



March 23, 2009

Hon. Edward P. Romaine
Suffolk County Legislator – First District
423 Griffing Avenue, Suite 2
Riverhead, NY 11901

Dear Legislator Romaine:

The Eastern Region Helicopter Council (ERHC) reiterates its deep concern and states its strong objection to the Suffolk County Legislature’s Intro. Resolution 1139-2009, *A Local Law to Ensure Safe Operations of Helicopters*. This bill once again attempts to regulate the operation of helicopters in the airspace over Suffolk County, this time by arbitrarily and incorrectly presuming that certain helicopters engaged in passenger transport missions flying at undefined “low altitudes” are operating in a “careless and reckless” manner.

ERHC’s previously submitted letters of opposition dated August 4, 2008 and November 14, 2008 against I.R. 1139’s two failed predecessor bills (I.R. 1673-2008 and I.R. 1951-2008) coupled with our previously presented testimony before the Legislature on three occasions leaves little doubt on what our position is on this matter – the regulation of airspace falls outside the Legislature’s jurisdiction. While this latest bill’s language may have changed by deleting any specific references to minimum altitudes, the facts remain exactly the same:

1. The Suffolk County Legislature is preempted by the federal government on any and all matters pertaining to the National Airspace System.
2. The proposed bill is unenforceable and, therefore, sends the wrong message to Suffolk County residents by promising false hope to those in real need of solutions.
3. A more equitable solution for all concerned is for helicopter operators to utilize varied routes over the North and South Shores – an effort that ERHC has already commenced with our membership.

There is no basis in fact that helicopters performing certain passenger transport missions at altitudes that the Legislature finds objectionable are a “hazard to persons and property on the surface and constitutes careless and reckless operations.” Again, such a determination is clearly outside the jurisdiction of the Suffolk County Legislature. It is only the Federal Aviation Administration that establishes safety standards for aircraft operations, making the bill’s language inconsistent with existing Federal Aviation Regulations.

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Hon. Edward P. Romaine

March 23, 2009

Page 2

Like its predecessor bills, this third attempt to regulate helicopters in the airspace over Suffolk County completely misses the mark. The answer to the helicopter noise problem is not legislation, but the continued cooperative efforts between the local helicopter industry, communities, residents and interested elected officials.

ERHC's existing Long Island noise initiative began in early 2007, when we brought together helicopter operators, airport managers, the FAA and community members to discuss and implement new procedures and potential mitigations. Later that year, we joined with the FAA, Senator Schumer and Congressman Bishop in developing additional monitoring and operational protocols that have provided relief to many Nassau and Suffolk communities. The significant progress ERHC members have achieved and the benefits realized on the ground through these cooperative efforts will continue into this season and beyond if we maintain and build upon these relationships and work together to pursue common goals. Along these lines, on April 1st, ERHC is hosting its latest pre-season forum on helicopter operations to address affected areas in the region, including communities in both Nassau and Suffolk Counties. We have extended invitations to the Suffolk County Legislature and look forward to your participation and valuable input.

ERHC has proven itself to be a cooperative and willing partner in addressing helicopter noise affects and will continue to do so as long as solutions are developed in an equitable fashion. Intro. Res. 1139-2009 is inequitable, inconsistent with ongoing efforts and will not provide relief to those in real need of solutions.

As such, the Eastern Region Helicopter Council urges you to abandon Intro. Res. No. 1139-2009 and instead work directly with the local helicopter industry to ensure that your constituents' specific noise concerns are resolved quickly and fairly.

Sincerely,



for:
Jeffery Smith
Chairman

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Hon. Edward P. Romaine

March 23, 2009

Page 3

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