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DEPARTMENT OF TRANSPORTATION  
DOCKET

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**RE: FAA-2003-14830, RIN 2120-AH02**

Docket Management Facility:  
**US Department of Transportation**  
400 Seventh Street  
SW Nassif Building  
Room PL-401  
Washington, DC 20590-001  
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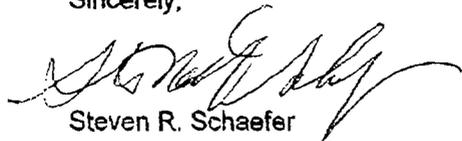
FAA-2003-14830-18

Dear Sirs;

This letter is in response to the SFAR 71 renewal and its effect upon me as a tour helicopter pilot in Hawaii. I have been flying helicopter tours in Hawaii, on all the Islands, since 1988. My qualifications for the statement of facts contained herein are based on extensive knowledge gained while flying throughout the SFAR 71 implementation. Although I agree with the intent of SFAR71 to improve flight safety for helicopter tours, the following unsafe conditions have resulted since implementing this regulation:

1. **Conflicting Airspace between helicopters and fixed wing aircraft** - The primary routes for small commuter and private fixed wing aircraft around the Hawaiian Islands are around the coastal shorelines 1000 – 2500 feet MSL. SFAR 71 places Hawaii tour helicopters at the same altitudes, at opposite directions, in multiple aircraft environments, and at points of no two-way communication. Where small airports exist such as Kapalua, Hana, Kalapapa, Lanai City, and Upolu Point, the communication transition points allow a dead zone where multiple fixed wing and helicopters can be operating in close proximity without awareness to each other's position. One aircraft may be on the airport frequency and the other aircraft(s) may be on the common traffic advisory frequency. Fixed wing aircraft may have up to 400 knots rate of closure with an oncoming tour helicopter, which would allow only .5 seconds to react within 1/2 mile distance from a transition point to avoid collision. This hazard to flight is created specifically by SFAR 71 mandated helicopter altitudes.
  
2. **Loss of safe forced landing areas along terrain** - Height velocity criteria specified within SFAR 71 mandates parameters of flight already within Flight Publications, that pilot in command (PIC) operate "at a combination of height and forward speed (including hover) that would permit a safe landing in the event of engine power loss". Forced landing areas for safe helicopter routes and altitudes are geographically static. Dynamic weather changes along specific SFAR routes cause multiple flight path changes in direction, altitude and airspeed that frequently deny pre-planned determination by the PIC of the nearest "safe" landing area. These multiple and infinite changes along prescribed routes preclude the ability for helicopter tour operators to designate appropriate safe emergency landing areas within the pilot training program. This also holds the PIC responsible for SFAR created variables for changes to direction, altitudes and cloud avoidance for maintaining SFAR 71 routing and noise abatement, which will at the same time allow a non-violating emergency landing. Simply stated, this places the PIC directly responsible for the SFAR 71 induced hazard to flight safety. Since engine failure is the leading contributing factor for helicopter crashes in Hawaii, helicopter pilots flying in Hawaii should establish helicopter routes and altitudes that allow safe emergency landing. FAR 135.203 already provides a restrictive altitude of 300 AGL and allows helicopter routes established in areas of the island away from clouds, with more landing areas, and away from noise sensitive areas.

Sincerely,



Steven R. Schaefer