

Factual Report – Addendum 3
New York City Economic Development Corporation Email

OPERATIONAL FACTORS

ERA18MA099

From: David Hopkins <[REDACTED]>
Sent: Monday, June 17, 2019 11:40 AM
To: Gunther Todd <[REDACTED]>
Cc: David Hopkins <[REDACTED]>
Subject: RE: NYC helicopter issues

Todd, see below. Let me know if you have any additional questions.

From: Gunther Todd <[REDACTED]>
Sent: Friday, June 14, 2019 8:41 AM
To: David Hopkins <[REDACTED]>
Subject: RE: NYC helicopter issues

[EXTERNAL EMAIL]

David,

Good morning.

Sorry to keep bothering you, we are just trying to make sure that we have all the factual information.

Can you answer the following for us:

- Who are the tour operators who agreed to the February 1, 2016, provisions? Do they comprise all air tour operators that operate in NYC? Do they operate their tours only out of the Downtown Manhattan Heliport?

The tour operators are the same ones that signed the FAA agreement in 2010.

They are five tour operators that are permittees that can operate from the downtown heliport. Some of these operators also conduct tours from their bases in New Jersey, but I don't know for certainty which of the five do.

- Does a tour operator have to be a member of HTJC to operate air tour flights in the vicinity of the Statue of Liberty, over the East River, and over parts of Manhattan?

HTJC is a lobbying organization and has no standing with respect to the operation of tour flights. It was really just formed as a group to help negotiate the reductions in flight volumes. The five operators that are part to the FAA 2010 agreement are the only ones that can operate tour flights from the Downtown Manhattan Heliport. Other companies can fly the tour route. However, I would not want to venture a guess as to the legal distinctions between the part 136 certificated operators that fly from downtown and the other companies that fly from New Jersey and Westchester. But since there is a mapped route, I am assuming that anyone can fly it.

- Can an operator conduct air tours in the vicinity of the Statue of Liberty, over the East River, and over parts of Manhattan it operates out of Helo Kearny Heliport?

Same answer as above, I assume that they can fly this mapped route. I don't think it is exclusive to Part 136 operators from the Downtown Heliport. But the FAA would really be the agency to answer that question, not EDC.

- Does the 50 percent reduction in tour flights, no flights on Sundays, and no overflight of Governor's Island, and adherence to the two mandated tour routes apply only to tour operators that operate out of the Downtown Manhattan Heliport? Does it apply only to operators that signed onto the agreement?

It applies only to the five operators out of downtown (those five are the only ones permitted to conduct those flights from DMH). Those operating from New Jersey or Westchester are not included in the agreement and not subject to it.

Thanks!

We do appreciate it.

All my best,

Todd

Todd Gunther
Senior Air Safety Investigator
National Transportation Safety Board

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Gunther Todd
Sent: Tuesday, June 4, 2019 11:16 AM
To: David Hopkins [REDACTED]
Subject: RE: NYC helicopter issues

Hi David,

Thanks.

That helps me understand what was happening at the time.

All my best,

Todd

Todd Gunther
Senior Air Safety Investigator
National Transportation Safety Board

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: David Hopkins [REDACTED]
Sent: Tuesday, June 4, 2019 11:07 AM
To: Gunther Todd [REDACTED]
Subject: RE: NYC helicopter issues

Todd, the companies that signed the document were all the tour operators flying out of the Downtown Manhattan Heliport at the time. The other two heliports in Manhattan did not allow air tour flights. There may have been other operators that were conducting tours out of other facilities not in Manhattan. But since I wasn't in this position in 2010, I couldn't really speak to that.

Thanks, David.

From: Gunther Todd <[REDACTED]>
Sent: Tuesday, June 4, 2019 9:02 AM
To: David Hopkins <[REDACTED]>
Subject: RE: NYC helicopter issues

[EXTERNAL EMAIL]

Hi David,

Good morning.

Quick question.

At the time the agreement was signed, did ALL of the known air tour operators sign onto it?

Thanks and all my best,

Todd

Todd Gunther
Senior Air Safety Investigator
National Transportation Safety Board

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Gunther Todd
Sent: Friday, May 31, 2019 8:16 PM
To: David Hopkins [REDACTED]
Subject: RE: NYC helicopter issues

David,

Thank you and have a great weekend.

All my best,

Todd

Todd Gunther
Senior Air Safety Investigator
National Transportation Safety Board

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: David Hopkins [REDACTED]
Sent: Friday, May 31, 2019 2:48 PM
To: Gunther Todd <[REDACTED]>
Cc: David Hopkins <[REDACTED]>
Subject: NYC helicopter issues

Todd: good speaking with you just now. Attached are some things that might be helpful as background.

1. Agreement between the FAA and the tour operators from 2010
2. Map of routes as flown today
3. Press releases from 2010 announcing the tour agreement and then the reduction in 2016 (link below)

<https://www.nycedc.com/search/site?query=helicopter+reduction>

Let me know if you need anything else.

Thanks, David.

David A. Hopkins

Sr. Director of Aviation and Freight
New York City Economic Development Corporation

[REDACTED]

[REDACTED]
[REDACTED]

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LaGuardia (LGA) and Newark (EWR) Air Traffic Control Towers, Liberty Helicopters,
Helicopter Flight Services Inc., New York Helicopter Charter Inc., Zip Aviation, and Manhattan Helicopter

LETTER OF AGREEMENT

EFFECTIVE: August 16, 2010

SUBJECT: Helicopter Tour Routes

1. PURPOSE: This agreement establishes procedures, conditions, and responsibilities governing the operation and control of Visual Flight Rules (VFR) helicopters operated by Liberty Helicopters, Helicopter Flight Services Inc., New York Helicopter Charter Inc., Zip Aviation, and Manhattan Helicopter, within the LGA and EWR Class Bravo Airspace (CBA) at or below 2000 feet.

2. CANCELLATION: LaGuardia/Newark Tower, Liberty Helicopters, Helicopter Flight Services Inc., New York Helicopter Charter Inc., and Zip Aviation Letter of Agreement, "Helicopter Tour Routes", dated April 1, 2007, is cancelled.

3. SCOPE: The procedures outlined herein are for use in the conduct of sightseeing helicopter tours within the LGA or EWR CBA.

4. RESPONSIBILITIES:

a. Pilots shall obtain Automatic Terminal Information Services (ATIS) broadcast, in order to determine weather conditions and airport traffic flow, prior to requesting air traffic control (ATC) clearance to enter, depart, or transition the LGA or EWR CBA. Pilots shall advise on initial contact that they have the current ATIS code.

b. Pilots shall obtain ATC clearance prior to entering, departing, or transitioning the LGA or EWR CBA via specified routes. Authorization to leave the LGA or EWR CBA via a specified route does not constitute authority to re-enter the CBA.

c. Separation service will not be provided on those routes or portions of routes conducted outside of the CBA.

d. Special VFR (SVFR) helicopters shall maintain visual reference to the surface, traffic patterns, routes, reporting points, and holding points while conducting tours within the LGA Class Bravo Surface Area.

NOTE: The tours defined in Section 5 are outside of the EWR Class Bravo Surface Area and do not require SVFR clearances.

5. PROCEDURES:

a. Signatory helicopter companies shall request a northbound or southbound clearance on initial contact with EWR. Signatory helicopter companies shall request one of the following tours on initial contact with LGA, with the exception of the Tour Alpha 1.

(1) **Tour Alpha:** Join the Hudson River Exclusion southbound to the Statue of Liberty. Contact EWR prior to entering any portion of the CBA and request the "Hudson River Northbound". Once cleared to enter the CBA, climb to (ATC assigned altitude*). Upon departing the Statue of Liberty, proceed northbound along the Hudson River. At the 79th Street boat basin, left hand course reversal and advise ATC when commencing descent into the Hudson River Exclusion.

(2) **Tour Alpha 1:** Join the Hudson River Exclusion southbound to the Statue of Liberty. Contact EWR prior to entering any portion of the CBA and request the "Hudson River Southbound". Once cleared to enter the CBA, climb to (ATC assigned altitude*) and proceed southbound on the Verrazano Route. At the north side of

the Verrazano Bridge, reverse course and continue northbound along Hudson River. At the 79th Street boat basin, left hand course reversal and advise ATC when commencing descent into the Hudson River Exclusion.


(3) **Tour Bravo:** Join the Hudson River Exclusion southbound to the Statue of Liberty. Contact EWR prior to entering any portion of the CBA and request the "Hudson River Northbound". Once cleared to enter the CBA, climb to (ATC assigned altitude*). Upon departing the Statue of Liberty, proceed northbound along the Hudson River until reaching the cemetery north of River Bank State Park. At this landmark, turn right towards Yankee Stadium. Thence, reverse course westbound to the north side of the George Washington Bridge and left turn, joining the Hudson River southbound. Advise ATC when passing North Hudson Park and commencing descent into Hudson River Exclusion.


(4) **Tour Bravo 1:** Join the Hudson River Exclusion southbound to the Statue of Liberty. Contact EWR prior to entering any portion of the CBA and request the "Hudson River Northbound". Once cleared to enter the CBA, climb to (ATC assigned altitude*). Upon departing the Statue of Liberty, proceed northbound along the Hudson River until reaching the cemetery north of River Bank State Park. At this landmark, turn right towards Yankee Stadium. Thence, reverse course westbound to join the Harlem River northbound to Spuyten Duyvil. Thence, turn left joining the Hudson River southbound. Advise ATC when passing North Hudson Park and commencing descent into Hudson River Exclusion.


* Traffic permitting EWR will issue climb to 1,500 feet.


6. **GENERAL:** Each party retains the right to cancel this letter of agreement (LOA) upon written notice.

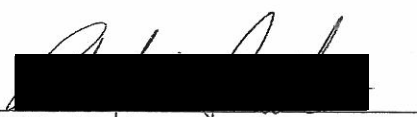
7. **ATTACHMENTS:** Tour Alpha and Bravo illustrations.

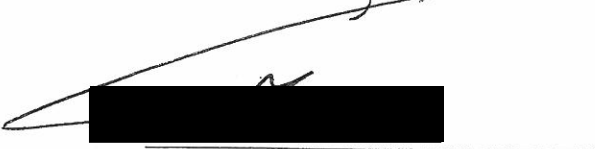

[Redacted]
Leo Prusak
Air Traffic Manager, LGA


[Redacted]
James D. Swanson
Air Traffic Manager, EWR


[Redacted]
Paul Tramontana
Chief Pilot, Liberty Helicopters

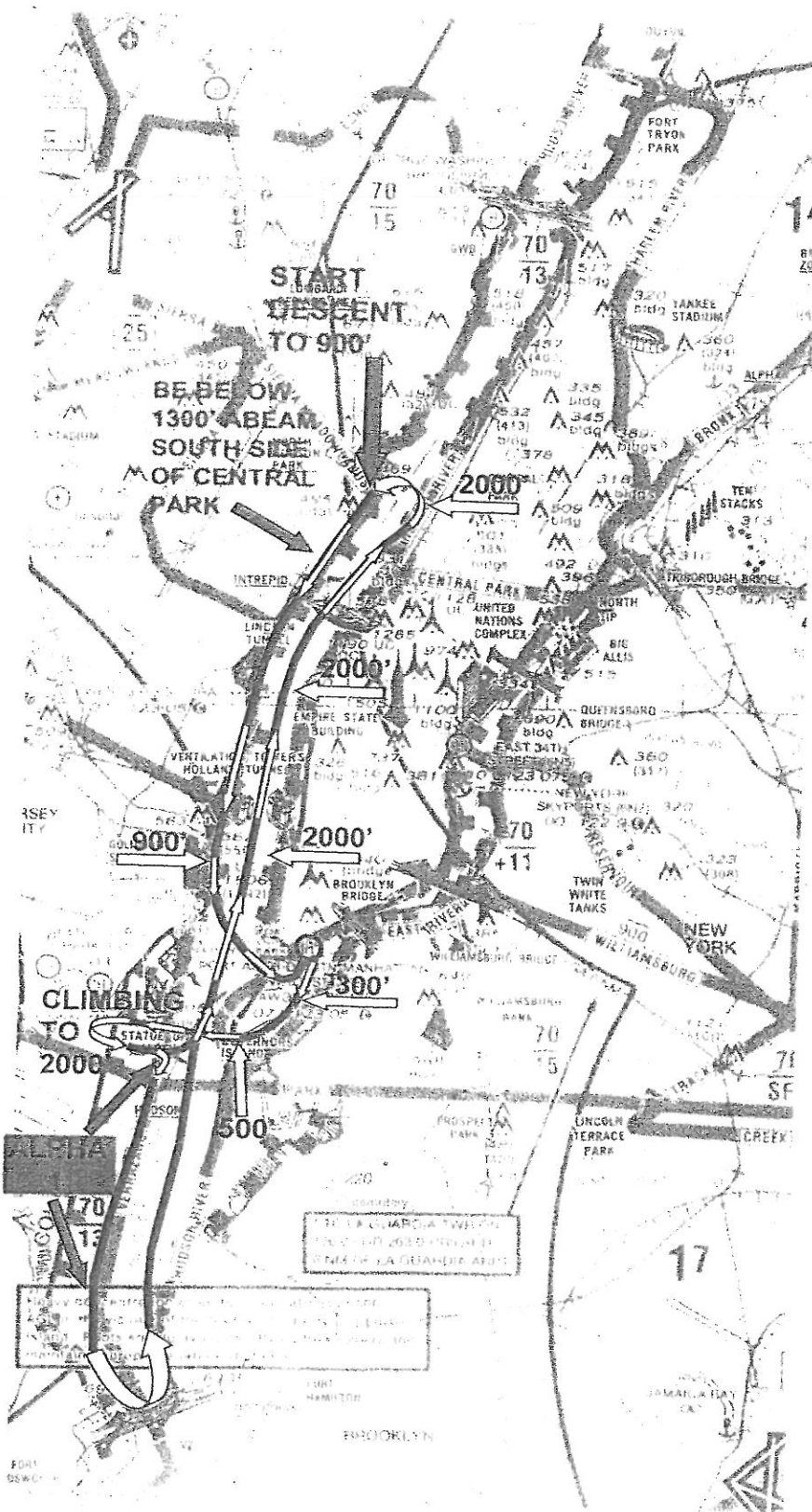

[Redacted]
John Kjekstad
Helicopter Flight Services, Inc.


[Redacted]
Michael Roth
New York Helicopter Charter, Inc.

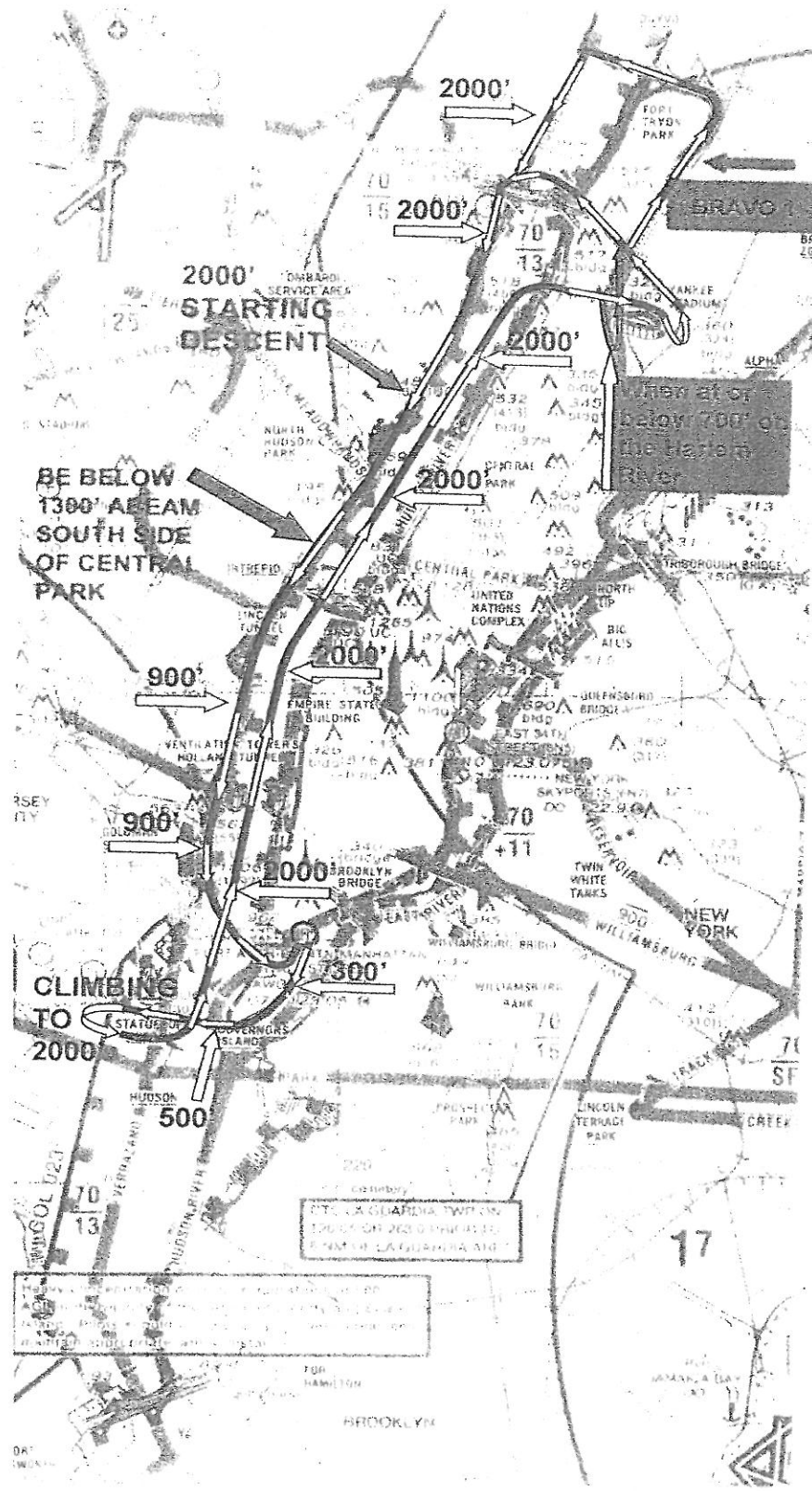

[Redacted]
Itai Shoshani
Zip Aviation

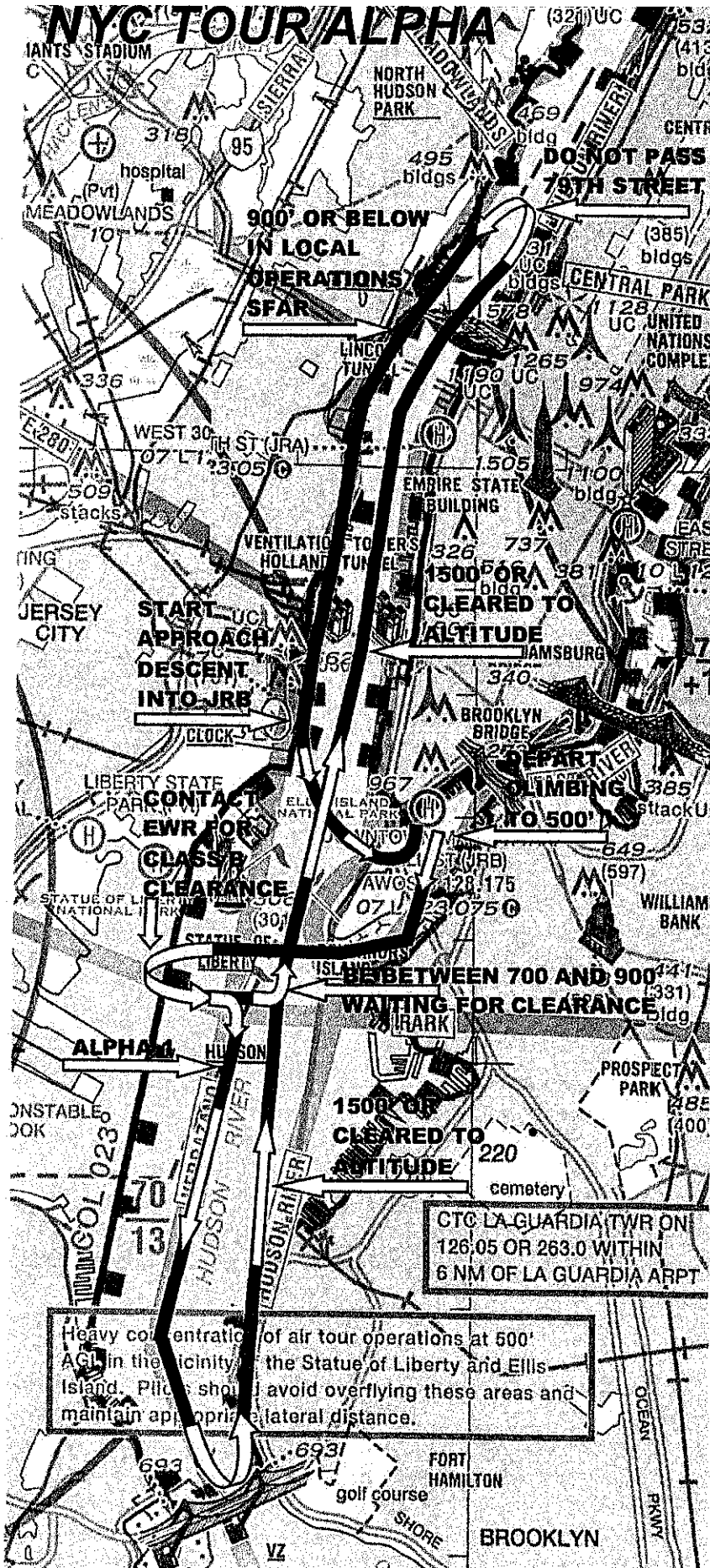

[Redacted]
Jeffery P. Smith
Manager, Manhattan Helicopter

ATTACHMENT I
 "TOUR ALPHA and ALPHA 1"



ATTACHMENT 2
 "TOUR BRAVO and BRAVO 1"





Depart JRB towards the cruise ship terminal climbing to 500'. **DO NOT OVERFLY THE CRUISE SHIP.** Stay mid-river over Buttermilk channel turning to the east tip of the southernmost pier on the east side of Governors island. Turn towards the south side of the statue keeping your 1000' standoff.

ALPHA:
Make a wide left hand climbing course reversal on the south side of the statue while contacting EWR Tower and request the "Hudson River Northbound at 1500'. STAY IN THE SFAR (LOCAL OPERATIONS) UNTIL YOU RECEIVE YOUR CLEARANCE.

Once handed off to LGA, request tour ALPHA

Left hand course reversal at the 79th street boat basin. Make sure the apex of your turn does not extend beyond 79th street. Check out with LGA and change to river frequency to make your call descending to 900' or below

You must be below 1300' abeam the south end of Central Park to stay out of EWR's Class B.

Continue at 900' or below to the Colgate Clock.

Make your call inbound to JRB and fly mid-river between Governors Island and the south tip of Manhattan as you make your approach.

ALPHA 1:
Make a wide left hand climbing course reversal on the south side of the statue while contacting EWR Tower and request the "Hudson River Southbound at 1500'. STAY IN THE SFAR at 900' or below (LOCAL OPERATIONS) UNTIL YOU RECEIVE YOUR CLEARANCE. Come off the Statue on the South side to join the Verrazano route to the Verrazano Bridge.

Make a left hand course reversal on the north side of the Verrazano Bridge to rejoin the Hudson River Northbound at 1500'

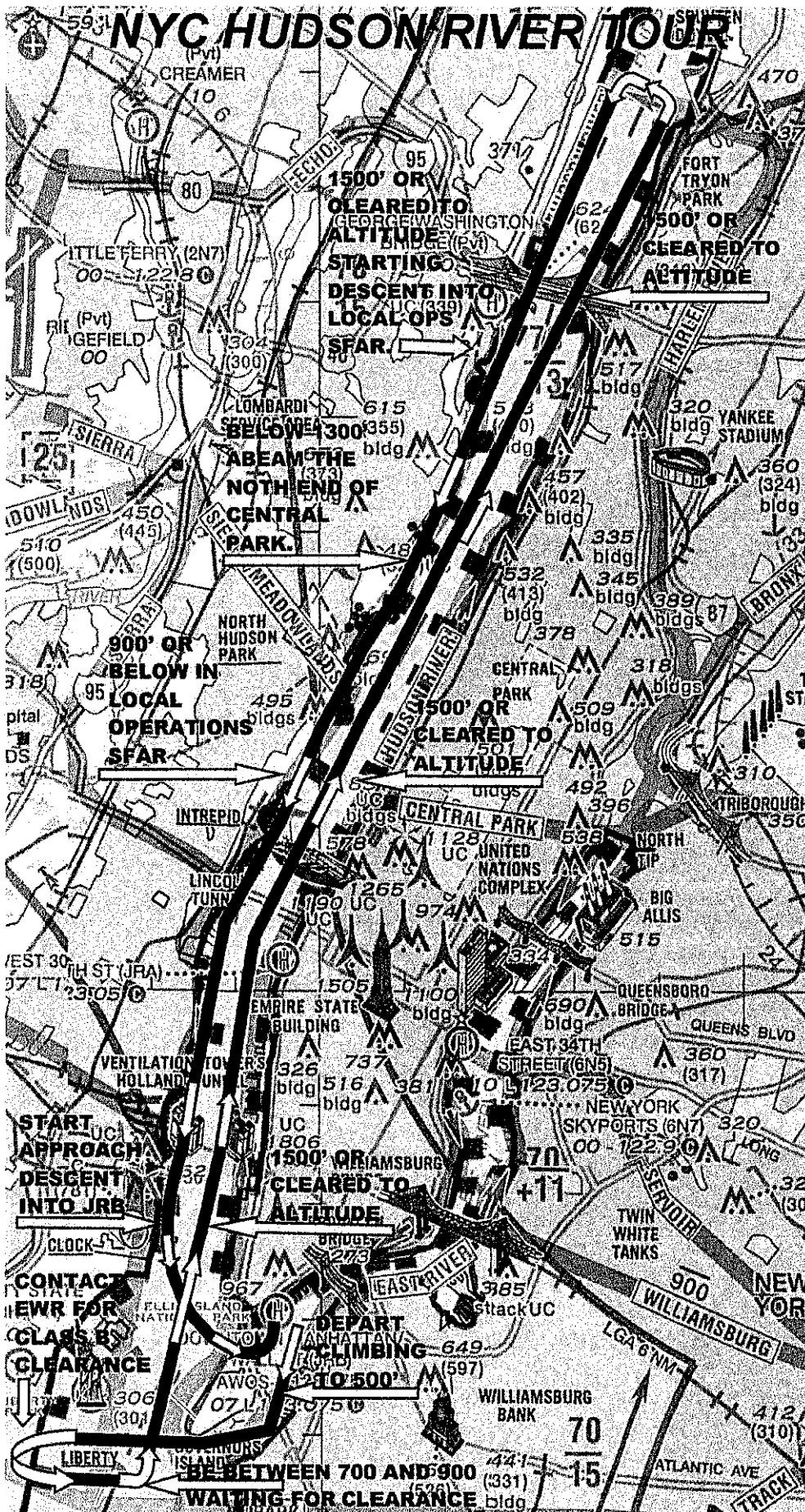
Once handed off to LGA request Tour Alpha and follow the Alpha Route back to JRB.

If ceilings are below 1500' all Tours will be conducted in the SFAR at 900' or below.

All altitudes and or route segments can be modified to avoid any safety of flight issues.

Heavy concentration of air tour operations at 500' AGL in the vicinity of the Statue of Liberty and Ellis Island. Pilots should avoid overflying these areas and maintain appropriate lateral distance.

CTC LA GUARDIA (TWR) ON 126.05 OR 263.0 WITHIN 6 NM OF LA GUARDIA ARPT



Depart JRB towards the cruise ship terminal climbing to 500'.

DO NOT OVERFLY THE CRUISE SHIP.

Stay mid-river over Buttermilk channel turning to the east tip of the southernmost pier on the east side of Governors island. Turn towards the south side of the statue keeping your 1000' standoff.

Make a wide left hand climbing course reversal on the south side of the statue while contacting EWR Tower and request the "Hudson River Northbound at 1500'".

STAY IN THE SFRA (LOCAL OPERATIONS) UNTIL YOU RECEIVE YOUR CLEARANCE

Once handed off to LGA Tower request "The Hudson River Route"

Continue North Bound (Mid River) to Spuytin Duyvil at your cleared altitude and make a left hand turn on the New Jersey side of the river to go southbound.

Once past the GW Bridge, check out with LGA at your cleared altitude, change to the river frequency and make your call descending into the SFRA.

SFRA LOCAL OPERATIONS 900' OR BELOW.

You must be below 1300' abeam the north side of Central Park to be clear of EWR's Class B airspace.


At the clock make your call inbound to JRB and fly an arc towards the green buoy between the south tip of Manhattan and Governors Island for your approach.

If EWR and or LGA will not clear you to 1500', all tours must be conducted in the SFRA at 900' or below.

If ceilings are below 1500' all tours will be flown in the Local Operations SFAR at 900' or below.

REMEMBER YOUR CLOUD CLEARANCE REQUIREMENTS.

All altitudes and or routes segments can be modified to avoid any safety of flight issue.

Navigate to... 

NYCEDC And Helicopter Tourism & Jobs Council Announce New Measures to Reduce Helicopter Noise And Impacts Across New York City

February 01, 2016

New Agreement Reduces Days of Operation and Number of Flights, Ends Flights Over Governor’s Island, Protects Key Tourism Industry and Transportation Facility

New York City Economic Development Corporation (NYCEDC) and the Helicopter Tourism and Jobs Council (HTJC) today announced an agreement to significantly reduce the impact of tourism helicopters on New York City residents while simultaneously preserving an industry that brings in millions of tourism dollars each year.

Under the agreement, tour operators will reduce the number of flights to and from the Downtown Manhattan Heliport at Pier 6 in Lower Manhattan by 50 percent by January 2017, resulting in the elimination of nearly 30,000 flights per year. In addition, operators have agreed to end all flights on Sundays and prohibit flights over Governor’s Island. Operators will be required to provide monthly reporting on the number of flights conducted, and if they are determined to have violated key terms of the agreement, NYCEDC will have authority to mandate further reduction in operations.

In addition to supporting economic activity in lower Manhattan, the Downtown Manhattan Heliport serves as a critical part of the city’s transportation infrastructure. It was one of the first facilities in operation following Hurricane Sandy and served as a staging area for storm recovery operations. It is also the only heliport in the five boroughs large enough to accommodate landings by Marine One during Presidential visits.

“The non-stop din of helicopters has been a major quality of life issue for New Yorkers living near heavily trafficked routes,” said Mayor Bill de Blasio. “Today we’re addressing it. We’ve reached an agreement that will significantly cut down on the number of helicopter tours near

residential areas and major parks, while keeping this part of our tourism sector active and viable. Everyone gave a little to get to this outcome, but the solution will mean a more livable city for everyone.”

“Today’s agreement is a triple win: it will help improve the quality of life of New Yorkers in waterfront communities, preserve an important tourism industry, and support a vital piece of our transportation infrastructure,” said NYCEDC President Maria Torres-Springer. “I want to thank Saker Aviation, the members of the Helicopter Tourism and Jobs Council, and the elected officials and community leaders who worked with us to craft this plan.”

“Saker Aviation wants to thank EDC and the Mayor for working so diligently to find a way to harmonize the interests of all stakeholders,” said Ron Ricciardi, President of Saker Aviation. “This agreement will ensure the Downtown Manhattan Heliport remains a vibrant part of the City’s life, as a business hub and a tourism mecca. We are proud to remain the City’s concessionaire and partner in the years to come.”

“This agreement will allow tour operators to continue providing good jobs for New Yorkers and more than \$50 million in annual economic impact to the City,” said Sam Goldstein, Deputy Director of the Helicopter Tourism and Jobs Council. “We look forward to working with our partners in government as we continue to fly people high above the greatest skyline in the world for many years to come.”

“Today’s announcement - a 50 percent reduction in tourist helicopter flights and no flights on Sundays - is a huge step forward in protecting the quality of life of thousands of New Yorkers, and offers our constituents some sense of immediate relief,” said Council Members Carlos Menchaca, Helen Rosenthal, and Margaret Chin. “As Council Members, we are proud to have pushed forward legislation that helped give our constituents a voice and a rallying point in the fight to reduce noise and air pollution caused by the increasing number of tourist helicopter flights. We want to thank the residents who have advocated relentlessly on this issue, as well as our elected partners: Congressman Jerry Nadler, Congresswoman Nydia Velazquez, State Senator Daniel Squadron, and Manhattan Borough President Gale Brewer. The requirements for the industry to monitor the number of tours, amount of noise, and air quality are critical components of our ongoing efforts to hold the industry accountable. We pledge to remain vigilant, and we will use our oversight role on the Council judiciously. We are encouraged by the helicopter industry’s commitment to a steep reduction in the number of flights, and we are grateful to the Administration for listening to the concerns of residents in our recent Committee Hearing and working to find a resolution after years of inaction. This is an important recognition of the impact that noise has on the quality of life for New Yorkers and the start of a less noisy and more livable city for those in the flight path.”

"This is a welcome development and one that will provide a much better visitor experience on Governors Island, a place that has become an important recreational and cultural resource for New York City residents," said Leslie Koch, President of the Trust for Governors Island".

"People come to Governors Island for its harbor views, tranquility and a hassle free outdoor experience. The agreement is an important step in maintaining the atmosphere that attracts our visitors. And Sunday will be a welcome day of rest for all communities. A 50% overall reduction in flights is a major achievement by the Administration that balances tourist business interests and the right of residents to quiet enjoyment of their neighborhoods," said Ronay Menschel, Trust Board Chair."

Today's agreement was the result of months of good faith negotiations between NYCEDC and the HTJC, working in partnership with a number of elected officials. Specific terms of the agreement include:

- The heliport concessionaire will prohibit all tourist flight operations from the Downtown Manhattan Heliport on Sundays beginning on April 1, 2016.
- The heliport concessionaire will reduce the total allowable number of tourist flight operations from 2015 levels by 20 percent beginning June 1, 2016; by 40 percent beginning October 1, 2016; and ultimately reaching a 50 percent reduction by the beginning of 2017. Flights in excess of these thresholds will trigger further reductions in tour flight levels.
- Starting in July 2016, the operators will provide a monthly written report to NYCEDC and the New York City Council detailing the number of tourist flight operations conducted out of the Downtown Manhattan Heliport as compared to these agreed upon levels. The report will also include information on any tour helicopter flights that fly over land and stray from agreed upon routes over water. A third party firm will be made available to verify these reports periodically.
- The heliport concessionaire has reaffirmed its commitment to prohibiting operators from flying over Governor's Island while conducting tourist flight operations. Flights over Governor's Island will subject the concessionaire to further reductions in allowable tour flight levels.
- Although tourist flight operations do not pass over Staten Island, helicopters travelling to and from their home bases outside New York City sometimes do. Effective immediately, the concessionaire will require any such flights over Staten Island to ensure maximum altitude, working in coordination with the air control towers at Newark and LaGuardia airports.
- The heliport concessionaire will establish a system to monitor air quality in the vicinity of the Downtown Manhattan Heliport and report monthly on readings to NYCEDC and the New York City Council.
- The heliport concessionaire will make best efforts to curtail idling by tour helicopters at the Downtown Manhattan Heliport during the periods between flights.
- The heliport concessionaire will actively research available technologies to further mitigate helicopter noise, reduce emissions, and promote fuel efficiency, and to implement any such technology as it becomes commercially feasible.

Members of the HTJC operate tourist flights through a concession agreement with NYCEDC. Tour activity used to be concentrated at the heliport on East 34th Street and the East River. but was subsequently moved from the east side and split between the Downtown Manhattan Heliport and West 30th Street Heliport, controlled by the Hudson River Park Trust. In 2010, tour flights were eliminated from West 30th Street, and since that time all tour flights in Manhattan have been conducted from the downtown heliport.

In early 2010, NYCEDC convened operators, the Federal Aviation Administration and local elected officials in revising the tour routes. Tours over areas such as Central Park were eliminated and two mandated tour routes were established, both of which left the downtown heliport via the Buttermilk Channel between Governors Island and Red Hook, then circled the Statue of Liberty before proceeding up the Hudson River. The shorter tour turned back south along the Hudson near the 79th Street boat basin and the longer tour continued across Manhattan near 155th Street to provide a view of Yankee Stadium. In January 2015 the Yankee Stadium flyover was eliminated, and all designated tour routes have since been entirely over water.

About NYCEDC

New York City Economic Development Corporation (/) is the City's primary vehicle for promoting economic growth in each of the five boroughs. NYCEDC's mission is to stimulate growth through expansion and redevelopment programs that encourage investment, generate prosperity and strengthen the City's competitive position. NYCEDC serves as an advocate to the business community by building relationships with companies that allow them to take advantage of New York City's many opportunities. Find us on **Facebook** (<http://www.facebook.com/nycedc>) or follow us on **Twitter** (<http://www.twitter.com/nycedc>), or visit our **blog (/blog)** to learn more about NYCEDC projects and initiatives.

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