
HOUSE CONCURRENT RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE AIRPORTS.

1 WHEREAS, the State of Hawaii is recognized as a unique
2 place that creates an experience like no other; and

3
4 WHEREAS, Hawaii tourism depends on Hawaii's unique
5 environment; and

6
7 WHEREAS, introduced or non-native species have, and will
8 continue to have, devastating impacts on Hawaii's agriculture,
9 natural environment, economy, public health, and quality-of-
10 life; and

11
12 WHEREAS, air transportation is a proven pathway by which
13 invasive species are transported to and become established in
14 new environments; and

15
16 WHEREAS, various illegal plants and animals, high
17 quantities of non-native pests, and a great variety of invasive
18 pests are also transported by air transportation; and

19
20 WHEREAS, in a letter dated July 31, 1998, Barry L. Molar,
21 then Manager of the Airport Compliance Division of the Federal
22 Aviation Administration in Washington D.C., stated that
23 "[i]nfrastructure and support needed to adequately inspect
24 arriving aircraft, cargo and passengers can be 100% payable with
25 airport revenue provided these facilities are used exclusively
26 by airport inspectors for airport facilities"; and
27



1 WHEREAS, Mr. Molar further stated that "[n]on-federal
2 inspectors who work exclusively at the airport can be supported
3 with airport revenue"; and
4

5 WHEREAS, airport revenues are currently used at Kahului
6 Airport to pay for inspectors, operations, environmental
7 studies, and inspection facilities; and
8

9 WHEREAS, the Manager of the Airports District Office for
10 the Federal Aviation Administration's Western-Pacific Region
11 stated in a letter dated February 14, 2007, that "the use of
12 airport revenue to fund inspectors would represent a prohibited
13 use of airport revenue under Title 49 U.S.C. Sections 47107(b)
14 and 47133"; and
15

16 WHEREAS, these conflicting interpretations have led to a
17 situation where the Alien Species Action Plan for Kahului
18 Airport recommends that there should be fourteen agriculture
19 inspectors at Kahului airport, as compared to seven agriculture
20 inspectors scheduled daily for Honolulu International Airport;
21 and
22

23 WHEREAS, the volume of air cargo imported annually into the
24 State of Hawaii through Honolulu International Airport is
25 approximately four hundred thousand tons, as compared to thirty-
26 five thousand tons at Kahului Airport; and
27

28 WHEREAS, on September 30, 2009, the Federal Aviation
29 Administration issued Order 5190.6B, advising that permitted
30 uses of airport revenue include expenses to promote public and
31 industry awareness of the airport's facilities and services
32 "such as a Super Bowl hospitality tent for corporate aircraft at
33 a sponsor-owned general aircraft terminal"; and
34

35 WHEREAS, Order 5190.6B also states that permitted uses of
36 airport revenue may include community activities; provided that
37 the activities are directly and substantially related to the
38 operation of the airport, "[f]or example, it may purchase
39 tickets for an annual community luncheon at which the airport
40 director delivers a speech reviewing the state of the airport.
41 The airport may also contribute to a golf tournament sponsored
42 by a 'friends of the airport' committee"; and
43



1 WHEREAS, Order 5190.6B further states that "[a]n airport
2 may use its revenue to support a community's use of airport
3 property if the expenditures are directly and substantially
4 related to the operation of the airport"; and
5

6 WHEREAS, finally, Order 5190.6B states that "a sponsor may
7 pay for a portion of the general costs of government, including
8 executive offices and the legislative branches, provided the
9 sponsor allocates such costs to the airport in accordance with
10 an acceptable cost allocation plan"; and
11

12 WHEREAS, the State strongly feels that the inspection of
13 incoming commodities is substantially related to the operation
14 of state airports, especially with regard to the movement of air
15 passengers and cargo; and
16

17 WHEREAS, airlines have vocally objected to the reduction of
18 inspection hours by the state Department of Agriculture; and
19

20 WHEREAS, adequate staffing and facilities will enhance the
21 safe and efficient movement of passengers and cargo through the
22 airports, while a lack of adequate staffing and facilities will
23 create a backlog of cargo at the airports; and
24

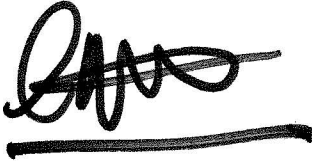
25 WHEREAS, insufficient inspection personnel and facilities
26 will prevent imported commodities from being inspected and
27 released, and thus will result in these commodities rotting and
28 decaying at the airport; now, therefore,
29

30 BE IT RESOLVED by the House of Representatives of the
31 Twenty-fifth Legislature of the State of Hawaii, Regular Session
32 of 2010, the Senate concurring, that Hawaii's congressional
33 delegation is urged to seek clarification from the United States
34 Secretary of Transportation regarding the use of airport
35 revenues to pay for the operational costs of state agricultural
36 inspections of incoming air cargo at state airports; and
37

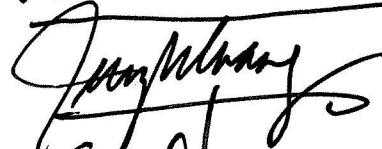
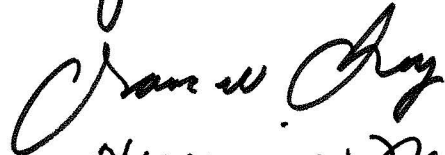
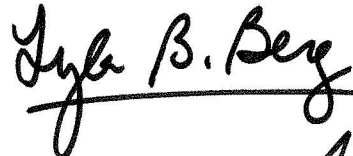
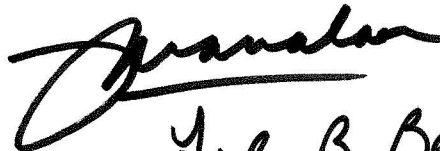
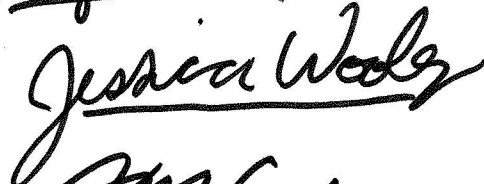
38 BE IT FURTHER RESOLVED that the clarification include the
39 use of airport revenues to pay for agriculture inspection and
40 facilities for inspections conducted solely at the airport for
41 air cargo; and
42



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor and each
3 member of Hawaii's congressional delegation.
4
5
6



OFFERED BY:



MAR 10 2010

