

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

HOLLYWOOD HILLS CITIZENS)	
COMMITTEE, PHYLLIS BRIGLIO,)	
EUGENE BRIGLIO, MRS. ROY)	
THOMPSON, and ERNA L. DAHMEN,)	
)	
Petitioners,)	
)	
vs.)	CASE NO. 88-2356
)	
STATE OF FLORIDA, DEPARTMENT)	
OF TRANSPORTATION, and)	
MEMORIAL HOSPITAL,)	
)	
Respondents.)	
_____)	

RECOMMENDED ORDER

This case was heard on August 11, 1988, in Fort Lauderdale, Florida, by William R. Dorsey, Jr., the Hearing Officer assigned by the Division of Administrative Hearings. The Department of Transportation filed proposed findings of fact and conclusions of law. The proposed findings of facts submitted generally have been accepted. The proposed recommended order of South Broward Hospital District was filed late. No proposed order was received from the petitioners.

APPEARANCES

For Petitioner: Robert C. Worth, Chairman
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For Respondents: Clarke Walden, Esquire
General Counsel for
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Memorial Hospital, Suite 533
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and
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This proceeding challenges the issuance of Site Approval No. 88-06 by the Department of Transportation, to the South Broward Hospital District. The approval authorizes the establishment of an emergency helistop at Memorial Hospital in Hollywood, Florida.

As required by Rule 14-60.005(8)(b)1.d., Florida Administrative Code, a public meeting had been held on November 24, 1987, in Hollywood, Florida, by the Department of Transportation, following issuance of the Department's Notice of Intent to grant site approval. Following the meeting, the site approval order issued and was challenged by petitioners under subsection 120.57(1), Florida Statutes. Petitioners are owners of property located within 1,000 feet of the proposed airport who opposed the approval of the helistop.

ISSUES

The issue is whether the application meets the standards found in Section 330.30, Florida Statutes, and Chapter 14-60, Florida Administrative Code. The specific factual issues presented for resolution are:

- a) Whether the site is adequate for the proposed helistop.
- b) Whether the proposed helistop will conform to minimum standards of safety.
- c) Whether safe air-traffic patterns could be worked out for the proposed helistop and for all existing airports and approved sites in the vicinity.

FINDINGS OF FACT

1. Memorial Hospital is operated by the South Broward Hospital District, an independent taxing authority created by Chapter 24415, Laws of Florida (1947), to operate public health care facilities in south Broward County and to serve the health care needs of residents of the district without regard to their ability to pay.

2. The site of the proposed facility (known as "Memorial Hospital Helistop") is a rectangular-shaped area on the top level of a six-floor parking garage located on the west side of the hospital's property, near the emergency room. The helistop is a landing site for air ambulances. The site will not be used for regularly scheduled helicopter flights. The only landings will be those associated with emergency transportation of patients or supplies to Memorial Hospital. No basing facilities such as fueling facilities will be provided.

3. The parking garage is owned by the hospital. Jay A. Burke, Jr., the Director of Safety and Security, and Helistop Manager for Memorial Hospital, filed an application for helistop site approval with the Department of Transportation, on September 1, 1987. Zoning approval was granted by the City of Hollywood, Florida, on July 1, 1987. An airspace determination for the proposed site was obtained by letter from the FAA dated March 1, 1988.

4. A feasibility inspection of the site was made by Steve Kozman, District IV Aviation Engineer, on September 16, 1987. He determined the site was feasible for use as a helistop. Mr. Kozman conducted the public meeting on November 24, 1987, and submitted a report dated December 18, 1987, to the Chief of the Department of Transportation Aviation Bureau. The Kozman report contained the following conclusions:

1. Many of the issues at the public hearing were unrelated to the requirements of the licensing law and cannot be affected by

either issuance or denial of site approval.

2. The elevated site as presented in drawings and as viewed from the existing garage is adequate for the proposed helistop.

3. The helistop, if constructed, can meet the minimum standards of safety. Elevated helistops at Naples Hospital and Good Samaritan Hospital in West Palm Beach have been in operation without incident.

4. Safe air traffic patterns can be decided after receipt of FAA airspace determination. No objections were received from nearby airports or approved sites.

Mr. Kozman recommended, subject to FAA determination, that the helistop site application be approved.

5. An evaluation report on the proposed emergency helistop prepared by an aviation engineer was admitted in evidence. The 151' x 125' site on the 6th level of the parking structure is adequate and will conform to the minimum standards of safety. The area of the landing pad limits the size of helicopters using it to 63' in length. The total live load factor of the proposed site is 94,000 pounds, which would be distributed on three wheels. The structure will accommodate use by most single rotor helicopters, which are the type of rotocraft used in life-flight operations. The site will not accommodate heavy dual rotor military rotocraft, usually referred to as "Jolly Green Giant" helicopters. The site also would meet the flight path requirements of Chapter 14-60, Florida Administrative Code. The proposal conforms with all published minimum safety standards.

6. A Coast Guard flight surgeon testified that he would have no reservation about flying into the proposed site on emergency missions. A Coast Guard Officer, who has seventeen years experience flying helicopters, testified he frequently flies rescue missions transporting victims to area hospitals. He had inspected the proposed site and had viewed aerial photographs of the proposed site and had no reservations about utilizing the helistop. The proposed site is safe and has an adequate approach for landing in case of rotocraft emergencies. The air traffic patterns at the site would not interfere with adjacent airports utilizing the Fort Lauderdale control tower.

7. The Petitioners expressed concern about noise, diminished property values and threats to safety of residents in the area resulting from the helistop. Memorial Hospital is located near a residential neighborhood. Mrs. Briglio agreed that emergency helicopter service was needed, but believed it should be located some place else. Mr. Worth doubts that air ambulances are safe. The evidence shows that the helistop will meet duly adopted safety standards. Lay doubts about whether the standards are adequate, or will be observed, cannot be reached in this hearing. Mr. Worth expressed concern about the site approval permitting providing transportation of medical supplies. An agreement between the City of Hollywood and the hospital as to helicopter operations from the proposed site provides as follows:

1. That Memorial Hospital agrees that helicopter transports into or from Memorial Hospital between the hours of 10:00 p.m. and 8:00 a.m., will occur only when, in the opinion of the helicopter transport personnel, the

flight is necessary to save the life or limb of a patient or if medical intervention available at Memorial is essential to prevent permanent disability.

2. Routine helicopter transports into Memorial during all other hours will not be restricted.

3. That Memorial Hospital will cooperate with Hollywood Fire Department's EMS Division in its monitoring of the provisions of this Agreement.

CONCLUSIONS OF LAW

8. The Division of Administrative Hearings has jurisdiction over the parties and subject matter of this action, Section 120.57(1), Florida Statutes.

9. Section 330.30(1)(a), Florida Statutes (1987), authorizes the Department of Transportation to issue site approvals for new airport sites in Florida. A helistop is an airport within the contemplation of the statute. Section 330.30(1)(a), Florida Statutes (1987), provides in part:

The department, after inspection of the airport site, shall grant the site approval if it is satisfied:

1. That the site is adequate for the proposed airport;

2. That the proposed airport, if constructed or established, will conform to minimum standards of safety and will comply with applicable county or municipal zoning requirements;

3. That all nearby airports, municipalities, and property owners have been notified and any comments submitted by them have been given adequate consideration; and

4. That safe air-traffic patterns can be worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity.

Rule 14-60.005(8)(a), Florida Administrative Code, is substantially identical.

10. Rule 14-60.007(6)(a), Florida Administrative Code, establishes minimum standards for helistops. It provides in part:

(a) All categories of heliports and helistops shall comply with the following:

1. A minimum primary surface area shall be provided with length and width dimensions equal to at least 1.5 times the overall length of the largest helicopter intended to use the facility; however, a primary surface with 300 foot length and width or larger shall be accepted as sufficient to accommodate all helicopters.

2. Centered within the primary surface shall be a minimum touch-down area with length and width dimensions equal to the rotor diameter

of the largest helicopter intended to use the facility; however, a touch-down area with 100 foot length and width dimensions or larger centered within a 300 foot primary surface, shall be sufficient to accommodate all helicopters. Small touch-down areas, not less than 20 feet in diameter, may be approved for heliports/helistops located on man-made structures.

3. There shall be a minimum of two (one for limited or emergency helistops) 500 foot wide approach/departure corridors with floor and side planes as follows: the floor plane shall provide an 8:1 obstruction clearance and shall coincide in width with the required primary surface width at the boundary and proceed outward, flaring horizontally at a 10:1 rate on both sides until it reaches 500 feet wide. Where the floor plane is less than 500 feet wide, the side planes extending out from the floor plane or the primary surface shall provide a 2:1 obstruction clearance out to the required 500 foot corridor width. The two approach/departure corridors shall be at least 90 degrees apart in direction. Curved approach/departure corridors with a minimum radius of 700 feet are permissible but the curved path shall not commence closer than 300 feet from the primary surface.

* * *

7. Helistops at or adjacent to licensed hospitals shall require a helistop license, but there shall be no fee connected with such licensing of an emergency helistop provided the helistop is used only for the emergency loading of patients or supplies at the hospital or ready alert for medical assistance on call, and is not used for routine transportation of any person to or from the hospital.

11. The applicant, South Broward Hospital District, proved its entitlement to the Site Approval Order. All requirements of the governing statute and rule have been met. The proposed site had been inspected by the Department's aviation engineer and found to be adequate. A public meeting about the emergency helistop was noticed and conducted by the Department. Comments from the participants were considered by the Department and a report with recommendations were submitted to its Aviation Bureau. Local zoning approval for the proposed site was obtained, as required by Sections 330.30(1)(a)2., and 330.35(1), Florida Statutes. FAA airspace approval was obtained. The study performed by an experienced registered engineer shows that the site conforms to the Department's minimum standards for emergency helistops and can accommodate helicopters of the size normally used in emergency life saving flight operations. Testimony by experienced helicopter pilots who have flown emergency life flights shows that safe takeoffs and landings can be made at the proposed emergency helistop.

12. Petitioners contended that the location of the proposed helistop will have an adverse effect upon the value of their property. The granting or denying of the site approval order must be based solely upon compliance with applicable standards and rules for airport site approval. Cf. Council of Lower Keys v. Charley Topino & Sons, Inc., 429 So.2d 67 (Fla. 3d DCA 1983) (State air pollution permit may not be denied where applicant meets statutory and rule standards but allegedly fails to comply with local zoning.) The only record proof on zoning is that proper zoning has been obtained. The petitioners' concerns were of a type properly addressed to the zoning authority, but since zoning has been approved, this proceeding cannot be used as an appeal from that municipal action. Noise impact is not a criterion for the State Department of Transportation to consider under the site approval statute and rule. It has been appropriately addressed in the agreement between the City and the hospital. That agreement is consistent with the Site Approval Order in that transport of medical supplies is provided for in the Department rules and the type of medical supplies transported by emergency life flight helicopters are used for emergencies. The Memorial Hospital helistop meets the requirements for a site approval as provided in Section 330.30, Florida Statutes, and Rule 14-60.005, Florida Administrative Code.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends that a final order be entered by the Secretary of Transportation finding that Site Approval Order No. 88-06 is valid and should remain in full force and effect, having been issued in accordance with applicable statutes and rules.

DONE AND ENTERED in Tallahassee, Leon County, Florida, this 12th day of September 1988.

WILLIAM R. DORSEY, JR.
Hearing Officer
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Filed with the Clerk of the
Division of Administrative Hearings
this 12th of September, 1988.

COPIES FURNISHED:

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