


**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: February 20, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File: 13-0002-S26
Assignment No.: 13-02-0109

SUBJECT: Resolution (Krekorian-LaBonge-Koretz-Garcetti) to support S. 208 (Feinstein), the Los Angeles Residential Helicopter Noise Relief Act of 2013, which would require the Federal Aviation Administration to control flight paths and require minimum altitudes for helicopter operations in Los Angeles County.

CLA RECOMMENDATION: Adopt the attached revised Resolution to include in the City's 2013-2014 Federal Legislative Program SUPPORT of S. 208 (Feinstein), the Los Angeles Residential Helicopter Noise Relief Act of 2013, which would direct the Administrator of the Federal Aviation Administration (FAA) to prescribe regulations to reduce helicopter noise pollution in residential areas in Los Angeles County, California, IF AMENDED (a) to provide that the FAA Administrator shall exempt from such regulations helicopter operations undertaken for emergency, law enforcement, public utilities or military purposes, including helicopter training operations for these same purposes; and (b) to provide that the FAA Administrator shall consider providing greater authority to law enforcement agencies to establish and enforce temporary flight restrictions when such restrictions would likely improve air safety conditions.

SUMMARY

Resolution (Krekorian-LaBonge-Koretz-Garcetti), introduced February 5, 2013, calls attention to the long-standing complaints of Los Angeles County residents of the nuisance and disruption of helicopter noise, the physical hazards posed by low-flying helicopters, and the intrusion of helicopter crews on residential privacy. There has been a significant increase in helicopter noise pollution and traffic in recent years due to an increase in helicopter use related to tourism, news media, and other non-essential activities. Some Los Angeles County residents have argued that the excessive helicopter noise is compromising their overall quality of life and contributing to increased levels of anxiety and stress. The Resolution therefore seeks to include in the City's 2013-2014 Federal Legislative Program support of S. 208 (Feinstein), the Los Angeles Residential Helicopter Noise Relief Act of 2013, which would direct the Administrator of the Federal Aviation Administration to prescribe regulations to reduce helicopter noise pollution in residential areas in Los Angeles County.

BACKGROUND

S. 208 (Feinstein), the Los Angeles Residential Helicopter Noise Relief Act of 2013, (1) would require the Administrator of the Federal Aviation Administration (FAA), within one year of enactment, to issue regulations for helicopter operations in Los Angeles County, including requirements relating to the flight paths and altitudes; and (2) would authorize the Administrator

to exempt from these requirements helicopter operations related to emergency, law enforcement or military activities.

During the previous 112th Congress, in response to H.R. 2677 (Berman, D-CA), "The Los Angeles Helicopter Noise Relief Act of 2011," the CLA contacted representatives of City departments that operate helicopters (Fire, Police, Water and Power) or that operate facilities used by City helicopters (General Services, Airports). We received responses as summarized below. *All responding departments recommended that the City seek amendment to H.R. 2677 to provide that the FAA Administrator "shall" (instead of "may") exempt City helicopter operations from any regulations established for helicopter operations in Los Angeles County.*

Fire Department (LAFD): The Fire Department issued a Bill Response Report on October 7, 2011, stating that its helicopter operations would be negatively impacted if subjected to the regulations called for by H.R. 2677. Any FAA regulations requiring flight route diversions and higher rotorcraft altitudes would increase flight times, operations costs, and the likelihood of rotorcraft incursions with fixed wing aircrafts in the congested airspace of the Los Angeles Basin. *LAFD recommended that the City seek amendment to H.R. 2677, at a minimum, to require (i.e. not simply authorize) the FAA Administrator to exempt emergency operations from FAA regulations established for helicopter operations in Los Angeles County.*

Los Angeles Police Department (LAPD): In a Bill Response Report dated August 22, 2011, the Police Department stated that regulations pertaining to flight paths and altitudes would negatively impact the work of its Air Support Division within the City. *LAPD recommended that H.R. 2677 be amended, at a minimum, to require the FAA Administrator to exempt law enforcement and other emergency services from its regulations, which would provide a vertical separation between emergency services aircraft and civil aircraft. LAPD further recommended that H.R. 2677 be amended to provide law enforcement agencies with greater authority to establish and enforce Temporary Flight Restrictions (TFR), which would reduce noise pollution and alleviate air safety concerns during times of heavy air traffic.*

Department of Water and Power (DWP): In a Bill Response Report dated October 3, 2011, the Department of Water and Power stated that H.R. 2677 could negatively impact its helicopter operations and therefore compromise its ability to maintain the infrastructure that supplies water and electric power to the City's residents and businesses. DWP stated that during in-basin helicopter patrols, 86 key locations and facilities are surveyed, including generation facilities distribution stations, receiving stations, water tanks, filtration plants, aqueducts, transitions lines, among others. *DWP recommended that the City seek amendment to H.R. 2677 to require the FAA administrator to exempt helicopter operations related to emergency, law enforcement, military or activities or utility operations from the regulations pertaining to helicopter operations in Los Angeles County.*

General Services Department (GSD): GSD neither owns or directly operates helicopters and therefore chose not to provide a formal response to H.R. 2677. However GSD operates a maintenance facility for LAFD's helicopters at Van Nuys Airport. A GSD representative estimated that 1,000 -1,500 maintenance flights may arrive at or depart from this maintenance facility.


Department of Airports/Los Angeles World Airports (LAWA): A LAWA representative has advised informally that LAWA works in collaboration with the FAA to develop appropriate helicopter ingress and egress routes in the immediate vicinity of LAX. Helicopters are subject to various FAA rules and regulations, but none are specific to LAX or to Los Angeles County. LAWA's representative further advised that LAWA does not monitor the number of helicopter operations at LAX and that no City-operated helicopters are based at LAX. As mentioned above, GSD operates a maintenance facility for LAFD's helicopters at Van Nuys Airport, which is one of three airports owned and operated by LAWA.

DEPARTMENTS NOTIFIED

None

BILL STATUS

02/04/2013	Bill introduced
02/04/2013	Referred to Senate Committee on Commerce, Science and Transportation



Jerry Barnes
Analyst

GFM:jb

Attachment: Resolution (Krekorian-LaBonge-Koretz-Garcetti)
Revised Resolution

13-0002-526

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have been adopted in form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, for many years, Los Angeles residents have suffered from high levels of noise pollution due to low-flying helicopters; and

WHEREAS, there has been an increasing number of paparazzi, tourist, and other non-necessary helicopters jamming the skies of Los Angeles and hovering at a low altitude, creating safety and privacy concerns and leaving the citizens of Los Angeles with no legal recourse; and

WHEREAS, the Federal Aviation Administration (FAA) has failed to address the numerous complaints from Los Angeles residents and to protect them from the excessive noise associated with low altitude flights; and

WHEREAS, on February 5, 2013, Congressman Adam Schiff, Congressman Henry Waxman, and Senators Dianne Feinstein and Barbara Boxer introduced H.R. 456 and S. 208, respectively, the Los Angeles Residential Helicopter Noise Relief Act of 2013, which would require the Federal Aviation Administration (FAA) to set guidelines on flight paths and minimum altitudes for helicopter operations in Los Angeles County within 12 months of enactment, with exemptions for law enforcement, emergency responders, and U.S. military; and

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT for S. 208, which would require the Federal Aviation Administration (FAA) to control flight paths and require minimum altitudes for helicopter operations in Los Angeles County.

PRESENTED BY: Paul Kerkorian
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY: Paul Koretz
Paul Koretz
EG #

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ORIGINAL

RESOLUTION

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WHEREAS, greater local authority is also needed for helicopter operations for emergency, law enforcement, public utilities or military purposes;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT for S. 208, which would require the Federal Aviation Administration (FAA) to control flight paths and require minimum altitudes for helicopter operations in Los Angeles County, IF AMENDED (a) to provide that the FAA Administrator shall exempt from such regulations helicopter operations undertaken for emergency, law enforcement, public utilities or military purposes, including helicopter training operations for these same purposes; and (b) to provide that the FAA Administrator shall consider providing greater authority to law enforcement agencies to establish and enforce temporary flight restrictions when such restrictions would likely improve air safety conditions.