253741

August 30, 2003
U.S. Department of Transportation
Federal Aviation Administration
Docket Management System
400 7th Street SW
Nassif Building, Room PL-401
Washington, DC 20590-01

RE: Docket Number FAA-2003-14830 - 20
RIN 2120-AH02

Gentlemen,

I am writing this letter to share my honest opinion on the continuation of SFAR71. As one of the most senior pilots in Hawaii I have been able to observe the helicopter industry in Hawaii long before the implementation of SFAR 71 and the results since 1994 when the SFAR was enacted.

The islands of Hawaii are basically raw, unspoiled terrain with magnificent mountains, beautiful rainforests, many uncluttered beaches and thousands of waterfalls. Such a small percentage is accessible only by helicopter. Millions of people have saved their money for years just to vacation in Hawaii and see such sites, and because of this the helicopter tour business was born.

Unfortunately in any business involving transportation there is a risk. No one can predict how fast a weather system will affect the islands or when a mechanical part will fail. We can only try to eliminate the negative factors where we have control.

In October 2002 letters were sent to the FAA signed by 87 professional helicopter pilots in Hawaii. These pilots have amassed a total of nearly 886,000 hours of experience. Each of these pilots were concerned with the reduction in safety created by SFAR 71 and requested the termination of the SFAR.

When SFAR 71 was introduced all sorts of facts and figures were used to convince people of the need for this ruling. In their study the FAA put helicopters and airplanes together. Using their own figures they show that between 1982 and 1994 tour airplanes in Hawaii had an accident rate of over 24 per million flights and helicopters had a rate of 5.9 per million flights. The accident rates for helicopters were ¼ that of airplanes. And the accident rates for helicopters in Hawaii were lower than many other states.

The accident rates for helicopters are even more misleading when the cause of the accidents are determined. After looking at both NTSB files and FAA Incident Report Studies it shows the majority of accidents from 1982 to 1994 were actually due to mechanical failures. Since SFAR 71 began the rate of mechanical failures has dropped by two thirds due to better equipment. This is why the accident rates have dropped since 1994, it is not due to the rules imposed by SFAR 71.

Presently basic altitude restrictions in SFAR 71 state a helicopter cannot fly lower than 1500 feet above ground level. This includes open fields or congested cities. If this is the basic demand of the SFAR then why is it legal for anyone in the other 49 states to fly at 300 feet agl above the most inhabited cities?

With "authorizations" in remote areas the helicopter can go to a minimum altitude of 500 ft above ground level and 500 ft stand off from vertical terrain. In any other State FAA regulations do not require altitude restriction as long as the pilot can make a safe landing in the event of an engine failure. Some people may argue the reaction time of the pilot is lessened at lower altitudes. The FAA is the organization that did these safety studies for the entire United States and decided that the lower altitudes were sufficient for safe flight. Why are pilots in Hawaii considered to be different from the other 49 States?

There have been no injuries in Hawaii where a tour aircraft has gone down over a congested area. Neither is there proof that additional altitudes would have made a difference in any of the engine failures.

There is a major concern that both airplanes and helicopters are limited to a very confined airspace and such altitude restrictions make mid-air collisions a very real possibility.

To make another brief point, when a pilot flies through a valley the strongest wind turbulence is in the middle of the valley. If the pilot is able to navigate closer to the sides of the valleys there is relatively little or no wind to disturb the aircraft. But with a required (SFAR71) 500 ft standoff from the sides of the valleys aircraft are required to fly in wind conditions that reduce the safety of the flight. No place else in the world do aircraft have such a requirement.

SFAR 71 does address visibility requirement and performance plans but both of these subjects could be inserted into the regulations of FAR Part 91 and 135.

In one FAA report there is a statement under Affordability Analysis that states the drop in business since SFAR 71 was enacted is only due to the nature of tourism. The report does not mention that the majority of helicopter services have lost a great deal of income due to "the nature of tourism" because with altitude and standoff restrictions there are extremely few repeat customers. Prior to SFAR 71 almost 25% of business was due to returning tourists. This is not mentioned in any report.

And finally as an example of aircraft accidents/ incidents in the last 10 days, according to the FAA Preliminary Accident/Incident Data Web site, there were and average of 142 airplane mishaps versus 10 in helicopters. This is for the entire United States. And with the vast majority of injuries in Hawaii due to airplanes rather than helicopter I recommend that tour helicopters be removed from SFAR 71. What initially began as a political noise abatement plan has reduced the safety for the passengers and the helicopter pilots in Hawaii.

Thank you,

David McGuff