



MEMORANDUM

To: Mayor and City Council

From: Jim Smith, Aviation Executive Director

Date: October 29, 2012

Subject: Temporary Helistops

Council Member Laura Morrison asked several questions last week regarding the process for permitting temporary helistops. I have reviewed the regulations at issue with Aviation's assistant city attorney and have gathered information from my staff and other city employees. Before answering the specific questions (in bold below), I would like to provide you with brief background information and the Aviation Department's process for permitting heli-facility applications.

Under federal law, the federal government has exclusive jurisdiction over airspace. The U.S. Supreme Court has established that state and local governments cannot use their police powers to regulate aircraft operations by controlling the flight of aircraft. Accordingly, federal law mandates the Federal Aviation Administration (FAA) to develop plans and policy for the public right to use navigable airspace. The City's ordinance authorizes the Director of Aviation to perform the duties to carry out the responsibilities of the Aviation Department under applicable aviation law and in accordance with Chapter 13-1. One of those duties under Chapter 13 of the City's ordinance includes the Director of Aviation authorizing a temporary helistop.

Under the City's ordinance, a person who wants to operate a heli-facility in the City must obtain either a permit from the Aviation Director for a permanent heli-facility or written authorization from the Aviation Director for a temporary helistop. The applicant for a temporary helistop must complete the attached application form and provide the necessary documentation as specifically required under the ordinance. The application requirements for a temporary helistop under Section 13-1-181 include the following:

- proof of insurance;
- a description of the location and intended use of the helistop;
- a description of the size, layout, and topographical features of the proposed helistop;
- the number of anticipated daily operations and hours of operation;

- the types of helicopters expected to use the helistop, including manufacturer, model number, and maximum gross weight;
- an aerial photograph or current map scaled at least one inch to every 400 feet, marked to indicate the location of the temporary helistop; and each obstruction penetrating the helistop's imaginary surface
- additional information required by the director

Once the application for a temporary helistop is complete, the Department of Aviation sends notifications to FAA, Austin Fire Department, Austin Police Department, and other applicable city departments for their review and feedback of any concerns. Since 2010, the Department of Aviation has approved most temporary helistop applications except for a couple due to safety reasons and/or FAA concerns.

Our zoning code (25-2-861) indicates that a helicopter landing site or helipad is a conditional use and thus, requires a conditional use permit. Can you please clarify the process the property owner has gone through to secure their conditional use permit (CUP)?

Response: The applications received recently by the Aviation Department are for temporary helistops. The City's ordinance does not require a CUP for a temporary helistop location. Accordingly, Greg Guernsey from PDRD currently does not require a CUP for a temporary helistop location.

We understand the Aviation Director has the authority to issue a permit for a helipad required under Title 13, Article 4. In particular we are interested in the application information (13-1-180(B))

(4) number of daily operations and hours of operation

(10) aerial photograph marked with noise sensitive areas (which include residential areas by definition) within 4000ft

(11) the report indicating the anticipated noise level at the proposed site and compliance with Federal Aviation Administration Advisory Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports)

The code also gives the Director the authority to adopt rules related to the operations. Has there been any discussion yet about particular rules that will be imposed to ensure public health and safety especially considering the concern of excessive and frequent noise impacting nearby neighborhoods?

Response: Because the permits in question are for temporary helistops, the requirements cited above do not apply. Section 13-1-180 applies to applications for a *permanent* heli-facility, and specifically exempts applications for temporary helistops. *See* Section 13-1-180(A). The requirements for an application for a temporary helistop are under Section 13-1-181. That section does not include a requirement to provide a report on the anticipated noise level area for a temporary site nor an aerial photograph marked with noise sensitive areas.

However, a general analysis of the proposed site for a temporary helistop at the South Mopac location estimates an annual noise level of 51 Yearly Day-Night Average Sound Level (DNL) at approximately 900

feet.¹ The FAA provides a general guideline of 65 DNL for a residential area near the airport and its surroundings.

The temporary helistop applicant for the South Mopac location estimates 200 anticipated operations throughout the permit period. The hours of operation will be from 8AM to 8PM.

[A]t the Council briefing last week, staff was asked to provide flight path information for the helicopters planned routes. When will those be available to Council?

Response: Please see attached the flight path. Please know that the Aviation Department worked closely with the FAA to develop flight paths/routes over highways in order to minimize noise impacts on the community.

How do these sites meet the definition of temporary helistop per the definition in 13-1-171? There are additional constraints beyond not being permanent, i.e. it must be for advertising, promotional, educational or community service purpose or a construction project.

Response: The Aviation Department has historically and consistently applied this definition of a temporary helistop to include events that have community support. For example, the Aviation Department has previously approved temporary helistops for major events including marathons, Austin City Limits, and motion picture filming. It is reasonable to approve temporary helistops for such events under the “community service purpose” since those events may be deemed to promote and serve the community by providing entertainment, promote health, and economic gain.

Even if these do meet the definition of temporary, how do these sites meet the FAA guidelines on Noise Control and Compatibility Planning for Airports as required by 13-1-186 for all but hospital heliports?

Response: The Aviation Department requires that applications for temporary helistops meet the minimum requirements under Section 13-1-181 which do not include compliance with the guidelines of the Noise Control and Compatibility Planning for Airports. However, a general analysis of the proposed site for a temporary helistop at the South Mopac location estimates an annual noise level of 51 DNL at approximately 900 feet which is below the FAA’s general guideline of 65 DNL for a residential area near the airport and its surroundings.

Considering that the 901 S. Mopac site is less than 1000 ft from residential, what consideration has there been for public health impacts of frequent operations? What is the expected noise level 900ft from the helistop? Information that we’ve seen shows 100db at 100ft away.

Response: Under the City’s ordinance, there is no requirement under Section 13-1-181 for temporary helistops to evaluate noise as a part of the application process. Although the Aviation Department can only estimate the noise level of a proposed temporary helistop without actually monitoring that site in operation, we intend to use noise monitoring equipment to gather basic information during the Formula One event. A

¹ The analysis is based on a comparison of noise measurements from a report by Harris Miller Miller & Hanson, Inc. regarding the UCSF Mission Bay Hospital Complex, Helipad Project, dated March 31, 2008.

general analysis of the proposed site for a temporary helistop at the South Mopac location estimates an annual noise level of 51 DNL at approximately 900 feet which is below the FAA's general guideline of 65 DNL for a residential area near the airport and its surroundings.

Please feel free to contact me with any questions or concerns you might have.

Attachments

Cc: Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager



City of Austin – Department of Aviation

Temporary Helistop Application



13-1-181 APPLICATION REQUIREMENTS FOR TEMPORARY HELISTOP.

An application for a temporary helistop shall include:

- (1) proof of insurance required under Section 13-1-184 (*Insurance Required; Termination*);
- (2) a description of the location and intended use of the helistop;
- (3) a description of the size, layout, and topographical features of the proposed helistop;
- (4) the number of anticipated daily operations and hours of operation;
- (5) the types of helicopters expected to use the helistop, including manufacturer, model number, and maximum gross weight;
- (6) an aerial photograph or current map scaled at least one inch to every 400 feet, marked to indicate:
 - (a) the location of the temporary helistop; and
 - (b) each obstruction penetrating the helistop's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*); and
- (7) additional information required by the director.

13-1-183 PERMIT OR AUTHORITY TERM AND RENEWAL.

- (A) A heli-facility permit is valid for three years from the date of issuance.
- (B) Authorization to operate a temporary helistop is valid for the earlier of:
 - (1) the duration of the event or construction project; or
 - (2) 180 days from the date of issuance.
- (C) A permittee may renew a heli-facility permit or authorization before the expiration of the existing permit or authorization.
- (D) A permittee must file a renewal application including:
 - (1) a renewal applicable fee; and
 - (2) a certificate that there has been no material change in the information provided in the original permit application; or
 - (3) if a material change has occurred, a description of each change.
- (E) In this section, "material change" includes a change in:
 - (1) the number of operations or hours of operation;
 - (2) the type of helicopters using the heli-facility;
 - (3) the approach or departure paths to the heli-facility that may constitute a helicopter operation constraint or safety hazard; or
 - (4) development near the heli-facility that may affect air or ground access or constitute a hazard under 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*).

13-1-184 INSURANCE REQUIRED; TERMINATION.

- (A) The owner or operator of a heli-facility must maintain a commercial general liability policy with a combined single limit of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence.
- (B) A policy under this section shall:
 - (1) name the City as an additional insured;
 - (2) indemnify the City from all claims arising out of the operation of the heli-facility, including noise, nuisance, personal injury, death, and property damage;
 - (3) not be cancelable before the 30th day after written notice to the director; and
 - (4) be issued by an insurance company authorized to do business in the State of Texas.
- (C) The owner of a heli-facility shall annually provide the director with a certificate of insurance.
- (D) The director may terminate a heli-facility permit if the owner fails to maintain the required insurance.

Fee: Applicant must include a check or money order for \$500.00 (processing fee) payable to the City of Austin – Department of Aviation.



City of Austin – Department of Aviation

Temporary Helistop Application



Applicant General Information

Company Name		Representative:	
Street Address:		Phone #:	
City / State:		Alternate #:	
Zip Code:		Fax #:	
Description: of Event:			
Justification for Off-site landing			

Landing Zone Information

Property Owner		Representative:	
Street Address:		Phone #:	
City / State:	Austin, Texas	Alternate #:	
Zip Code:		Zoned Residential:	YES / NO
LZ Lat/Long	N	W	LZ Size ' x ' x
Landing Surface:	Paved	Unpaved	Description:
Distance from Spectators	ft	Crowd control method:	

Obstructions: List the objects closest to the Landing Zone (power lines, trees, poles, etc)

Type	Height	Distance	Direction
	ft	ft	
	ft	ft	
	ft	ft	
	ft	ft	
	ft	ft	
	ft	ft	

Landing Zone Operation

Dates: -	Times: -	Number of Landings
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Aircraft / Pilot Information

Make/Model:		Registration:		Max Gross Weight	lbs
Pilot Name:		Certificate:			

For Use by Department of Aviation – Airside Operations Officials:

Map / Photo Included	Check / Money Order \$500.00	Site not Residential Area
Insurance Certificate Included	Insurance at least \$1,000,000.00	
Insurance names City as additional insured	Insurance Indemnifies City from all claims	
Insurance cannot be canceled before 30 days	Insurance issued by business authorized in TX	
APD Notified		ATC Notified
AFD Notified		Noise Notified
EMS Notified		PIO Notified
Site Visit		Notes:
Restrictions: (1) Aircraft fueling is prohibited at the temporary helistop.		
Authorized by:	Date:	Time:
Permit Expiration Date: :	(Not more than 180 days of issuance)	

