

# PHPA

*Professional Helicopter Pilots Association*



**To:** Mr. Glen Martin  
Regional Administrator, AWP-1  
FAA Western-Pacific Region  
P.O. Box 92007  
Los Angeles, California 90009

October 31, 2014

**From:** Mr. Jim Davidson  
President  
Professional Helicopter Pilots Association, PHPA  
P.O. Box 7059  
Burbank, California 91510

**Subject:** Request for Informal Investigation Under CFR Title 14  
Subpart A, Part 13.1 Informal Complaint Procedures.

Dear Mr. Martin:

As you are aware The Professional Helicopter Pilots Association (“PHPA”) is a non-profit professional industry organization representing professional helicopter pilots who fly for a living as well as many pilots who have other economically valuable and job-creating businesses in the greater Los Angeles City and County area. PHPA further represents the majority of commercial helicopter operators throughout Southern California and the surrounding area.

Based upon the consensus of the PHPA Board of Directors we are requesting that the Federal Aviation Administration (FAA) conduct an Informal Investigation under Federal Aviation Regulations (FAR) Part 13.1 regarding ongoing violation of Federal Grant Assurances by Los Angeles World Airports (“LAWA”), operator of Los Angeles International Airport (“LAX”) and thereby, the LAX Heliport.

### **The Complaint:**

Starting on or about 2010 management officials at LAX ordered the closure of the primary heliport for the main terminal area at LAX – the “LAX Heliport” -- by way of requesting the Notaming and temporary closure, understood to be for one year only, of the heliport.



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This was done without consultation with the helicopter industry of southern California and, to our knowledge, without consultation with the airlines whose passengers may have expected the convenience of the properly certified and conveniently located heliport for transport throughout southern California by this very convenient, transportation time-reducing and schedule-enhancing or schedule-expanding means for executives, doctors, business owners and others from all industries in southern California.

This expectation of availability of direct helicopter services to and from the Main Terminal area would be the case for any airline with an operating agreement or an extension of an operating agreement with LAWA for facilities, terminals or gates at LAX signed within the last twenty (20) to thirty plus (30+) years.

The reason for this action by LAWA was ostensibly to begin refurbishment of the International Terminal at LAX and work on the related infrastructure at the International Terminal which is near the heliport. The reason provided to helicopter operators for the closing of the heliport atop the Terminal 4 parking structure ("P-4") was to ensure safety of operations during construction work planned or ongoing at the time. Although opinions may vary, even this "justification" was of questionable veracity or application given the maneuverability of helicopters and the flight paths available to helicopters incoming or outgoing from the LAX Heliport.

Construction apparently took longer than LAWA estimated and construction equipment (cranes, etc.) were well removed by the fall of 2012. We in the industry expected the heliport to be re-opened virtually immediately.

We waited.

Then, in early March of 2013, LAWA, without any public input and without consulting the industry, surreptitiously submitted to the FAA Form 7480 requesting the decertification of the LAX Heliport !

The industry caught wind of this, was incensed, and succeeded in persuading LAWA to retract the Form 7480 for decertification by turning out in substantial numbers to the Board of Airport Commissioners ("BOAC") of LAWA in April of 2013, likewise doing so on a number of occasions subsequently, as well as holding private meetings with some of the Commissioners.

The LAX Heliport has been in service for literally decades since the early 1980s before being unilaterally closed in 2010 -- and the Notam continued despite our protests in 2013. The LAX Heliport was and is and remains the only direct and convenient and established access for commercial and private helicopter operators and their passengers to the Main Terminal area of LAX. It provides an almost seamless connect-ability between incoming and outgoing passengers of airlines and helicopter



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transportation to access rapidly and efficiently the spread-out nature of greater Los Angeles and its related businesses and communities.

Further, the LAX Heliport also provides an unequalled facility for rapid direct access for public service and public safety helicopters to the inner hub and passenger embarking and disembarking areas for all the airlines and terminals in case of emergency such as terrorist attack, car bomb, health care emergency, or earthquake-related necessities. The meritorious and well-planned nature and location of this facility and well-positioned use of this facility were amply demonstrated many times over the years and most recently during the shooting incident occurring November 1, 2013, at which time the LAX Heliport was used by both the LAPD and Los Angeles City Fire Department helicopters on a current emergency, pilot-determined-to-land, basis, despite the Notam.

The heliport was constructed at substantial expense in the early 1980s and undoubtedly the funds for that construction derived in whole or in part from Federal Grant Assurances at the time. Further, maintenance and upkeep of the facility has undoubtedly benefited from Federal Grant Assurances provided to LAWA/LAX in the years since original construction, whether directly allocated for this facility or generally provided for other uses which allowed funds to be used for the heliport maintenance.

This closure remains in effect despite the fact that the construction in the area of the nearby International Terminal, which construction was used by LAWA as ostensible reason for the closure in 2010, was completed in late 2012 and no longer places a restriction of any sort on the safe operations of the heliport, if such a determination was, in fact, ever true or justified.

Please note that when the heliport was Notamed out of service in 2010, LAWA stated that it would be re-opened in one year. It took two years or more to finish the cited construction and then it was another approximately six months that the Notam was not removed before LAWA then, unilaterally and without consultation with anyone we know in the industry, surreptitiously filed Form 7480 with the FAA to de-certify the heliport.

It is now practically four (4) years later! We have used every means known to us to persuade LAWA to re-open the LAX Heliport – all to no avail. Thus our request to you and the FAA as described above.

For your information, there has never been an accident or incident at the LAX Heliport in the decades of its service.

Further there have never been any concerns regarding airport security by TSA or other entities and please note that there has been no security-motivated effort by any entity or body to restrict operations at the LAX Heliport. Indeed, it operated without accident, incident or concern of this or any sort in the heightened security-conscious times during



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the post 9/11/2001 period until it was Notamed by LAWA in 2010 citing construction nearby.

Currently the LAX Heliport remains closed, still by Notam, at the continued request of LAWA, presumably to all but emergency operations at LAX (and even those, we understand, were questioned by the Tower during the November 1, 2013 shooting incident; however, the police and fire department helicopter pilots landed there anyway!).

PHPA is aware that the management of LAX believes that the services offered by the Fixed Base Operators on the south side of LAX (on or near Runway 25L) provide adequate access to LAX and the Airport Terminals. The facts are that these facilities are located several miles away from the Terminals and access to them must be by ground vehicles requiring thirty minutes to an hour or more of travel time depending on regional traffic conditions and require additional expense all of which not only is inconvenient but also defeats the utility of service offered by helicopter transportation.

LAWA is currently considering turning the heliport into an additional parking facility at an initially estimated cost to LAWA in the range of \$2,000,000 or more and this, despite, the availability of unused parking facilities already on the airport service area as well as currently convertible areas close by that could be used for parking, if parking is truly needed. Also, please note that there are seven (7) other parking structures (regardless of the artificial numbering) in the Airport Terminal Area any one or many of which could be expanded, if truly needed, or utilized to a greater degree, if additional parking is really required. And this might well be done at a lower cost to LAWA than the estimated \$2,000,000 for eliminating all the special construction made in the early 1980s to create a certified heliport.

This fact raises the further question whether Federal Funds received more recently are being used, or are contemplated to be used (directly allocated or not), to wastefully convert a specialized, carefully constructed and FAA-certified, centrally-located, safely-operated and long-established heliport into an unnecessary or easily otherwise-accommodated common parking facility, a facility that can be created literally almost anywhere.

This continued Notaming action has denied access to the Main Terminal by all commercial and private helicopter operators. This closure remains in effect despite the fact that construction in the area of the heliport was completed long ago and no longer creates even an imaginary concern related to safe operations of the heliport.

Again, the LAX Heliport could be re-opened for public and private use immediately. It would require only the removal of the Notam for that to safely and immediately occur. PHPA has held repeated meetings concerning this complaint with management officials of LAWA representing LAX but management has repeatedly refused



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our requests to reopen the heliport even though the heliport could be re-opened with the simple withdrawal of the Notam issued by the FAA.

In other words, there is no certification, structural, safety or other aeronautical reason for the heliport to remain Notamed as closed.

### **The Alleged Violation:**

PHPA objects to the restriction which prevents this centrally located LAX Heliport to be re-opened immediately and to being used safely and conveniently as it always has been for literally decades. PHPA believes this on-going restriction is a violation of the Federal Grant Assurances provided to LAWA by the FAA over many years in support to the ongoing operations at LAX.

PHPA further believes the actions taken by LAWA have unfairly discriminated against the helicopter operators and pilots who wish to directly serve the main terminal area at LAX.

PHPA contends that LAWA, as Sponsor of LAX, has an obligation under their Federal Grant Agreements to make the full LAX Terminal 4 Heliport, as currently constructed and as previously used, available for immediate use by commercial and private helicopter operations – in addition to public service and public safety helicopters -- on the same fair and reasonable unrestricted public access terms and conditions that it has been made available by LAWA for public use for nearly thirty (30) years.

This restriction therefore denies fair and reasonable – indeed historically-established -- access by helicopters and helicopter passengers to a commercially convenient, safe and certified heliport at the LAX Main Terminal complex.

### **PHPA's Request:**

PHPA requests the FAA investigate this alleged violation and provide support and relief as required to reopen the LAX Main Terminal Heliport in its full current form for service by commercial and private helicopter operators as well as for service by public service and public safety helicopters which also have strong reason for its clear and unrestricted operation.

Thus PHPA is requesting that action be taken such that the Notam be removed and unrestricted public access be restored to the LAX Heliport immediately.

PHPA contends, and no one disputes, that the LAX Terminal 4 Heliport on Parking Structure P-4 currently remains entirely serviceable, requiring absolutely no change of any significance to be re-opened and has been used safely, conveniently and



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expeditiously for emergency operations since completion of the construction activities that originally were cited for closure of the facility.

Therefore, with little if any preparation and no capital investment the long-established LAX Heliport can and should be reopened by LAWA for immediate use as a serviceable heliport.

We maintain that this is exactly what should occur with the minimal amount of deliberation and further we request that the FAA immediately instruct LAWA to cease and desist from any action to modify or otherwise change the LAX Heliport in any manner inconsistent with its continued operation as a heliport during whatever deliberation may occur to resolve this complaint.

We request a response from the FAA as soon as possible concerning this important matter.

Sincerely

*Jim Davidson*

Jim Davidson  
President  
Professional Helicopter Pilots Association



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