

Heliports and Helicopter Operations – Stakeholder Input Process

Third Stakeholder Meeting – Wednesday, February 20, 2013

Meeting Attendees

There were a few new stakeholders in attendance at this meeting. The group was again very well balanced and included representation from neighborhood representatives, event representatives, and helicopter operators.

Stakeholders	
Name	Organization/Group
David King	Zilker Neighborhood Association
Brian Taylor	Capital Wings
Max Woodfin	South River City Citizens
Pat King	Austin Neighborhood Council
Richard Hatfield	Planning Commission
Mark Richard	McRae Aviation
John Lawson	Fins Up Aviation
Randy Riggs	Austin Helicopters
Rene Banglesdorf	Charlie Bravo
Wayne Turner	Charlie Bravo
Lou Vasta	Circuit of the Americas
Steve Henry	Henry Aviation
Warren James	Downtown Austin Neighborhood Association
Kurt Rothert	APD
Melissa Hawthorne	Barton Hills Neighborhood Association

Staff and Consultants	
Name	Organization/Group
Dale Murphy	Austin Airport Advisory
Ernie Saulmon	Austin Airport Advisory
Shane Harbinson	Aviation Department
Loren Lintner	Aviation Department
Joseph Medici	Aviation Department
Francisco Garza	Aviation Department
Stephen Dick	Aviation Department
Lynda Courtney	Planning and Development
Christopher Coons	RW Armstrong
Byron Chavez	RW Armstrong
Arin Gray	CD&P
Julie Richey	CD&P

Meeting Summary

The meeting began by sharing comments from stakeholders who could not attend which led to the full group discussion. Goals for the meeting included discussion of outstanding issues which had yet to be resolved; to hear from stakeholders on the current draft of revisions to the Code; and to develop a final list of suggestions and Code to present to City Council. During the discussion, several items which the group felt were further recommendations for the City to pursue were noted.

Topics of Discussion

Category II Operational Hours

The South River City Citizens neighborhood is concerned with the increase in operational hours from 2012 Formula 1 weekend of 8 a.m. - 6 p.m. to 7 a.m. to 9 p.m.

Operators felt 6 p.m. was too early to end operations. They felt it was not practical and that it compromised the economic viability of the business operations.

Additional discussions included the possibility of a time/frequency sliding scale with more operations allowed within the early portion of an allowed time period and fewer as the night gets later. Safety concerns were raised with additional number of flight operations allowed during earlier hours and the group preferred keeping operations limited to 8 an hour. It was also noted that a curfew for one particular site would not preclude aircraft from flying in airspace near residential areas.

After much discussion of pros and cons of times a compromise of 7:30 to 8:30 p.m. was reached for Category II operations.

Directors Special Consent

There was concern for the Director Special Consent definition and authority given to the Director to increase activity in an area with no oversight. Upon further discussion, many of the neighborhood representatives agreed that giving the Director discretion to make judgments on approval, once given additional information, such as proximity to noise sensitive areas, would allow the Director to potentially approve fewer operations or deny a permit near a residential area while allowing many more operations for a permit in an industrial area of town.

Some participants objected to the Director having the sole ability to render approval without oversight or further required review from other City departments. DOA staff reported that many of the City's departments are notified for comment on submitted applications and that a list of these departments would be added to the code as required.

It was agreed that the application should be entered into the AMANDA System along with public comments to provide a more transparent process. An additional 10-day appeal period after approval or denial of the permit was also agreed upon.

The group agreed that the identification of noise sensitive areas, topographical features, public notifications etc. should be the responsibility of the City and not the operators as the City has access to this information.

Permit Renewal – Distance and Timeframe

The group discussed the 1.5 mile radius parameter for applications. It was agreed that a .5 mile radius was more reasonable and in line with the groups recommendation that there be an additional temporary helicopter facility in the downtown area north of the river during the Formula 1 event. It was agreed that the 180 day period was appropriately limited given the permit duration is limited to the duration of the event OR 180 days. Further the 180 days will help ensure that no one location is used repeatedly throughout the year.

Penalties

The group agreed not to continue to discuss this topic because there are existing penalties and enforcement options for code violations.

Insurance

Operators felt the existing requirement was already unnecessary given the aircraft has liability coverage and the property owner already has liability coverage. The group generally agreed that an appropriate amount of coverage for the aircraft is warranted, but that this topic should be further explored by the City's Risk Management staff with input from operators.

Permit Approval Period

City staff needs to determine how to ensure that the 45 day period is met, and what happens if it is not. The 45 day period should only start once a complete application has been submitted.

Formal Recommendations

Definitions

- Category I should be defined as a facility which is approved for 10 or fewer operations per day and a total of 18 per permit
- Operational Hours for Category II are 7:30 a.m. to 8:30 p.m.

13-1-181

- (7) Items (d) –(f) These services should be provided by the City
- (8) Notifications should be made and documented by the City
- (9)Public comments submitted to the Director should be posted online and should be distributed to the neighborhood associations which were notified
- A 10 day period should be required to appeal approval or denial of an application
- (C) Additional departments which are currently being notified during the application process should be identified as part of the Code requirements

13-1-182

- (B) (11) should be reconsidered based on availability of data

13-1-191

- Applications should not be approved within a .5 mile radius unless they are more than 1000 feet from a noise sensitive area as identified during the application process.

Summary of Comments Received Via Email:

From: JJack2 [mailto:jjack2@austin.rr.com]

Sent: Tuesday, February 19, 2013 1:39 PM

To: Arin Gray

Cc: David King; David King; ZNAExCom@yahoo.com

Subject: Comments of draft helipad ordinance

Arin

Here are my comments on the draft

13-1-171 Definitions

1. (A) I think it would be good to send to everyone a copy of the FAA circular 150/5390-2A (heliport design guide) so we can see what is being referenced
2. (B) (1) I would add in the list of "not equipped" to include refueling as an activity precluded at these sites. Where is the number of days this would apply to? As I read through this I may find some limit, but would suggest that since we are putting into the definition other limiting factors that we include the length of the permit and how often it can be renewed and at what intervals. This would apply to cat 2 as well.

3. (B) (2) The limit of 3 helicopters is what we discussed and think we agreed on. But I seem to recall that we had discuss fewer take off and landing per hour? The way this is worded you could have a site that has almost un-limited usage. As an example if the cat 2 permit was for a month, then you could have say 16 hours of operation per day or 4,800 hours with 8 operations per hour = 3,840 operations of 1,920 trips per permit. If the permit was for longer say the 180 days, this may be ok, but if the permit period was shorter, then the cumulative impact would be much greater, I suggest that you check back with everyone to make sure this is correct understanding?

4. (B) (9) I think we need to say a Landing area can be either a ground level un improved landing area or a built up landing site at grade or higher such as structured landing pad or roof top structure capable of supporting a helicopter landing. But could there be a temporary on water as noted for a permanent heliport, if so this then needs to be added in this section.

5. (B) (10) here I would use the same basic language as above so that it is consistent.

6. (B) (12) I think "wildlife refuge" is getting to Melissa's concerns were but that would not describe the Barton Springs Green Belt. So I think we need to find a commonly accepted term for parkland used as a nature preserve that has public access for community use since often Wildlife refuge is an area will limited community access, it is different from the Barton Springs Green Belt or other natural areas that have community access that we need to recognize in this code.

7. (B) (14) Operational Hours. While I think we need this in the code, I think to be clear we need to define what the operational hours are for cat 1 and cat are as well. It may be that all we need to do is list for cat 1 the operating hours as part of defining the criteria that the director will use in approving a cat 1 permit. Not sure the operational hours are needed in cat 3 if there is a conditional use permit process where every thing is open to public negotiation. And I would go for the 7:00 to 9:00 rather than the half hour before and half hour after. It is too hard to calculate and therefore not easy to enforce, but if you look at your watch, it is clear if it is earlier than 7:00 am or later than 9:00 pm.

8. (B) (18) Not sure where this came from since it was not discussed in our meeting, but allowing this "special Consent" means that the rest of the ordinance is meaningless. It is a loop hole that we can not accept for any reason. If we have clear criteria for the director to use in making a determination, that should be the line in the sand. If we create a "special Consent" provision then he can approve any think at any time and any where as a "special" circumstance. This loop hole has to be removed from the ordinance. If an special circumstances come up that would require allowing for a cat 2 permit, then it should not be approved by the director but rather fall to the public process of having Council vote on it.

13-1-172 Applicability and exception

9. (A) I suggest that the language used here, "ground or elevated site" be made more consistent with the definitions

10. (B) I think we need to be very clear here what a State Government agency is, is this a school district/ Could AISD under this provision allow for a cat 2 heli-stop on a school grounds in the middle of a neighborhood? Could a state office building in the middle of a neighborhood be used in this way. Could a TEXDOT vacant parcel next to an highway interchange next to a neighborhood be used for this cat 2 landing site? We need to be much clearer on what we are exempting here.

13-1 -173 Authority

11. (A) What is the difference between the director may "authorize" and "issue a permit"? I think that the director may only approve a permit for a cat 3 after approved by the Council through the conditional use permit process, if so then this must be clearly stated that the director can not issue a cat 3 unless approved by council.

12. (B) I think we need to review the code for a conditional use permit. My understanding that it can not be issued by the director of aviation alone, with appeal only to Council. A typical conditional use permit has a public before the planning commission and then the city council. We need to check this sine the suggested wording seems to weaken the current ordinance requiring a conditional use permit process for cat 3 permanent facilities.

13-1-175 Category III identification number

13. (B) why is it only a governmental agency that can request the location of these helipads? Shouldn't this be information available to the public? I think we need to open this up so that anyone wanting this information was provided it. If we don't make it easy then we will have a bunch of FOI requests which would result in this information being provided anyway.

13-1-176 Zoning Restrictions

14. (B) the ability of the Director to issue a permit for a Cat 2 for construction sites is another problem in the making. If cat 2 is really about events like F1, what construction project has that kind of intensity over a short time span? While I have only been an architect for 40 years, and may have missed a construction project that needed thousands of helicopter operations over a weeks time, maybe there is one, but I doubt it. And how would such a project be possible in a residentially zoned area? I think the provision for the Director I approve a temporary cat 1 for a medical emergency is reasonable for any zoning district, but being able to approve a cat 2 in residential zoning for construction is not needed and should be limited to a cat 1 with an appropriate time frame that matches what we call in the industry "appropriate stages of the work" This section needs to remove the allowance of using a cat 2 site for construction in residential zoning.

13-1-178 Heli-Facility permit or authorization required

15. (B) (C) I think we need to be consistent, what is the difference between the director giving "authorization" and the director granting a "permit" I think if we use these different terms then what is the difference in the process, criteria, and responsibilities associated with each term. If they are the same, then we should use the same term in all cases, if it is different then we have to clearly spell out what those differences are.

13-1-180 Application requirements for Category I (permit?)

16. (2) the request to have the applicant state the intended use is not sufficient to understand what is the temporary helistop being used for. An applicant could satisfy this by say they are going to be surveying a construction site, but we need to know where that site is, who is contracting for this service, and why is this needed for the work?

17. (9) "additional information required by the director" I always see this type of provisos as "got you" clause. If the criteria is clear and the evidence provided responses to the criteria fully then there should be no more information required. But if we do not have clear criteria, then it is always open to asking for more information. I suggest that the Director's request for more information be limited to any absent or partial information provided as required by the application process and the criteria stated for determining the applicability of application.

13-1-181 Application Requirements for a category II (permit?)

18. (2) see comment (2) above on having a better call out on what the intended use is.

19. (3) if call out a image or map at a scale of 1/400 feet on cat 1 applications, why not the same wording on cat 2? I see that this is covered in (7) not sure why the difference?

20. (5) why is this different from (5) for cat 1? Why tail number needed here but not in cat 1?

21. (7)(f) using words like "substantial" is always problematic in writing code. I think we need this to address the impact of topo features that will impact sound travel times and distribution, but we need to be more specific on what those topo changes are that we need documented.

22. (9) not sure how an applicant can provide public comments to the director if the comments go to the director? I think the only comments that the director should acknowledge are due to the notification process. If an applicant went out and got 50 of their friends to send in comments in support of the application, does that matter? Lets make it clear that comments from the public that are the result of the application process should be considered by the director and made part of the public record.

23. (10) similar comment as above about the director asking for more information.

24. (C) the list is good but we need to include the Parks department if city of Austin parkland is within the 4,000 foot radius, Don't want the parks folks supporting a kid day on the green belt then finding out there will be helicopter flight all day over head!

25. (D) we have not teeth in this limitation on the city review process, on the other hand what if the city does not get the permit processed in the 45 days, does the applicant get a walk on the permit or has some financial compensation for not getting the permit reviewed in time. This needs more discussion on how to make sure the city moves on these applications in a timely way and that the failure of the city to promptly process the application does not result in any city liability.

13-1-183

26. (2)(b) I think is always best to separate the two items listed in this clause. (2)(c) should read "does not comply with the provisions of this article". It may be important that while we make reference to disturbing residential neighborhoods in other parts of the ordinance, we also list that as a criteria under which the Director may deny a permit.

27. (C) again not sure if the Director can approve the cat 3 without the issuance of a CUP and the public process, planning commission action and council approval of the CUP? Need to verify just exactly how this is done so applicant don't think this is just an administrative process.

13-1 -184

28. (A) wonder why if a permanent cat 3 helipad is permitted that it's permit has to be renewed after 3 years. If a building permit is approved, we don't ask for it to be re-permitted after 3 years? Is this so that if the surrounding conditions change then the approval of the FAA may not hold? I can imagine a downtown helipad that is approve with the existing building being considered but then a new high rise gets built that blocks the approved flight path. Then either another flight path has to be approved or the pad shut down. In the latter case does the city bear any responsibility to the developer of the helipad for the investment he made that is now useless since the city approve another project that rendered his pad site unable to meet FAA regs? I think we need legal to look at this and give us some advice on what the city responsibility is on this.

29. (E) (2) lets do the math on a 80 days permit. For a cat 1, not a problem since the total number of operations is limited as stated in the definitions section. But for cat 2 there is no such limit. And while we have created this category to address the impact of F1 which had about 2,600 flights, if you can have a 180 day permit for cat 2 with 8 operations per hour from 7 am to 9 pm that's 14 hours a day or 2,520 hours of possible operation time. With 8 operation per hour that is 20,160 operations that could be allowed under a cat 2 with a 180 day permit. While I can not imagine that such a demand would ever exist, it is a possibility that we need to address as we craft this code. And since the applicant could make an application for a much longer period that they really need for an event or a construction project, how would the director know if it was unreasonable? So I suggest that the total number of operations be limited to twice what we had with F1 and any thing that has more of a demand than that be serviced by a cat 3 permanent facility or facilities.

30. (F) this section say cat 1 and cat 2 are non-renewable, but what it does not limit is the ability to have one permit end and another approved starting the following day. So we need a period of time between new permits. With cat 1 I do not see a problem with renewing a permit or a concurrent new permit starting at the end of the previous permit. The limitation on the number of permits takes care of most of the problems here. However if a cat 1 permit was issued for a one day even, then a series of one or few day permits were issued, then it could be a problem when you add up all these limited permits. So I suggest that if the cat 1 is intended to limit permits to 10 operation over 180 days of the permit life. if a permit was granted for a two day even that used up all to allotment that could have been spread over the 180 days, then for that site, there could not be a new permit granted to the remaining 178 days. A sort of sliding scale that would prevent abuse of this cat 1 permit.

As for the cat 2 permits I think it would be reasonable to have yearly renewable for regularly scheduled events like F1, but not to piggy back on a previously approved permit.

13-1-185

31. (C) The minimum insurance should be \$5 million, anything less in today world won't get you very far!

13-1-188

32. (C) suggest that the Fire Departments report be also sent to Building permit and code enforcement departments.

13-1-189

33. (C) not sure the director has the authority to terminate a conditional use permit required of a cat 3 permit, need to check with legal on this.

13-1-191

34. I am not sure that we do not need this distance requirement for a cat 1 helispot? It seems that it could be a problem with these temporary pad congregating in a certain area and that while the limitation of 10 operations may work for one pad, not having some reasonable separation if such pads site could result in much more fly over noise issues with surrounding residential or noise sensitive areas. So if you had a cluster of these it could be as bad as a cat 2 operation. So suggest we put in a separation requirement for cat 1 and then for cat 2 enlarge to separation to 3 miles.

Arin

This is my first read through of the draft. Please excuse all typos and spelling mistakes! And feel free to circulate my comments to everyone. I hope city legal can address many of the issues I have raised and look forward to the final draft. Sorry I can not be at the meeting but David King will attend in my place.

Thanks

Jeff

From: Mike Walker [mailto:mwalker@c3presents.com]

Sent: Tuesday, February 19, 2013 4:47 AM

To: Arin Gray

Cc: jjack2@austin.rr.com

Subject: RE: Helicopter Facilities Stakeholder Meeting - Feb 20

Good morning Arin

Regarding this:

§ 13-1-185 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.

Can we have the operators of a heli-facility maintain a policy that has a 5,000,000 dollar limit? In this day a 1,000,000 policy isn't going to do much if a catastrophic event occurs in an adjacent neighborhood in the downtown or south of the river neighborhoods.

Thanks

MIKE WALKER

Operations Manager

From: Mark Richard [mailto:mcraveav@realtime.net]
Sent: Monday, February 18, 2013 11:48 AM
To: 'Arin Gray'
Subject: RE: Helicopter Facilities Stakeholder Meeting - Feb 20

Hi Arin,

After reading through the draft of code revisions, I would like to add the following;

Under 13-171 Definitions; (B)(1) for category I it does not list the ability to do passenger operations. There could be an instance where a limited amount of passengers, maybe even one load would need to be picked up or dropped off at a location. This is what the 10 or fewer permit is intended to handle also.

Under Definitions;(B)(14) limits of operational hours for Category II to 0.5 hours after sunset during Formula 1 would cause passenger movement to stop at approximately 6:30pm. Since the race fans start returning from the race between 3:00 to 4:00 and it takes 4-5 hours to move all the passengers, it would limit the total passenger count to half capacity. This would not make it finically feasible to operate with such restricted hours.

Starting operations 0.5 hours prior to sunrise is fine.

Under Application Requirements for Category II 13-181; (B)(7)(b), in addition to a requirement to indicate proposed approach and departure paths, there should be a proposed holding area indicated.

Mark Richard
Director of Operations
McRae Aviation Services, Inc.

From: Mike Walker [mailto:mwalker@c3presents.com]
Sent: Thursday, February 14, 2013 10:30 AM
To: Arin Gray
Cc: jjack2@austin.rr.com; Mike Walker
Subject: RE: Helicopter Facilities Stakeholder Meeting - Feb 20

Hi Arin

Please accept my apologies, but I will be out of town on a site visit. I am back in my office the 22nd of February.

As I said in the meeting, my big concern is proper insurance for the helicopters, the company that owns the helicopters, and the lease holder of the helipads being addressed. I agree with limitation of the number of helicopters per LZ, and I strongly suggest some type of air traffic controller at these LZ's to help reduce the amount of time a helicopter has to orbit over neighborhoods while waiting on a spot to land. Hopefully the recommendations cover these areas.

I believe these items are not too much to ask of vendors that are making money at the inconvenience of the neighborhoods.

I further support any recommendations of Mr. Jeff Jack, as he represents my neighborhood in these meetings

Thank you for all your hard work on this, Arin.

Regards

Mike

MIKE WALKER

Operations Manager