February 7, 2020

The Honorable Stephen Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Dickson,

We are contacting you regarding the National Transportation Safety Board (NTSB) recommendations made to the Federal Aviation Administration (FAA) to improve regulations of doors-off helicopter sightseeing tours. The NTSB announced several critically important recommendations at its December 10, 2019 board meeting following up on its investigation of the March 11, 2018 crash of an Airbus AS350 helicopter. The helicopter made an emergency landing into New York City’s East River and partially submerged, injuring the pilot and tragically killing five young passengers. We believe that the recommendations would make significant safety improvements to helicopter tourism and urge the FAA to adopt them.

As you know, the flight was operated by Liberty Helicopters, Inc., under contract with NYONAir. At a December 10, 2019 board meeting, NTSB Chairman Robert Sumwalt stated that “safety was far from central at Liberty and NYONAir. They intentionally exploited a regulatory loophole to the detriment of their customers’ safety.”\(^1\) Furthermore, the NTSB found that these companies were more easily able to exploit the regulations because FAA inspectors lacked sufficient guidance to enforce Part 135 commercial aviation safety regulations.\(^2\) Alarmingly, the FAA became aware of the “unorthodox” doors-off sightseeing operations in October 2017 during a routine inspection, but FAA inspectors did not believe they had authority to regulate, and therefore allowed the unsafe Liberty-NYONAir operations to continue.\(^3\)

The NTSB investigation has cast light on several unacceptable oversights by the FAA that must be addressed in order to better ensure the safety of passengers, pilots, and innocent bystanders. The NTSB made ten recommendations to the FAA to address and correct those oversights in its final report on this accident, which was released in January 2020.\(^4\) We strongly urge you to adopt the NTSB recommendations. In particular, we very strongly support the adoption of the report’s second recommendation to put a moratorium on all doors-off helicopter

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\(^2\) Ibid.


operations using supplemental passenger restraint systems (SPRS) until the NTSB’s recommended SPRS approval process is implemented.

Furthermore, we are requesting information about the steps FAA is taking to better ensure that when it discovers dangerous or unauthorized operations, such as those found with the Liberty, Inc./NYONAir doors-off sightseeing tours, they are immediately reported to the proper authorities.

We look forward to your prompt consideration of the NTSB recommendations and response to this request for further information. Thank you for your attention to this critical safety matter.

Respectfully,

CAROLYN B. MALONEY  
Member of Congress

JERROLD NADLER  
Member of Congress

NYDIA VELAZQUEZ  
Member of Congress