

Uber to resume chopper flights despite sheriff's order

January 23 2016, by Lindsay Whitehurst

Uber plans to resume helicopter flights at the Sundance Film Festival on Saturday in spite of a cease-and-desist order from a Utah sheriff who says he could arrest pilots who land near Park City.

The ride-hailing company's decision comes after a judge ruled that there wasn't enough evidence to ground the choppers during the star-studded opening weekend.

Summit County Sheriff Justin Martinez said that he could still ticket or arrest pilots because the companies didn't get the proper permits to land in a field not far from homes in the mountain town. "I don't want to arrest people and take them to jail. But that is an option available to me," he said.

Uber and the helicopter companies say they tried to work with local authorities, but they argue that zoning laws don't apply to air travel and there was no permit to apply for. The flights Saturday are dependent on weather, but otherwise set to take off as planned, Uber spokeswoman Taylor Patterson said.

"We've seen a ton of interest, people are really excited about it," Patterson said.

On Thursday, Uber began offering to ferry visitors by helicopter about 40 miles from the Salt Lake City airport to the Robert Redford-founded festival in Park City. The company is charging \$200 one-way during the

day and \$300 at night, with lower prices for customers who book ahead.

Summit County moved to block the choppers the next day, after getting hundreds of complaints about the landings in a rural field beloved by sandhill cranes not far from homes, prosecutor Robert Hilder said. "It was the people who came storming into Sundance, started flying their helicopters and landing them," he said.

But at a late-afternoon hearing Friday, Judge Kara Pettit decided prosecutors didn't have enough evidence for a restraining order that would have grounded the choppers. She'll take up the case again Monday, though that would come after the end of Uber's helicopter service to Park City.

"There are just too many questions and issues to be able to enter an order today that there's been a violation," she said.

The sheriff, though, says he sees that as a civil proceeding separate from his criminal jurisdiction, and one that won't be fully decided until next week.

The helicopter companies say they did try to work with the county, even striking a last-minute deal to land the copters at a helipad owned by the sheriff's office instead. Martinez said he ultimately decided it wasn't right to let a private business use public resources.

Lawyers for the helicopter companies say the zoning rules are meant for construction and development. They pointed to other issues with the quickly filed suit, including the exact owner of the land the choppers are using. "This case just can't get out of the blocks," attorney David Jordan said.

While some people in Summit County have private aircraft they land

within the county occasionally, the Uber flights are commercial and bring more health and safety concerns, from noise to accessibility if there's an accident, Hilder said. Ride-hailing services like Uber and Lyft have run into regulatory troubles before, but it's less common with the fledgling Uber Chopper service.

"This is an interesting case. It deals with a lot that's happened in the world and happened very quickly," Hilder said. "You essentially have a revolution in transportation."

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