

**Congress of the United States**  
**Washington, DC 20515**

March 22, 2018

The Honorable Daniel K. Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

The Honorable Robert L. Sumwalt  
Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

CC:

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

The Honorable Bill de Blasio  
Mayor of the City of New York  
City Hall  
New York, NY 10007

The Honorable Phil Murphy  
Governor of New Jersey  
Office of the Governor  
125 W State St  
Trenton, NJ 08608

Dear Acting Administrator Elwell and Chairman Sumwalt,

As you undoubtedly know, on the evening of March 11, 2018, a helicopter carrying sightseeing tourists crashed into the East River in New York City, killing the five passengers on board. Only the pilot was rescued. The passengers were harnessed into the doors-off helicopter and were unable to escape.

This is the latest example of the dangers posed by helicopter tourism in New York City and Hudson County, New Jersey. Helicopter crashes not only threaten the lives of the passengers, but also endanger all our constituents. Every time a helicopter crashes, it puts at risk the innocent bystanders living, working, and traveling in the heavily populated region below. We were fortunate that this time the helicopter landed in the river; but this disaster reminds us of how much worse things could have been.

For many years we have advocated for restricting helicopter tourism over New York City and Hudson County. While this crash may not lead to the end of helicopter tourism, we expect the Federal Aviation Administration (FAA) and National Transportation Safety Board (NTSB) to do everything in their power to address the public safety issues associated with this crash, and ensure that our constituents do not continue to suffer from the dangerous and irresponsible practices that led to this tragic disaster.

In light of reports from this accident, there are a number of issues that should be addressed:

**I. Doors-Off Helicopter Flight** – We understand that this was a doors-off flight.

- a. Why were tourists permitted to fly under such conditions? Is this type of flight, where the passengers are inexperienced tourists, appropriate for a doors-off helicopter?
- b. Are there any restrictions on which kinds of helicopter flights can fly without doors?
- c. In light of this horrific crash, is the FAA considering any additional limitations on doors-off flights? If yes, please detail the specific limitations under consideration.

**II. Loose Gear** – Many news reports have indicated the accident occurred because loose gear tripped a fuel switch on the floor of the helicopter. This possibility is particularly alarming, since loose items might fall from a helicopter onto people walking around the crowded streets of the city.

- a. Was 'loose gear' responsible for this particular accident?
- b. Please detail what regulations, if any, there are to ensure that all gear inside a doors-off helicopter is properly secured? Did this flight comply with those regulations, if they exist? Would the FAA consider implementing, changing or strengthening existing regulations relating to securing materials inside the helicopter?
- c. If loose gear could trip a fuel switch in the helicopter causing it to crash, is this a safe design?

**III. Release for Harness** – We understand that because this was a doors-off flight, the passengers were strapped in with a harness that attached at the back and could be released solely from the back. Their only way to free themselves from the harness was to cut themselves loose with a sharp instrument which was reportedly attached to a strap. It is unclear, however, if any of the passengers had the ability to do so while submerged upside-down in the frigid waters of the East River. We also understand that on March 19, 2018, the NTSB issued an urgent safety recommendation to the FAA that it prohibit all future flights for doors-off commercial helicopters that use passenger harness systems, unless the harnesses can be easily released by the passengers.

- a. Were the instruments provided to cut the harness free accessible to the passengers sharp enough to cut through the harness in a reasonable amount of time? Were the instruments in a location that would be obvious to a panicked, trapped tourist who had little experience of being in a helicopter?
- b. We are troubled the harness was designed so it could not easily be released in the event of an emergency. In light of this incident, does the FAA intend to follow the NTSB recommendation and ban harnesses without an emergency release? If not, please detail why.

**IV. FAA Regulations for Non-Commercial Flights** – We understand the helicopter was flying under FAA’s Part 91 regulations, which govern small non-commercial aircrafts, as opposed to Part 135 regulations, which govern tourist flights. Part 91 is intended to cover helicopters serving professionals who fly frequently, such as people engaged in firefighting, police work, crop-spraying, pipeline patrol, photojournalism, and power line repair. Requirements for a Part 91 flight are much more lenient than for a Part 135 flight, and greater risks are allowed since the passengers are expected to be professionals who routinely use helicopters in the course of their work. The passengers were plainly tourists who had little or no experience in helicopters. Part 91 was not intended to cover tourists on a joy ride. The tourists were untrained and lacked the experience necessary to assume the risks associated with the less rigorous standards applied to Part 91 flights.

- a. How is it possible a flight of tourists could qualify under these non-commercial standards?
- b. We understand in 2014 the FAA issued a final rule requiring air ambulance flights include medical personnel to fly under stricter Part 135 rules rather than Part 91 rules. We urge you to take similar action to ensure film or photo-journalist flights are governed under Part 135 rules, unless the passengers are professional filmmakers or journalists who have experience filming or photographing from a helicopter. A short safety video cannot possibly provide sufficient expertise.

**V. Flight Safety Training** – News reports indicate the flight safety training offered the doomed passengers consisted solely of a short video that included a reference to a knife located in the safety harness. It is not clear how specific the information in the video was or whether any of the passengers endeavored to cut their way out of the harness. We hope the NTSB and the FAA will take a careful look at the adequacy of the video and of the safety training the passengers received.

**VI. pontoons** – We understand the helicopter was equipped with six inflatable pontoons, three on each side. We understand the NTSB is working to determine whether one or more of the pontoons may have failed to inflate, causing the helicopter to flip over, or may have properly inflated but popped due to water conditions. There is a strong possibility that if the helicopter had permanent, rigid pontoons, it would have been able to land in the water and allow all of the passengers to escape safely.

- a. Did a failure of pontoons on the helicopter to inflate contribute the tragic outcome? Would permanent, rigid pontoons have resulted in a different outcome?

Should helicopters that routinely fly over water be required to have rigid pontoons?

- b. If one or more of the inflatable pontoons failed to inflate, does the NTSB or FAA know whether there was a flaw in the manufacture of the pontoons? Was there a defect caused by a puncture or other accident? Was deflation caused by some condition in the water?
- c. The current in the East River is so strong that when a power company tried to harness the tidal energy of the water using turbines, the powerful forces of the water kept breaking the arms off the turbines. Is it possible the current in the East River is too powerful for balloon pontoons to withstand?


**VII. Flights Over Densely Populated Areas** – Our constituents have been complaining for decades about helicopter flights over New York City and in the surrounding region. These flights cause noise pollution and unnecessary flights should be limited to reduce the impact on people living in a dense, urban community. Since 2007, there have been at least 8 helicopter accidents over the City of New York, including 3 by Liberty Helicopters. The most recent accident could have been far deadlier if the helicopter had been unable to reach the water. After each accident, our constituents want to know why it is so difficult for localities to regulate the amount of helicopter traffic over their city. Following this most recent fatal accident, will the FAA allow our region a greater ability to regulate helicopter traffic?

We urge the FAA and the NTSB to take all steps necessary to ensure that we never have a replication of this tragic helicopter disaster. We hope there will be stronger regulation to ensure only flights that deserve the Part 91 designation receive it, safety harnesses will no longer be permitted without an emergency release, all helicopters using New York and New Jersey airspace will be required to have pontoons that will be usable under emergency conditions, and passengers will not be able to fly in doors-off helicopters without sufficient training. Thank you for your attention to our concerns. We look forward to your response.

Sincerely,



CAROLYN B. MALONEY  
Member of Congress



JERROLD NADLER  
Member of Congress



DONALD M. PAYNE, JR.  
Member of Congress



NYDIA M. VELÁZQUEZ  
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