



Jesse Arreguín
Councilmember, District 4

CONSENT CALENDAR
December 6, 2011

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: News Helicopter Noise Impacts

RECOMMENDATION:

Send a letter to local TV stations requesting consideration of the noise impacts on residents in future deployment of news helicopters

BACKGROUND:

Recently, Berkeley has been home to a few headlines specifically, a series of earthquakes, Occupy Cal demonstrations and marches. These events have attracted the usage of news helicopters to provide aerial coverage, which significantly impacts the quality of life for Berkeley residents. Many constituents have complained about the noise created by these helicopters, preventing many from enjoying peace and quiet in their own home, particularly in the late evening.

The airspace above Berkeley is the sole jurisdiction of the Federal Aviation Administration (FAA). Section 91.119 of the Federal Aviation Regulations does prohibit low-flying aircraft; however, helicopters may be operated at less than the minimum altitudes prescribed. The FAA has been reluctant to regulate minimum altitudes and flights paths of helicopters due to associated logistical, operational and legal difficulties.

Earlier this year, an amendment was included in the FAA Reauthorization Bill that gave explicit legal authority to the FAA to implement helicopter flight regulations and directed the FAA to do so over Long Island. Recently, Los Angeles County unanimously supported H.R. 2677, a bill by Rep. Howard Berman (D-Van Nuys), which would require the FAA to regulate the altitude of helicopters in LA County.

Some news stations, such as KTVU, voluntarily aim to not fly below 1,000 feet.

Recognizing the logistical difficulties of helicopter regulation, the fact that we would need special legislative consideration, and the First Amendment right and important democratic value of newsgathering, Berkeley should respectfully request:

1. That news helicopters fly at a minimum of 1,000 feet but to consider higher altitudes to the extent practically permissible, particularly if aerial coverage will be sustained for hours.
2. That local news stations strongly consider, going forward, the impact that news helicopters have on residents, the duration, and if aerial coverage is absolutely integral to a news story when deploying helicopters.

FINANCIAL IMPLICATIONS:

None

CONTACT PERSONS:

Jesse Arreguín, Councilmember, District 4

981-7140

ATTACHMENTS:

1. Letter to local TV stations
2. Federal Aviation Regulations, Title 14, CFR Section 91.119: Minimal Safe Altitudes

December 6, 2011

Local news station
Street Address
City, State Zip Code

To Whom It May Concern:

Berkeley has been home to a few major headlines, recently. From a series of earthquakes to the Occupy Cal demonstrations and marches, major networks have taken to the sky to provide aerial coverage of these seismic events. We understand and value your commitment to providing the quality news coverage on which our democratic society depends.

However, the recent wave of sustained aerial coverage, particularly of Occupy Cal, has had significant quality of life impacts on Berkeley residents. The noise of low-flying helicopters generated continual noise that made it impossible for many residents to enjoy peace and quiet in their own homes, most notably late in the evening.

We appreciate that there have been some voluntary measures taken to mitigate these impacts, such as aiming to fly above 1,000 feet as much as possible. We commend the willingness of local TV stations to consider the impacts of aerial coverage on local residents. Berkeley, in no way, wishes to negatively interfere with First Amendment protected newsgathering, and in fact, greatly values the news coverage provided to our residents. That is why we would like to respectfully request:

1. That news helicopters fly at a minimum of 1,000 feet but to consider higher altitudes to the extent practically permissible, particularly if aerial coverage will be sustained for hours.
2. That local news stations strongly consider, going forward, the impact that news helicopters have on residents, the duration, and if aerial coverage is absolutely integral to a news story when deploying helicopters.

Thank you for your time and consideration,

Title 14, Code of Federal Regulations, Section 91.119, General Operating and Flight Rules

Sec. 91.119 — Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere*. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas*. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas*. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters, powered parachutes, and weight-shift-control aircraft*. If the operation is conducted without hazard to persons or property on the surface—

(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.