunrise Hwy
Montauk Hwy
Hampton St
Fairy Rd
24
27
39A
114
Google Earth
6 mi
N

East Hampton KHTO
Sierra Route Outbound
Runway 10 in use
BROC to 1,500. ATC will call your right turn to cross the extended center line of RWY 10 then BROC to 2,000 to S3 and S2.
S Ferry Rd
Ferry Rd
Hampton St
Sunrise Hwy
27
39A
Montauk Hwy
114
S2
S3
Google Earth
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Image © 2018 TerraMetrics
©2018 Google
N
6 mi

LOA SIGNATURE PAGE

The undersigned individual is the Chief Pilot/Director or Operations of the organization and/or company, and he/she agrees to and will abide by all pilot responsibilities set forth in the Letter of LOA.

Signature: _____

Print: _____

Operator/Company: _____

Title: _____

Contact number: _____

Contact Email: _____

Date: _____

Revision Number 1

_____

Bruce Miller

Air Traffic Manager

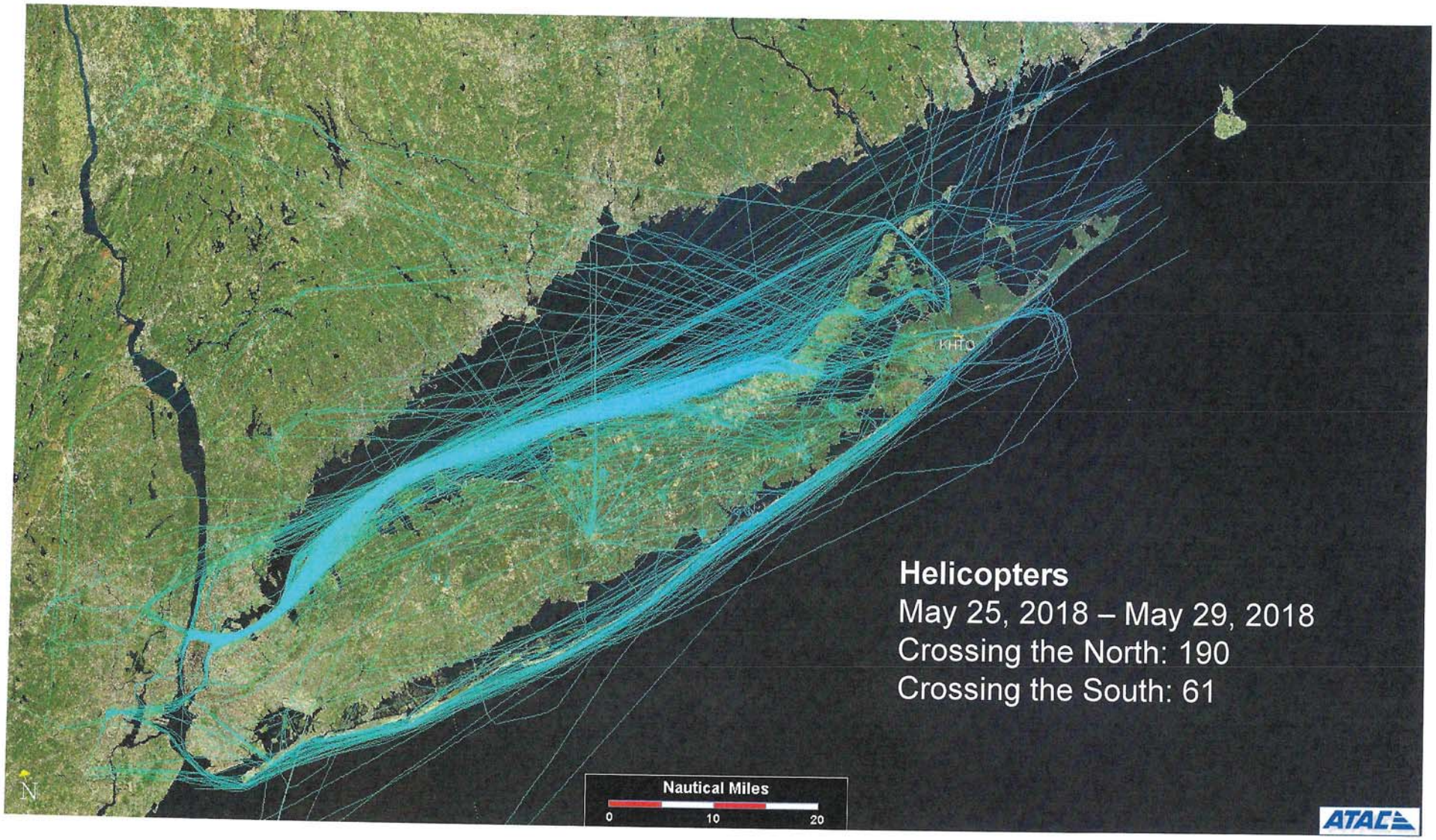
East Hampton Airport

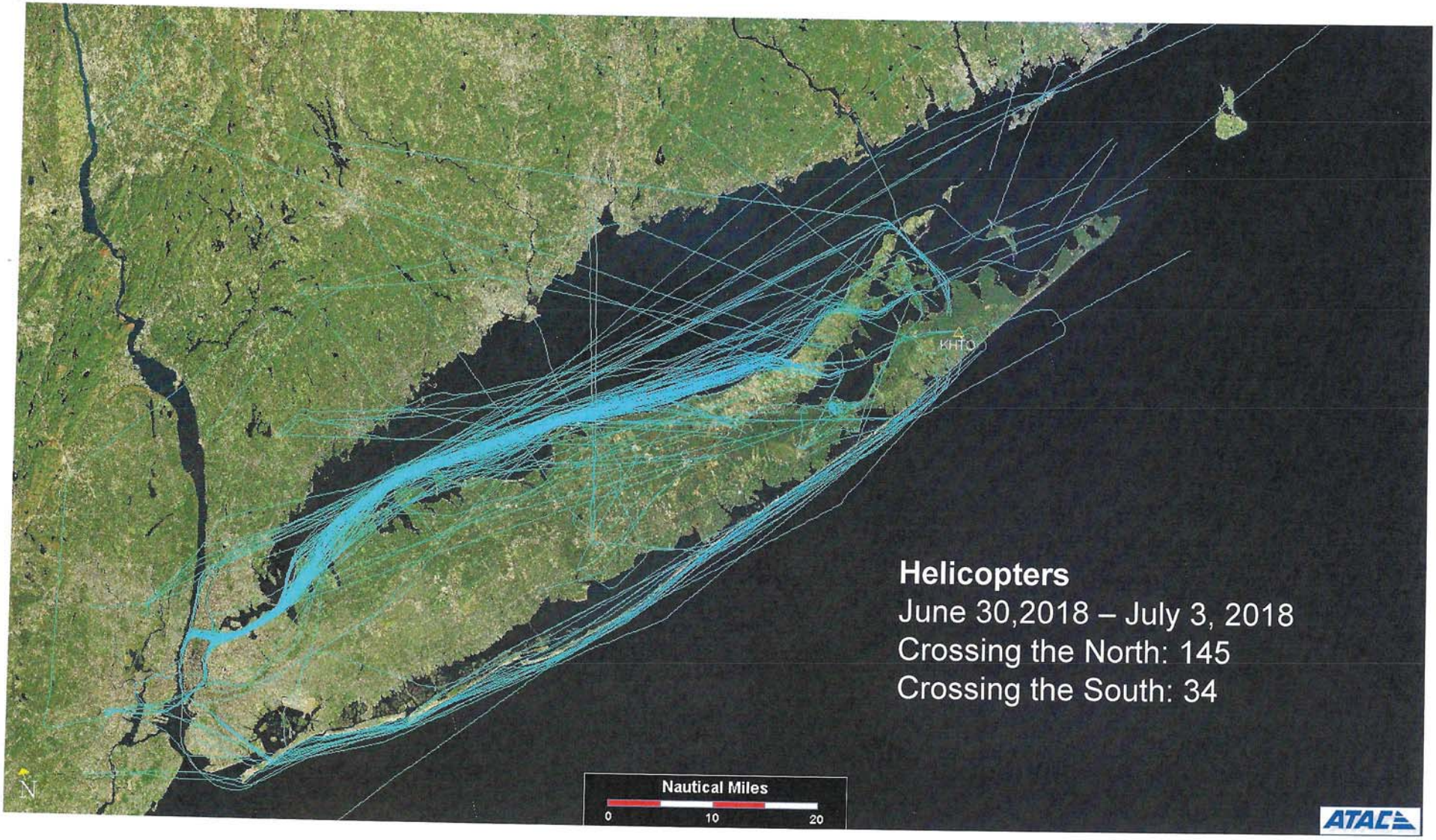
PLEASE FAX THIS SIGNED SHEET TO (631) 537-0533

Aircraft Tail Numbers:

Exhibit B

PDARS 2018 tracks


KHTO
Helicopters
May 25, 2018 – May 29, 2018
Crossing the North: 190
Crossing the South: 61
Nautical Miles
0
10
20
N
ATAC


KHTO
Helicopters
June 30,2018 – July 3, 2018
Crossing the North: 145
Crossing the South: 34
Nautical Miles
0
10
20
N
ATAC

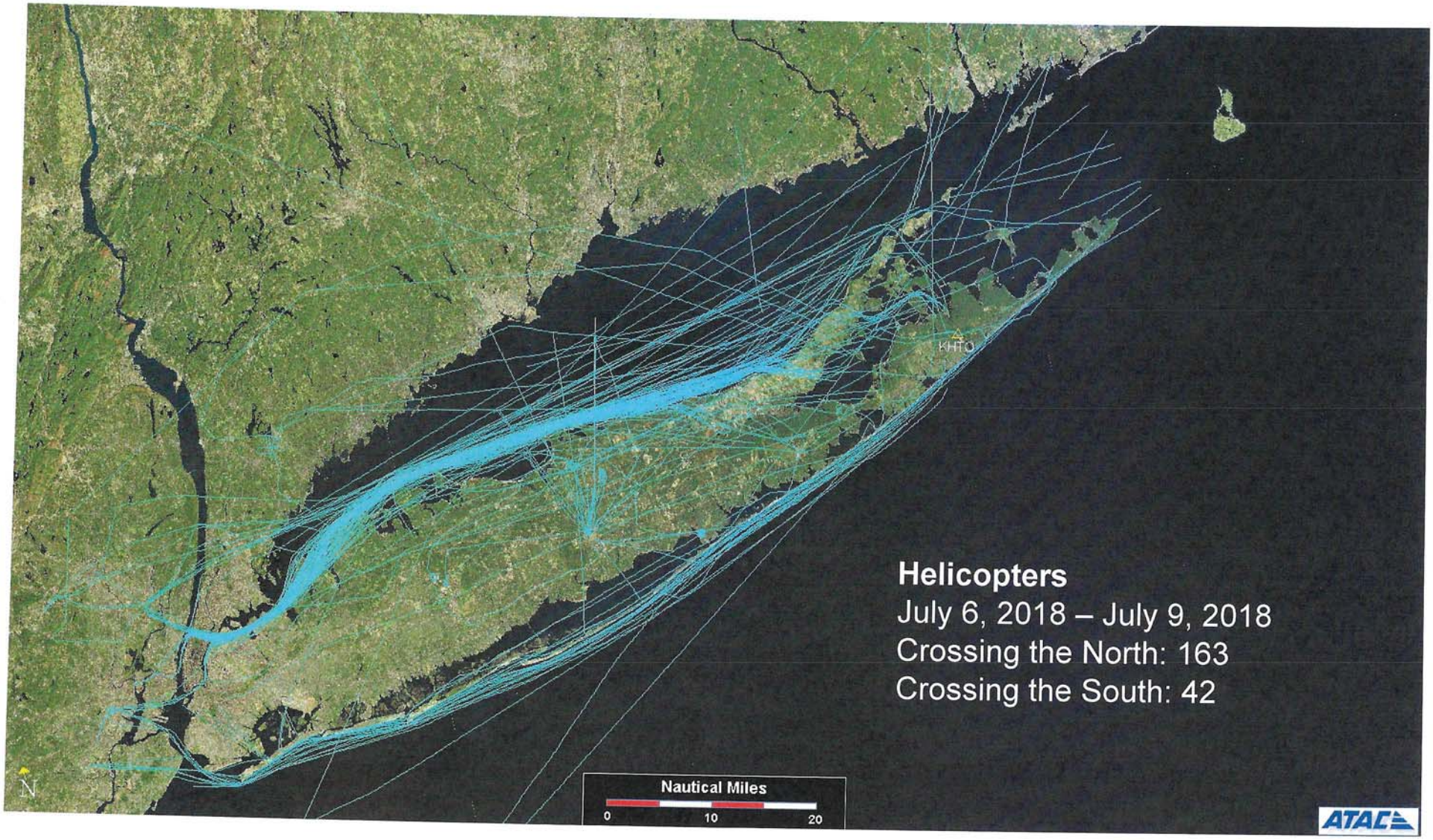
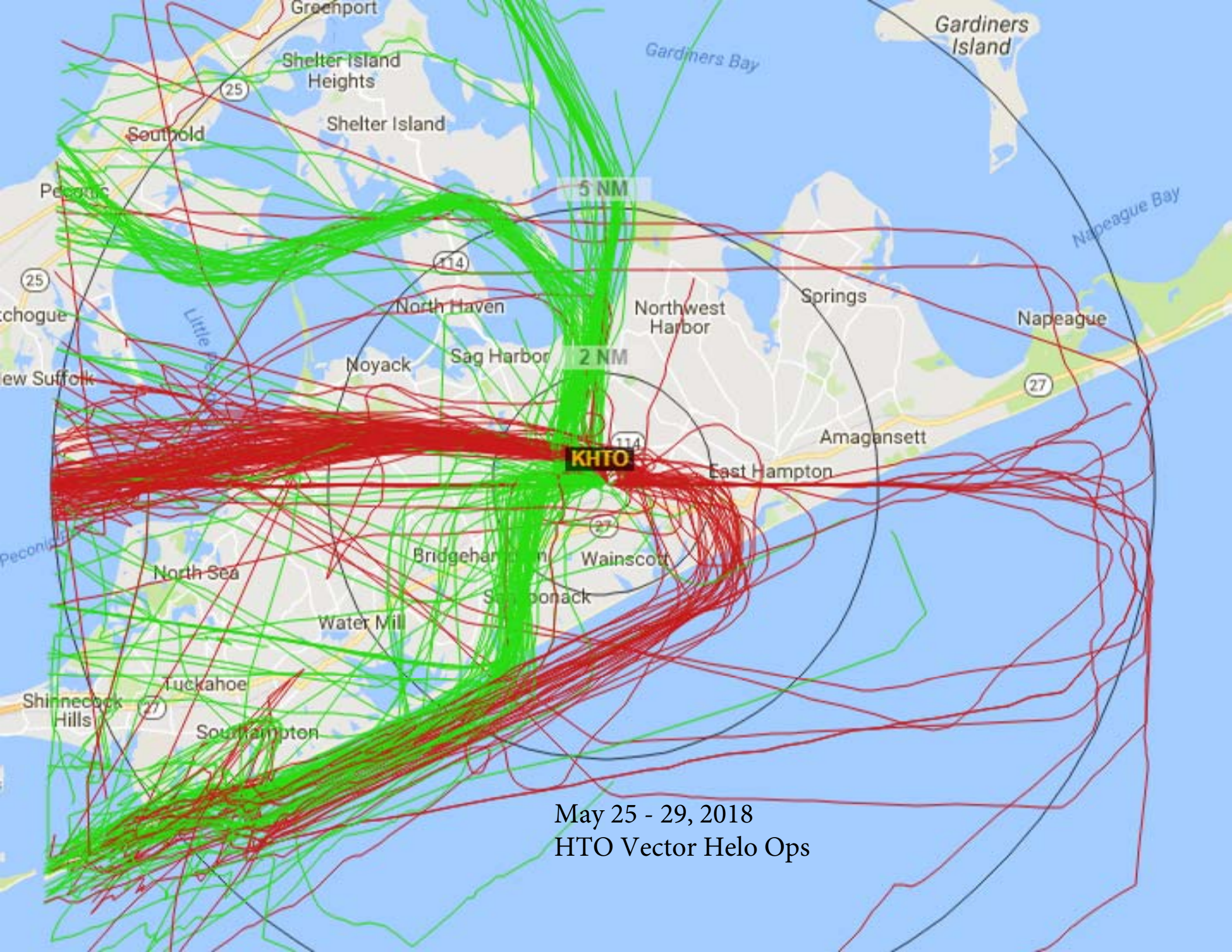
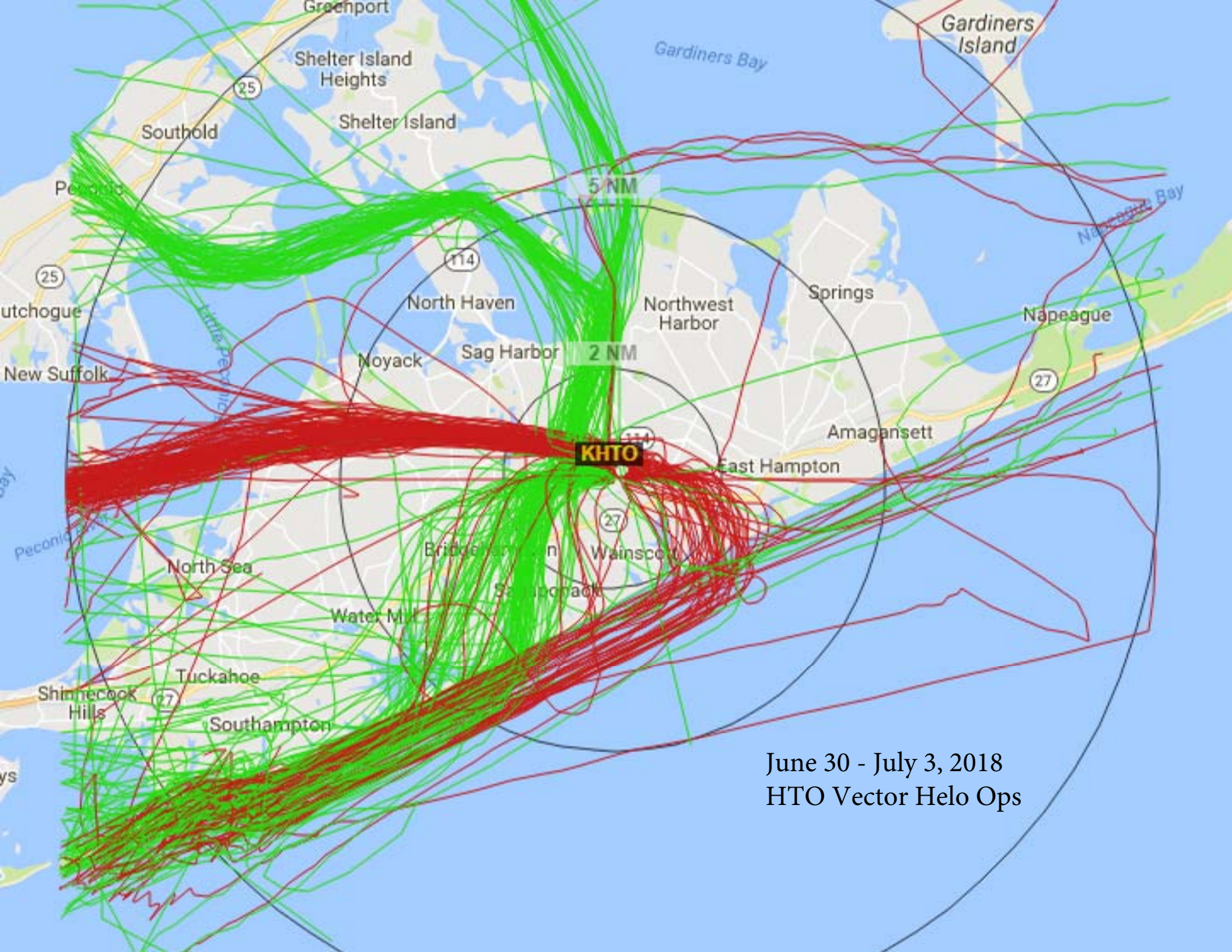

KHTO
Helicopters
July 6, 2018 – July 9, 2018
Crossing the North: 163
Crossing the South: 42
Nautical Miles
0
10
20
N
ATAC

Exhibit C

East Hampton VECTOR tracking Memorial Day and July 4th periods (2018)



May 25 - 29, 2018
HTO Vector Helo Ops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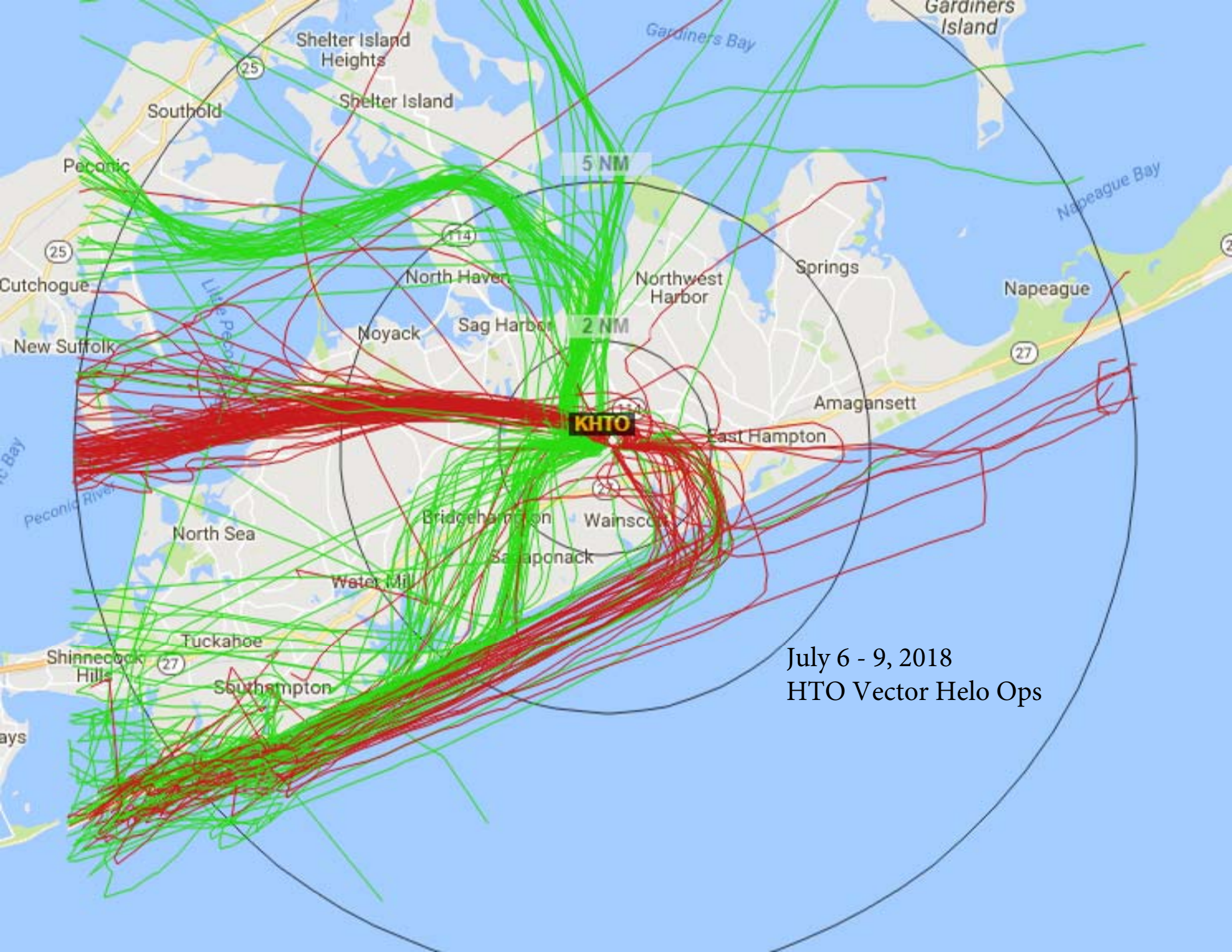
Shelter Island
Southold
Gardiners Bay
Gardiners Island
5 NM
2 NM
North Haven
Northwest Harbor
Springs
Napeague
Noyack
Sag Harbor
New Suffolk
Amagansett
KHTO
East Hampton
North Sea
Tuckahoe
Shinnecock Hills
Southampton
June 30 - July 3, 2018
HTO Vector Helo Ops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Peconic
5 NM
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North Haven
Northwest Harbor
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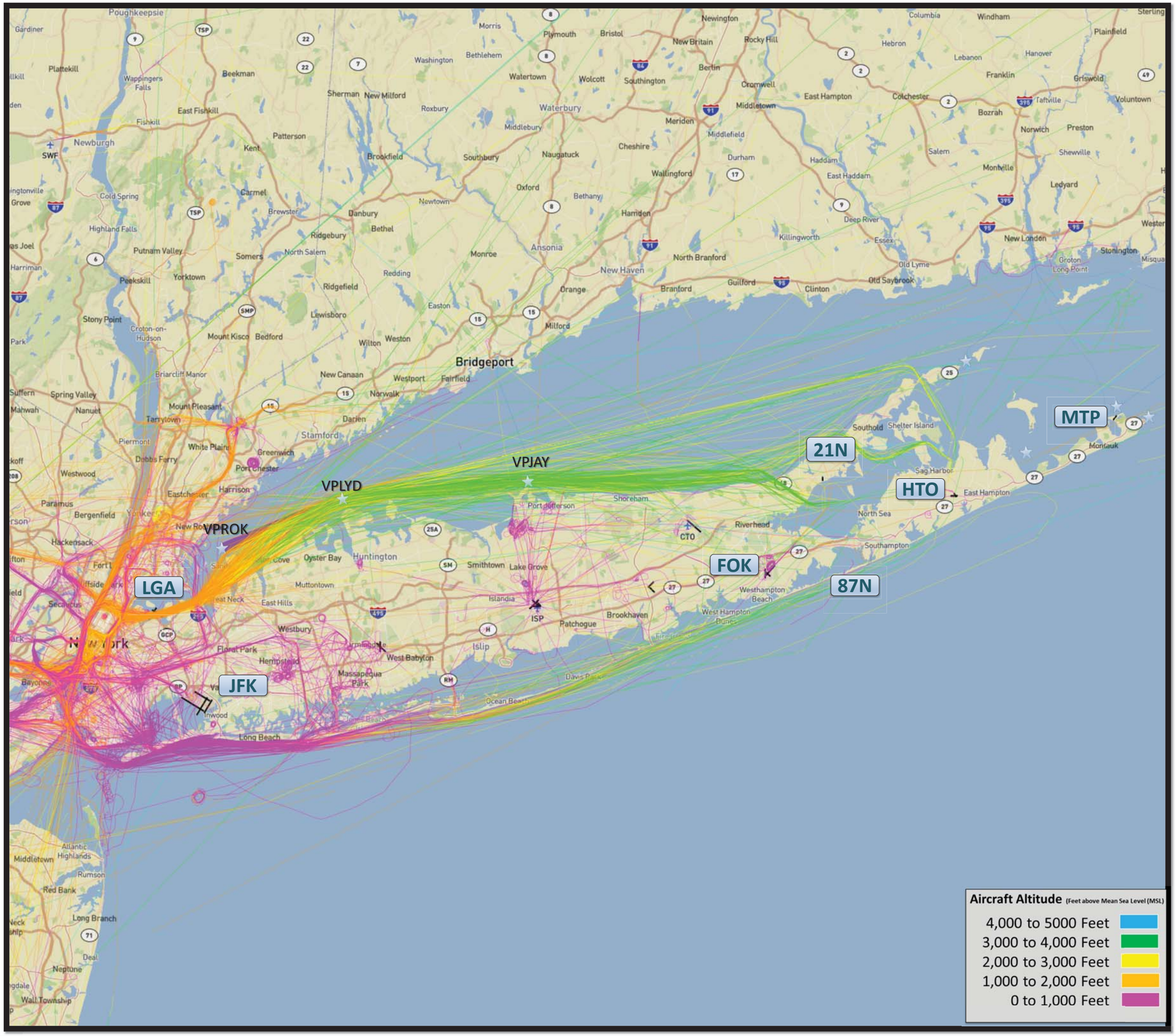
Noyack
Sag Harbor
2 NM
New Suffolk
Amagansett
KHTO
East Hampton
Peconic River
North Sea
Bridgehampton
Wainscott
Sagaponack
Water Mill
Tuckahoe
Shinnecock Hills
Southampton
July 6 - 9, 2018
HTO Vector Helo Ops

Exhibit D

FAA HELO Workshop PDARS chart (August 2018)



Helicopter Radar Tracks

Full View of New York and Long Island Area

- One week helicopter tracks
- Aug 5th – 11th , 2018
- Radar tracks colored by altitude
- Due to normal RADAR limitations, helicopter tracks may not show low altitude flights or the decent track of landing or departing flights

Exhibit E

HMMH Complaint Analysis Excerpt (2018)

Interim Analysis of Operations and Complaints at East Hampton Airport

January 1 – July 31, 2017

September 19, 2017

Mary Ellen Eagan, HMMH

Interim Analysis Overview

- Background
- Helpful definitions
- Interim review of 2017 operations and comparisons to 2014, 2015 and 2016 for selected aircraft types
- Interim review of 2017 complaints and comparisons to 2014, 2015, and 2016 for selected aircraft types
- Interim review of 2017 Air Noise Report complaints associated with specific aircraft types

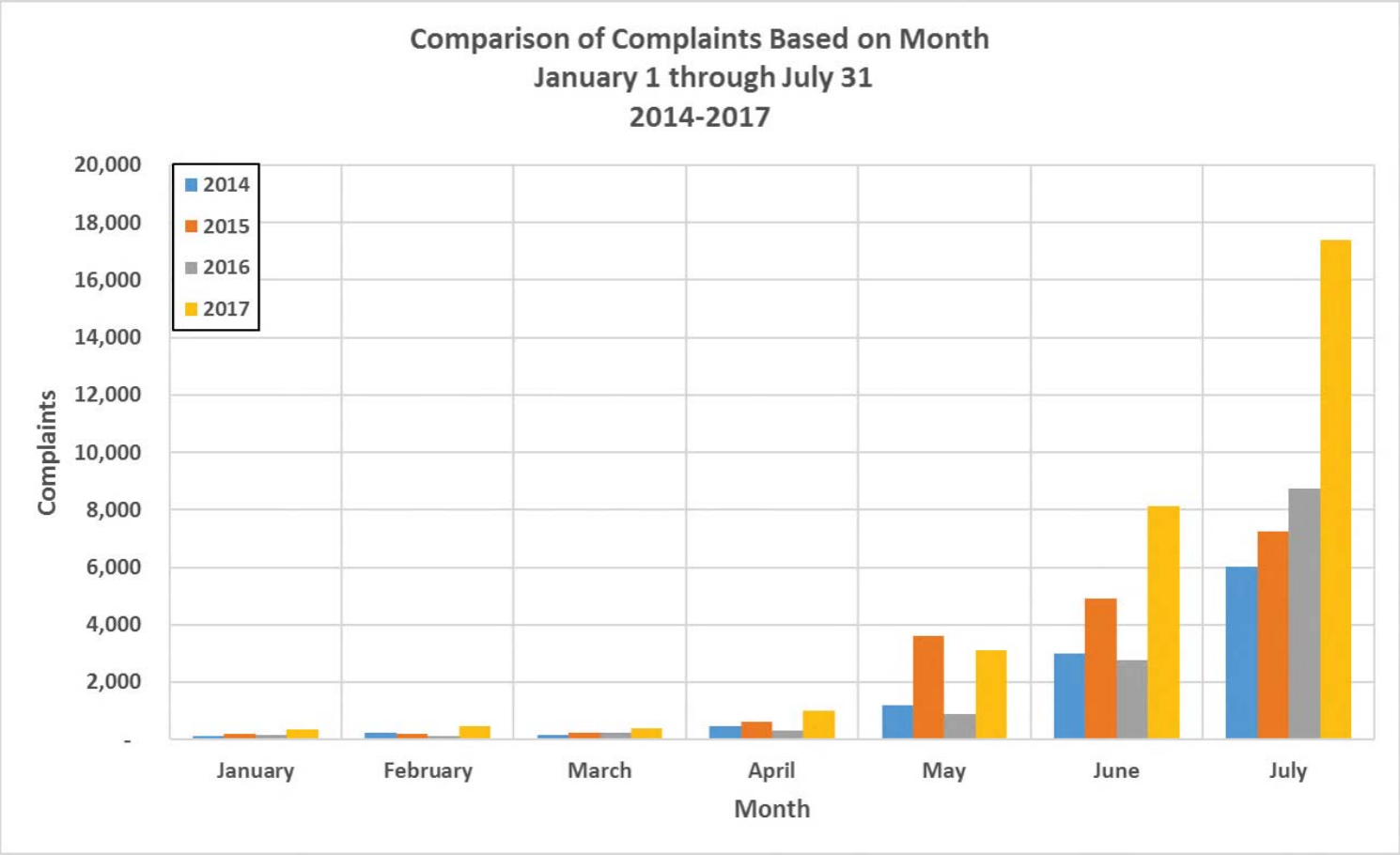
Background

- Collected most recently available year-to-date complaint and operations data associated with HTO for 2017 (January 1, 2017 – July 31, 2017)
  - HTO Operations data collected from Vector
  - Complaint data collected from PlaneNoise and Air Noise Report
  - These data sources are consistent with prior analysis conducted by HMMH at HTO for 2014, 2015, and 2016
- Analyzed complaint and operations data for comparison against calendar years 2014, 2015, and 2016
- Goal to evaluate interim 2017 HTO complaints and operations trends through mid-summer

2017 Year-to-Date Complaints Monthly Complaint Levels Top Level Observations

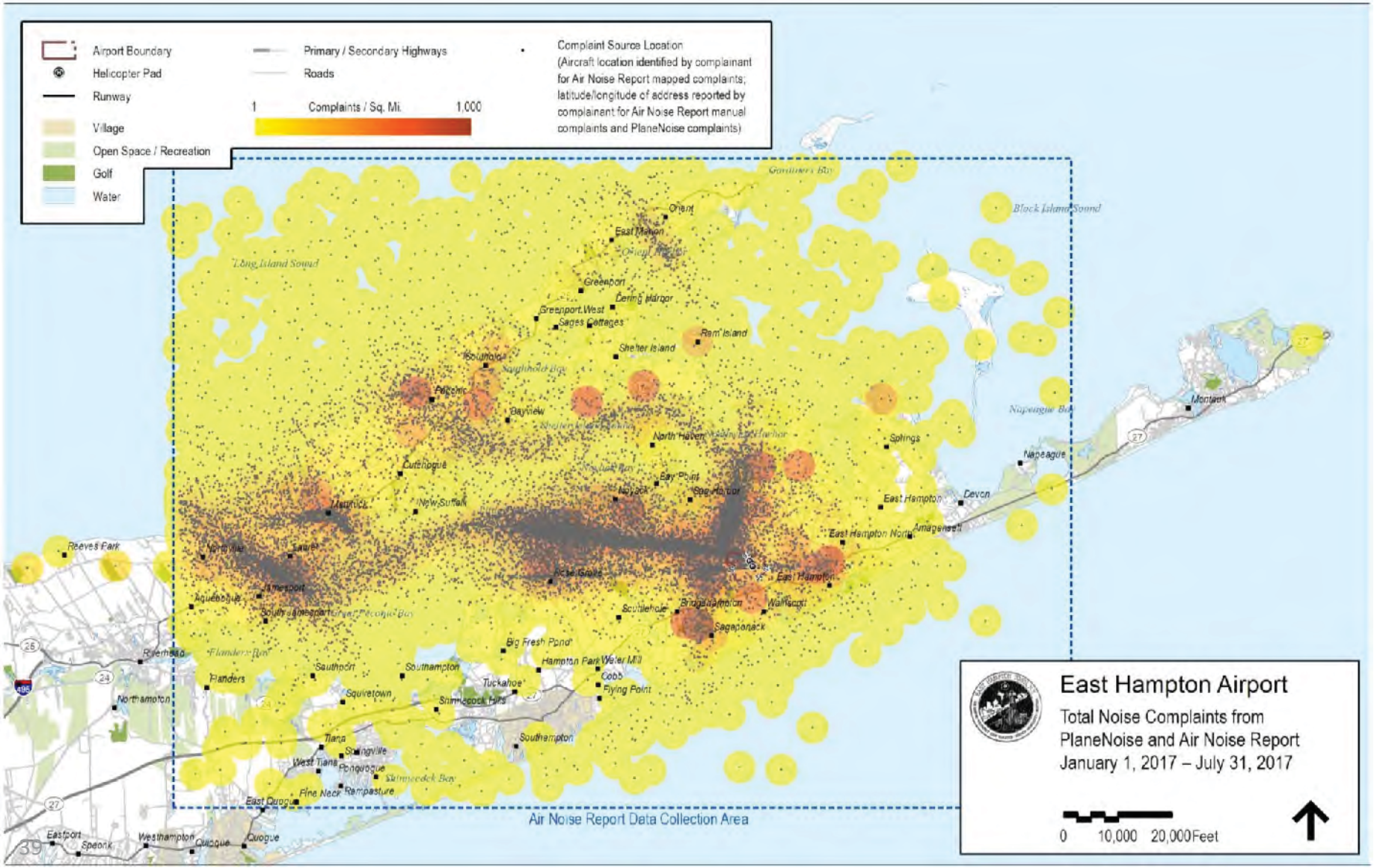
- Comparison to January 1 through July 31, 2016 complaints
  - Overall complaints increased by 17,587 (133%)
  - The biggest increase in complaints occurred during the month of July, where complaints increased by 8,650 (99%) relative to July 2016
  - Complaints increased in every month by at least 63% relative to 2016
  - Biggest increase in use of Air Noise Report, which makes submitting complaints “easier”
- Total complaints for 2017 have already exceeded calendar year 2016 levels with 5 months of 2017 remaining

Monthly Complaint Data: January 1-July 31, 2014-2017

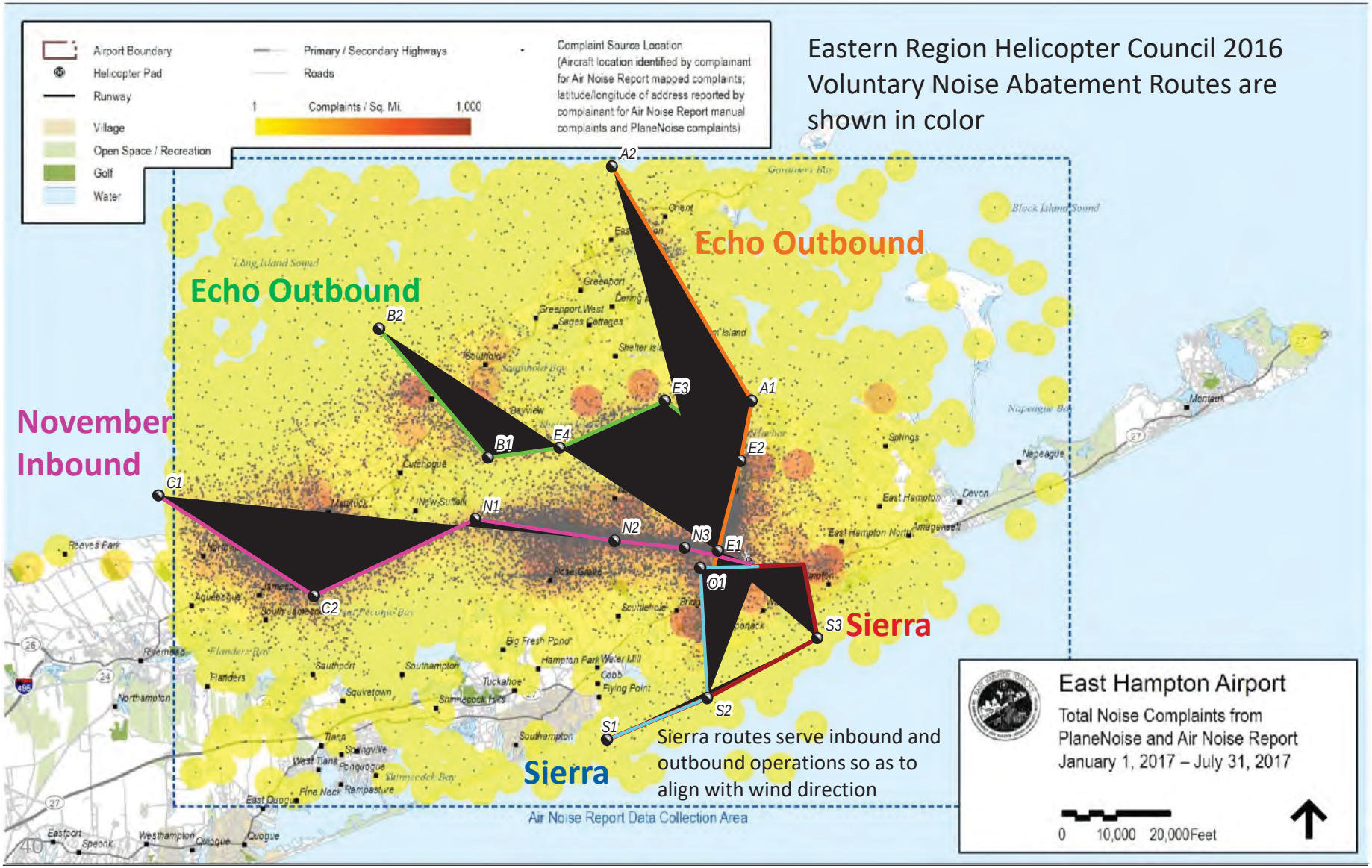


Appendix: 2017 Maps of Geographic Distributions of Complaints

All Complaints from PlaneNoise and Air Noise Report January 1- July 31, 2017 (30,821 Complaints)



All Complaints from PlaneNoise and Air Noise Report January 1- July 31, 2017 (30,821 Complaints)



Helicopter Complaints from PlaneNoise and Air Noise Report
January 1- July 31, 2017 (18,608 Complaints)

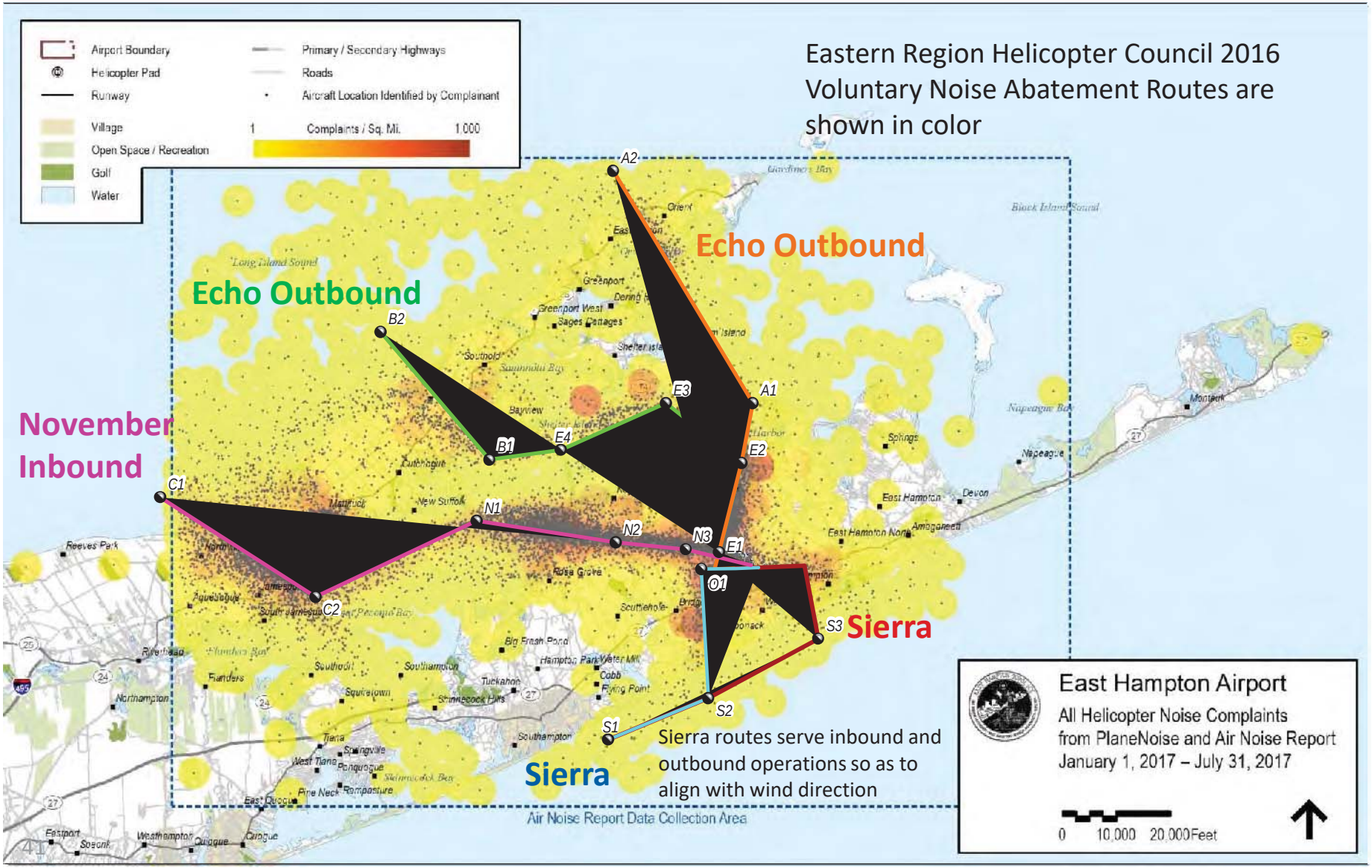


Exhibit F

FAA Letter Memorandum dated November 30, 2012

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

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

NOV 30 2012

Jeffery Smith
Chairman
Eastern Region Helicopter Council
165 Western Road
Kearny, New Jersey 07032

Dear Mr. Smith:

I am writing in response to your September 26 letter asking several questions about the New York North Shore Helicopter Route, which is codified in §§ 93.101 and 93.103 of Title 14 of the Code of Federal Regulations (14 CFR). Your questions concern the interpretation and application of § 93.103, which requires pilots of helicopters operating along a portion of the northern shoreline of Long Island, New York, to use the published North Shore Helicopter route. Our answers to your questions are set out below.

1. **In paragraph (a), it states, "unless otherwise authorized", what agency has the authority to authorize aircraft off the route, what are the steps needed to get the authorization, and what are the parameters needed to get that authorization?**

   Because § 93.103 is an FAA regulation, the FAA is the only agency that has authority to authorize operations outside the requirements of the rule. Please note that 14 CFR § 93.1, Applicability, states, "This part prescribes special air traffic rules for operating aircraft in certain areas described in this part, unless authorized by air traffic control". In addition, please note that paragraph b of the rule allows deviations when necessary for reasons of safety, weather or transitions to a point of landing. Given this provision, we believe the need to seek an authorization from this rule is unlikely.

2. **Also in paragraph (a) it states "each person piloting a helicopter along Long Island New York's northern shore line". What is the definition of the Long Island New York's northern shoreline? Where does it start and where does it end? For example, if I am at 3,500 feet, do I need to fly the North Shore route? If so, how high do I need to be not to have to fly it? If I take off of the East 34th Street, can I go along the "tracks" route" out to destinations east or do I need to proceed to the North Shore route? The "tracks route" is on the center of the island.**

   While the north shore of Long Island is not legally defined, for purposes of § 93.103 it is that portion of the coast of Long Island adjacent to the Long Island Sound that lies between Orient Point and a point due south of the VPLYD waypoint. The north shore of Long Island is clearly portrayed on the New York Helicopter Route Chart. The rule applies to those pilots of helicopters whose intended route of flight takes them along the northern shore of Long Island. It is not expected that pilots whose route of flight is across the center or southern portions of Long Island would alter their flight path to the

north. The requirement to utilize the route is contingent on planned route of flight, not altitude.

3. **Also in paragraph (a) it states "North Shore Helicopter route". What are the parameters of this route? Being that it is a designated route and is mandatory, is it not a Federal Airway and has the same requirements under 7400.9W?**

   Because this is a route intended to be flown in VFR conditions and does not require the use of navigational aids, it does not meet the definition of an Air Traffic Service Route, as defined in 14 CFR § 71.11. Section 93.103 specifically refers to the published helicopter route, which is both depicted and described in text on the New York Helicopter Route Chart. Referencing the description of the route on the New York Helicopter Route Chart, the mandatory portion of the route extends from the "VPLYD waypoint (north of Lloyd Harbor) to the VPJAY waypoint (northwest of Port Jefferson LIPA plant smokestacks), then via and off the shoreline to Orient Point." Since the route is flown by visual reference to the coastline and not defined by navigational aids, there is no centerline or defined width.

   Please note a training video for pilots flying the route can be viewed at: http://www.faa.gov/tv/?mediaId=530

4. **The preamble to the rule states that the route is "approximately 1 mile off shore" and that visual checkpoints are used to identify VPLYD and Orient Point. What are the landmarks associated with identifying VPLYD and Orient Point? Also, if the "route" is always approximately 1 mile off shore, must a pilot navigate the shoreline of Long Island maintaining approximately 1 mile off shore and then going directly from VPLYD to the point of departure for transition be considered a "deviation"?**

   As noted in the preamble to the final rule, VPLYD stands for "Visual Point Lloyd Harbor." 77 Fed. Reg. 39913. The latitude and longitude for VPLYD are listed in the FAA New York Airport/Facility Directory. The waypoint also should be in most GPS navigational databases. The waypoint lies almost directly north of the tip of Caumsett State Park, between Oyster and Huntington Bays. Orient Point is the eastern most point of the Long Island mainland, and is plainly depicted on the on the New York Helicopter Route Chart.

   Pilots of helicopters must maintain at least one mile off shore to be considered on the route. The FAA noted in the preamble to the final rule that pilots using the route are expected to rely on pilotage skills to maintain the required distance off the shoreline of Long Island. 77 Fed. Reg. 39915. The FAA also noted that many pilots may elect to use Global Positioning System (GPS) coordinates to track a portion of the route, although they are not required to do so. 77 Fed. Reg. 39913. For noise abatement purposes, transitions between the route and a point of landing should be made by the shortest and most direct flight path possible to minimize the flight time over land.

5. **Paragraph (b) states that a pilot may "deviate when necessary for safety, weather conditions or transitioning to or from a destination or point of landing." Though the decision to deviate is solely on the Pilot in Command, the discretionary authority to the validity for the deviation lies with the FAA and Flight Standards. What are the standards that will be used to validate those deviations? E.g. If a pilot initiates his transition ¼ mile east of VPLYD to 87N, will this be considered a valid deviation?**

   The intent of paragraph (b) is to allow a pilot in command (PIC) the flexibility to conduct operations outside of the route requirements for reasons of safety and weather and for purposes of takeoff and landing. For example, a pilot of a single engine helicopter may elect to fly within power-off autorotation distance from shore for reasons of safety. The rule does not affect the long-standing responsibility and authority of a PIC for the operation of the helicopter under 14 CFR § 91.3(a), nor does it affect the factors considered by the FAA when investigating a PIC's exercise of that authority.

   As always, an FAA investigation of suspected noncompliance with a regulation will be handled on a case-by-case basis. Pilots are expected to combine good judgment and consideration for the rule's purpose (noise abatement) when exercising the authority to deviate under § 93.103(b). As noted in the preamble to the final rule, the FAA's investigation of a deviation will be to determine if it was for reasons of safety, weather, or to transit to a destination. While operators will be given the maximum latitude for deviations related to safety, weather, or transitions for a takeoff or landing, a pattern of deviations attributed to weather or safety would indicate that an operator was interested more in cutting short the route rather than any legitimate concerns. 77 Fed. Reg. 39918.

   As a general guide, transitions between the route and a point of takeoff or landing should be made by the shortest and most direct path possible to minimize flight time over land. In your example, instead of transitioning ¼ mile east of VPLYD for a landing at Southampton heliport (87N), the pilot should transition at a point where the heliport is directly abeam of the helicopter's flight path on the mandatory route.

6. **What agency will be responsible for collecting data of compliance, weather, traffic density and deviations? Will inquiries into possible deviations/violations of the route be triggered by FAA monitoring or by third party accounts?**

   The preamble to the final rule does not state that data concerning compliance with the rule will be collected as suggested in the question. However, as noted in the preamble, the FAA will monitor compliance with the rule to the best of its capabilities. 77 Fed. Reg. 39918.

   As with any other rule, the FAA initiates an investigation of a possible rule violation when there is evidence suggesting that a violation may have occurred. Evidence that might trigger an investigation can originate from several different sources, including (but not limited to) air traffic data, FAA inspector surveillance, or complaints from the general public. The FAA does not have a third party monitoring compliance with the rule.

7. **What is the definition of a VFR transition route?**

   The Pilot/Controller Glossary, found in the FAA's Aeronautical Information Manual (AIM), contains definitions for commonly used terms, but does not contain a definition for the term "VFR transition route." However, the term "transition" is defined: "The general term that describes the change from one phase of flight or flight condition to another . . . ."

8. **Paragraph (a) is the rule and paragraph (b) is the ability to deviate from the rule. Are pilots required or suggested to file a deviation report to the FAA or to the NASA Aviation Safety and Reporting System?**

   Paragraph (b) allows deviations from the route and altitude requirements of paragraph (a) "when necessary for safety, weather conditions or transitioning to or from a destination or point of landing." When a pilot undertakes a deviation from the route and altitude requirements of paragraph (a) in accordance with the terms of paragraph (b), there presumably is no violation of the rule as written. In this context, the term "deviation" does not indicate noncompliance with the requirements of the rule. Therefore, no deviation report would be generated and no report to the NASA Aviation Safety and Reporting System would be necessary. A deviation not made in accordance with the rule, such as a transition to or from the route that is not the shortest and most direct line possible, may be considered a violation of the rule.

This response was prepared by Mark Bury, Deputy Assistant Chief Counsel, International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Traffic Organization and the Flight Standards Service.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for International Law,
Legislation, and Regulations Division, AGC-200