SEPTEMBER 1, 2003

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US. DEPT OF TRANSPORTATION
F.A.A. NASSIF BUILDING
400 7TH STREET, SW
WASHINGTON, DC 20591-0001

FAA-2003-14830-12

DEPT OF TRANSPORTATION
DOCKETS
2003 SEP -2 A 10:09

SUBJECT: DOCKET # FAA-2003-14830 & RIN 2120-AH02

DEAR FAA ADMINISTRATOR,

THIS LETTER IS WRITTEN IN RESPONSE TO THE FAA'S ACTIONS TOWARD THE HAWAIIAN HELICOPTER AIR TOUR INDUSTRY VIA SFAR 71. THIS ACTION IS MOTIVATED BY CONCERNS FOR SAFETY AND NOISE ABATEMENT BUT HAVE ONLY RESULTED IN UNEQUAL TREATMENT TOWARD THE HELICOPTER SECTION OF THE AIR TOUR INDUSTRY. THIS HAS BEEN DONE BY ESTABLISHING OPERATING PERAMETERS THAT HAVE NOT INCREASED BUT IN REALITY, DECREASED OVERALL SAFETY TO THE FLYING PUBLIC.

THE UNNECESSARY RESTRICTIONS COMPROMISE OVERALL FLIGHT SAFETY BY TAKING AWAY THE PILOT IN COMMAND'S ABILITY TO USE HIS HIGHLY EXPERIENCED JUDGEMENT IN AN EVERCHANGING FLIGHT ENVIROMENT I BELIEVE THE PILOT'S JUDGEMENT SHOULD DICTATE ALTITUDE AND STAND-OFF DISTANCES IN ACCORDANCE WITH WELL ESTABLISHED FAA REGULATORY PRACTICES AND THE CURRENT FLIGHT CONDITIONS. THESE ESTABLISHED PROCEDURES HAVE PROVIDED A VERY SAFE ENVIROMENT FOR THE FLYING PUBLIC AND ARE WELL ESTABLISHED AND APPLICAPABLE TO OPERATIONS HERE IN HAWAII.

A PERFECTLY GOOD EXAMPLE IS THE RESTRICTIONS ESTABLISHED BY SFAR 71 WHICH UNFAIRLY DIFFERENTIATE BETWEEN HELICOPTERS AND AIRPLANES. WITH OUR 1500' AGL LIMITATION, COMBINED WITH LOCAL WEATHER PATTERNS, AIRPLANES OFTEN FLY BELOW THE TOUR HELICOPTERS AND USUALLY THIS IS OVER POPULATED AREAS ALONG THE COAST LINES. THIS IS OBVIOUSLY CONTRARY TO SAFETY AND WILL CERTAINLY INCREASE THE OCCURRANCES OF NOISE EXPOSURE TO THE GENERAL PUBLIC WHILE INCREASING THE POTENTIAL FOR MID-AIR COLLISIONS.

AS YOU CAN SEE, THE CURRENT SFAR 71 LIMITS THE PILOTS' ABILITY TO OPERATE AS SAFELY AS POSSIBLE, WHILE PUTTING THE FLIGHT IN AN ENVIROMENT WHICH CONCENTRATES AIR TRAFFIC, USUALLY IN MARGINAL WEATHER ALONG SPECIFIC ROUTES. THIS IS OBVIOUSLY NOT A SITUATION CONDUSIVE TO A CONTINUAL "SAFETY OF FLIGHT" ENVIROMENT.

SINCERELY,

Victor A Baratti

VICTOR A. BARATTI