**East Hampton Helicopter Flight Tracks**

**Frequently Asked Questions**

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1. **Who establishes flight tracks for helicopters? How (and upon what criteria) are they established?**

Helicopter flight tracks fall under three primary categories: (1) mandatory, (2) voluntary-informal, and (3) voluntary-formal.

Only the FAA can establish ***mandatory*** flight tracks. The FAA establishes very few mandatory helicopter flight tracks anywhere in the country. The principal criteria for establishing mandatory flight tracks are safety of operations, public welfare of people on the ground, and operating efficiency.

There are ***voluntary*** flight tracks in the vicinity of many airports. As the term implies, voluntary tracks are followed at the pilot’s discretion on a flight-by-flight basis. They may be developed to address a variety of local objectives, such as operating efficiency or noise abatement. They are not developed to address safety; if the FAA identifies any need to route helicopters for safety-related reasons, the routes must be mandatory.

Voluntary tracks are generally developed in a collaborative process involving some or all of the following groups: the airport, aircraft operators, pilots’ organizations, the FAA, air traffic controllers, etc. There are two types of voluntary flight tracks:

***Voluntary-informal*** flight tracks are voluntary tracks that are implemented through informal communication mechanisms, such as pilot handouts, websites, signage and the like. These mechanisms are designed to alert pilots to the issue(s) of concern, the voluntary procedures that have been developed to address them, and to request that pilots follow the procedures to the extent it is safe and practical to do so. Direct instructions from FAA air traffic control personnel always preempt voluntary-informal procedures.[[1]](#footnote-1)

***Voluntary-formal*** flight tracks are voluntary tracks implemented through a formal written agreement among the FAA, air traffic control personnel, the airport, and aircraft operators. This mechanism is generally used where the parties agree it is most efficient to define the procedures in advance and to require all involved parties to acknowledge that they are familiar with them. The primary advantage of this approach is that it reduces flight-to-flight communication between pilots and air traffic control personnel because pilots can be assigned the route, with the understanding that the pilots and controllers will know exactly where the aircraft will fly. Even when there is an agreement, however, these flight tracks are still voluntary.

1. **How was the new North Shore Route for helicopters from New York City to eastern Long Island established? Did Senator Schumer set that route? Who asked him to do so? What role did the Town have in creation of that route?**

The North Shore Route was informally established in 2008 as a voluntary route and was formally designated by the FAA as a mandatory helicopter route in July 2012 (for implementation in August 2012). This is one of only a small handful of formal, mandatory helicopter flight tracks in the United States. The FAA created the North Shore Route in response to intense pressure from communities throughout Long Island and from Senator Charles Schumer.

Senator Schumer had proposed legislation to mandate that helicopters flying from New York City to eastern Long Island fly largely over the Long Island Sound. That legislation was not enacted but, in a compromise, the FAA promised Senator Schumer instead that it would issue formal regulations to require helicopters in certain circumstances to use a new North Shore Route off the coast of Long Island. The FAA established the route by issuing a formal rule.

The Town Board of the Town of East Hampton was among many local governments who formally supported the creation of the North Shore Route and submitted comments in support of an off-shore route. The Town of East Hampton also demanded that a similar route be established off the south shore of Long Island. The FAA has not acted on the Town’s request.

1. **Is the North Shore Route permanent?**

The North Shore Route, while mandatory, is temporary. The FAA has stated that it will reevaluate the route after two years and decide at that time whether to make it permanent. The North Shore Route is unique because it is the only formal helicopter route in the nation that was established principally to address noise concerns and not primarily for safety or efficiency. The FAA will be using the two-year test period to determine whether the route achieves its objectives.

1. **What area does the North Shore Route cover? Does it dictate where helicopters fly when approaching the East Hampton Airport?**

The mandatory portion of the North Shore Route begins about 20 miles northeast of LaGuardia Airport, near Huntington, New York, and remains approximately one mile offshore and extends to Orient Point, near the eastern end of Long Island. Helicopters on this route are required to remain at least 2,500 feet above sea level.

The route does *not* have waypoints, meaning that there are not defined points along the route that operators are required to pass. In addition, there is no mandatory route for helicopters when transitioning to or from the North Shore Route. So, for example, the mandatory North Shore Route does not direct where helicopters fly when arriving at, or departing from, the East Hampton Airport.

1. **If the FAA’s North Shore Route does not mandate a flight track all the way into any airport, who decides what route helicopters take between the North Shore Route and the East Hampton Airport?**

The FAA’s regulations set forth in technical detail what types of operations, and under what circumstances, helicopters are required to use the North Shore Route. These regulations are applied in practice by air traffic control personnel who have the responsibility of directing helicopter operators to use that route (subject to a series of exceptions that are set forth in the rule). Where an aircraft enters and exits the North Shore Route depends upon its origin and destination.

when the seasonal control tower is in operation:

The responsibility for selecting the appropriate helicopter route is shared by air traffic control personnel and the pilot. As a practical matter, air traffic control personnel will give explicit instructions to a pilot to follow a designated route once the aircraft is within 4.8 nautical miles of East Hampton Airport. While a pilot can (and occasionally will) request permission not to follow a route, in the congested New York-area airspace, pilots must follow instructions from air traffic control personnel and must get permission to deviate from those instructions.

when the seasonal control tower is not in operation:

Once a pilot exits the North Shore Route, the flight track that he follows all the way to East Hampton Airport is up to the discretion of the pilot.

1. **Who do the Air Traffic Control Tower personnel work for? Are they agents of the Town when they give directions to helicopter pilots?**

All air traffic control personnel follow federal law and FAA regulations. There is a complex hierarchy within the air traffic system among the different levels of air traffic personnel.

Many, but not all, air traffic control personnel are federal employees of the FAA. At smaller airports, air traffic personnel are known as “contract controllers,” meaning that they work for a company that contracts with the airport to provide air traffic services at that particular airport. At some of these airports, the FAA reimburses the airport for the cost of air traffic services, but this does not make the controllers federal employees. At other airports, like East Hampton Airport, there is not enough traffic for the FAA to be able to justify either hiring federal employees or even paying to hire contractors. At these airports, the airport pays the firm that hires the controllers.

The manner in which specific employees are hired makes no difference at all in how the air traffic personnel give directions, or what rules they must follow in directing air traffic. In fact, a helicopter operator has no way of knowing whether he is receiving instructions from a federal employee or a contractor.

The Town has hired the firm of Robinson Aviation to operate the Air Traffic Control Tower at the East Hampton Airport. Under the terms of the Town’s contract, Robinson Aviation employees must provide air traffic control services in accordance with FAA regulations. That means that only other FAA air traffic control personnel, and not the Town, can give instructions to the East Hampton air traffic personnel.

Robinson Aviation is an independent contractor and is not an agent of the Town.

1. **Who is responsible for the decisions made by personnel at the Air Traffic Control Tower at East Hampton Airport?**

All air traffic control personnel operate under the authority of federal law and FAA regulations. Air traffic control personnel have the authority under federal law and FAA regulations to direct air traffic. All air traffic control personnel, whether FAA employees or contractors, are required to follow precisely the same detailed technical requirements. No airport owner (such as the Town of East Hampton) has the authority to give instructions to air traffic personnel. Even if the salaries of air traffic personnel are paid by a town (as is the case for East Hampton), air traffic control personnel do not and cannot take instructions from the Town concerning the operation of air traffic.

1. **As the proprietor of the East Hampton Airport, what authority or control does the Town of East Hampton have over flight patterns and tracks for arriving and departing helicopters?**

The Town of East Hampton has *no formal control whatsoever* over flight tracks – regardless of where those flight tracks exist.

1. **Even if the Town cannot *control* flights, what influence can the Town exercise over the selection of helicopter routes?**

As discussed above, while the Town has no legal obligation to do so, the Town can participate or collaborate in the development of voluntary routes; it can collaborate in requesting use of voluntary-informal routes; and it can request that other parties enter into a formal agreement to implement voluntary-formal routes.

1. **Can the Town of East Hampton, working cooperatively with the Towns of Southampton, Southold, Riverhead and Shelter Island do anything more than it can do acting alone regarding helicopter flight patterns?**

Yes. The Town can request that other towns (including, for example, the Towns of Southampton, Southold, Riverhead and Shelter Island) participate in the development of voluntary routes, in the promotion of voluntary-informal routes, and in requesting that other parties enter into a formal agreement to implement voluntary-formal routes. Such a collaborative process could help to ensure that the broadest possible range of concerns is considered in addressing helicopter noise issues.

1. **What liability does the Town have in the event of an accident involving the operation of helicopters?**

Because the Town has *no control over aircraft in flight* or over the choice of a particular flight track, it is extremely remote that the Town could ever be held liable for midair accidents. The only very narrow exception is if the accident was caused by actions on the ground over which the Town has control. The Town can also be held liable for failure to maintain facilities on the ground. The town cannot be held liable for actions by air traffic control personnel.

Town of East Hampton

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1. Advisory materials for these types of procedures generally include a disclaimer similar to the following: “These procedures are not intended to preempt the responsibilities of the pilot-in-command for safe aircraft operation. Recommended procedures are not intended to conflict with instructions from FAA Air Traffic Control or that are otherwise under the exclusive authority of the FAA.” [↑](#footnote-ref-1)