



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

**New York City Council
Committee on Environmental Protection
Int. 859-2015 and Int. 858-2015 regarding sightseeing helicopters
City Hall Chambers, New York, NY
Thursday, November 12, 2015 at 1:00 p.m.**

Thank you, Committee on Environmental Protection for holding this important public hearing today and inviting our testimony. My name is Catherine McVay Hughes, and I represent Community District 1 in Lower Manhattan where I am Chair of Community Board 1. Community District 1 includes most of Manhattan below Canal Street and south of the Brooklyn Bridge, as well as Ellis Island, Governors Island and Liberty Island.

Our Financial District and Quality of Life Committees unanimously passed the following joint resolution which will come before our full board at our meeting on November 19, 2015 regarding the proposed legislation:

WHEREAS: The New York City Council has proposed Int. No. 858 and Int. No. 859 to amend legislation regarding sightseeing helicopters; and

WHEREAS: The Legislative findings and intent holds that, “The Council finds that there is significant noise pollution caused by the dozens of sightseeing helicopters operating daily from heliports owned by the city. The heliports used by sightseeing helicopters are near water which amplifies and carries the sound of those helicopters a further distance, and significantly disrupts the daily lives of city residents who live and work near the heliports or across the East River”; and

WHEREAS: Further, the document states that, “A previous local law limited sightseeing tour operators to the stage 3 noise levels as determined by the federal aviation administration, however the Council finds that no current noise reduction measures will be acceptable to ensure the quiet repose of the affected communities. Therefore the Council finds that the prohibition on sightseeing helicopters needs to be extended to include helicopters that meet the stage 3 noise levels as well”; and

WHEREAS: In June 2015, CB1 unanimously adopted a resolution (attached) calling for the elimination of helicopter tourism flights originating at the Downtown Heliport at Pier 6. CB1 continues to receive complaints regarding helicopters, which has been a contentious issue, especially since the consolidation of heliports to Pier 6 in 2010; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 supports legislation proposed by the City Council to further reduce noise caused by sightseeing helicopters that already meet current federal noise reduction standards.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JUNE 23, 2015

COMMITTEES OF ORIGIN: FINANCIAL DISTRICT

BOARD VOTE: 37 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Downtown Manhattan Heliport at Pier 6 and elsewhere in CB1

WHEREAS: The NYC Economic Development Corporation (NYC EDC) owns and leases Pier 6 to the Downtown Manhattan Heliport operator and estimates that there are 50,000 takeoffs and 50,000 landings for a total of 100,000 operations per year. Residents have seen up to 8 helicopters landing and taking off simultaneously in the restricted small area of Pier 6 making it one of the most heavily congested heliports in the country; and

WHEREAS: Community Board 1 (CB1) has long been concerned about the safety and quality of life (environmental) issues from helicopters landing and taking off from the Downtown Manhattan Heliport at Pier 6 in our densely populated district which has some of the tallest buildings in the country; and

WHEREAS: CB1 has repeatedly invited the NYC EDC to present statistics and to present their plans on how they will address safety concerns and minimize noise and air pollution from the Pier 6 heliport located on the East River on the edge of the Financial District and South Street Seaport districts; and

WHEREAS: In the past decade there has been a renaissance in Lower Manhattan and now that the East River Esplanade and Pier 15 have been built and with the positive transformations of both parks at The Battery and Governors Island, the Downtown Manhattan Heliport at Pier 6 negatively impacts the quality of life for residents, workers, visitors and students; and

WHEREAS: As part of a settlement agreement between Friends of Hudson River Park and the Hudson River Park Trust, Air Pegasus and Liberty Helicopters, Inc. to end flights at the 30th Street Heliport by April 2010 due to the tour helicopter's operational impact on the environment and quality of life, the tour helicopter industry has repositioned to operate from the Downtown/Wall Street Heliport where it has transferred the same negative environmental, quality of life and safety impact to all of Lower Manhattan (http://www.hudsonriverpark.org/assets/content/general/6.20.08-Heliport_Final_Release_June_20_2008.pdf); and

WHEREAS: CB1 is on the record by the passing of two resolutions: “Downtown Manhattan Heliport tour flights (July 2011) and “Tourist Helicopter Flights from the Downtown Manhattan Heliport” (October 2009) and has had numerous meetings with various agencies and elected officials over the years; and

WHEREAS: CB1 also gave testimony at a City Council hearing about Governors Island (May 20, 2014) which included the following section:

“Air quality and noise issues resulting from helicopters – City, State and Federal involvement must be achieved in order to determine a solution for the negative impacts caused by increased helicopter tourism both in Lower Manhattan and on Governors Island, specifically in regards to the heliport at Pier 6;” and

WHEREAS: The Downtown/Wall Street Heliport has absorbed 100% of the helicopter tour operations from the West Side Heliport as a result of a lawsuit settlement due to noise and other environmental impacts to the community. These same environmental impacts now impact lower Manhattan. Noise has increased exponentially both in lower Manhattan and the Brooklyn shoreline where the tour helicopters operate. This is in violation of 49 U.S.C. § 47101(a)(2) (“It is the policy of the United States... that aviation facilities be constructed and operated to minimize current and projected noise impact on nearby communities;” and

WHEREAS: The Helicopter Sightseeing Plan allows helicopter tour operators to fly over numerous “residential, educational, health and religious structures and sites and parks and recreation areas” in violation of FAA’s own rules. The FAA’s guidance to airports and airmen states that flights near noise sensitive areas must meet certain standards as well. The FAA’s Advisory Circular 91-36D Visual Flight Rules (VFR) Flight Near Noise-Sensitive Areas, states that “[e]xcessive aircraft noise... is particularly undesirable in areas where it interferes with normal activities associated with the area’s use, including residential, educational, health, and religious structures and sites, and parks, recreational areas...;” and

WHEREAS: The FAA’s Advisory Circular 91-36D standard is “[a]voidance of noise-sensitive areas, if practical, is preferable to overflight at relatively low altitudes. Pilots operating noise producing aircraft... over noise-sensitive areas should make every effort to fly not less than 2,000 feet above ground level (AGL), weather permitting.” However, the helicopter sightseeing plan allows helicopter flights as low as 900 feet, in violation of FAA’s own Advisory Circular. The AC also includes a further restriction that “the ground level of noise-sensitive areas is defined to include the highest terrain within 2,000 feet AGL laterally of the route of flight ...” We read that language to include buildings and other structures that the aircraft might be flying over; and

WHEREAS: The helicopter impacts not just CB1 residents. Residents came specifically for the Wednesday, June 3rd Financial District meeting from outside of CB1 including from the Manhattan Upper West Side, Brooklyn, Staten Island and New Jersey. They complained about how the current helicopter routes along the East River and Hudson River negatively impacted them at home and at work; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 calls on the City Council to hold a hearing on helicopters in New York City, specifically Pier 6; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges that the relevant environmental agencies monitor both the noise levels and air quality during peak usage of the Pier 6 heliport; and

BE IT
FURTHER
RESOLVED

THAT: CB1 calls on our elected officials to significantly reduce the tourist and commuting helicopter traffic at Pier 6; now

BE IT
FURTHER
RESOLVED

THAT: CB1 urges that the Federal Aviation Administration (FAA) that controls the airspace fill in the regulatory loopholes in the regulation of the helicopters at Pier 6 and elsewhere in our district so that helicopter landings and takeoffs from Pier 6 and their route are minimized.