
HOUSE 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
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4 WHEREAS, Hawaii tourism depends on Hawaii's unique
5 environment; and
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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
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12 WHEREAS, air transportation is a proven pathway by which
13 invasive species are transported to and become established in
14 new environments; and
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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
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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
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28 WHEREAS, Mr. Molar further stated that "[n]on-federal
29 inspectors who work exclusively at the airport can be supported
30 with airport revenue"; and
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1 WHEREAS, airport revenues are currently used at Kahului
2 Airport to pay for inspectors, operations, environmental
3 studies, and inspection facilities; and
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5 WHEREAS, the Manager of the Airports District Office for
6 the Federal Aviation Administration's Western-Pacific Region
7 stated in a letter dated February 14, 2007, that "the use of
8 airport revenue to fund inspectors would represent a prohibited
9 use of airport revenue under Title 49 U.S.C. Sections 47107(b)
10 and 47133"; and
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12 WHEREAS, these conflicting interpretations have led to a
13 situation where the Alien Species Action Plan for Kahului
14 Airport recommends that there should be fourteen agriculture
15 inspectors at Kahului airport, as compared to seven agriculture
16 inspectors scheduled daily for Honolulu International Airport;
17 and
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19 WHEREAS, the volume of air cargo imported annually into the
20 State of Hawaii through Honolulu International Airport is
21 approximately four hundred thousand tons, as compared to thirty-
22 five thousand tons at Kahului Airport; and
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24 WHEREAS, on September 30, 2009, the Federal Aviation
25 Administration issued Order 5190.6B, advising that permitted
26 uses of airport revenue include expenses to promote public and
27 industry awareness of the airport's facilities and services
28 "such as a Super Bowl hospitality tent for corporate aircraft at
29 a sponsor-owned general aircraft terminal"; and
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31 WHEREAS, Order 5190.6B also states that permitted uses of
32 airport revenue may include community activities; provided that
33 the activities are directly and substantially related to the
34 operation of the airport, "[f]or example, it may purchase
35 tickets for an annual community luncheon at which the airport
36 director delivers a speech reviewing the state of the airport.
37 The airport may also contribute to a golf tournament sponsored
38 by a 'friends of the airport' committee"; and
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40 WHEREAS, Order 5190.6B further states that "[a]n airport
41 may use its revenue to support a community's use of airport
42 property if the expenditures are directly and substantially
43 related to the operation of the airport"; and
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1 WHEREAS, finally, Order 5190.6B states that "a sponsor may
 2 pay for a portion of the general costs of government, including
 3 executive offices and the legislative branches, provided the
 4 sponsor allocates such costs to the airport in accordance with
 5 an acceptable cost allocation plan"; and

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 7 WHEREAS, the State strongly feels that the inspection of
 8 incoming commodities is substantially related to the operation
 9 of state airports, especially with regard to the movement of air
 10 passengers and cargo; and

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 12 WHEREAS, airlines have vocally objected to the reduction of
 13 inspection hours by the state Department of Agriculture; and

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 15 WHEREAS, adequate staffing and facilities will enhance the
 16 safe and efficient movement of passengers and cargo through the
 17 airports, while a lack of adequate staffing and facilities will
 18 create a backlog of cargo at the airports; and

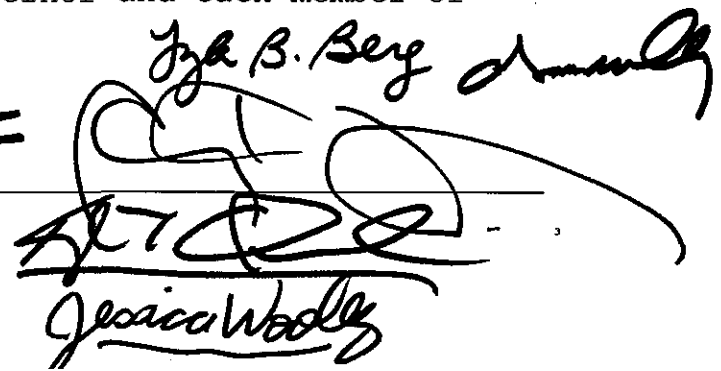
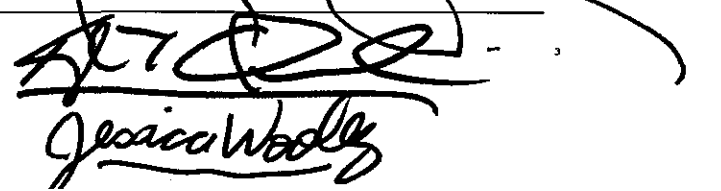
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 20 WHEREAS, insufficient inspection personnel and facilities
 21 will prevent imported commodities from being inspected and
 22 released, and thus will result in these commodities rotting and
 23 decaying at the airport; now, therefore,

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

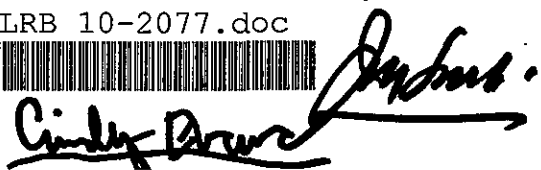
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 33 BE IT FURTHER RESOLVED that the clarification include the
 34 use of airport revenues to pay for agriculture inspection and
 35 facilities for inspections conducted solely at the airport for
 36 air cargo; and

37
 38 BE IT FURTHER RESOLVED that certified copies of this
 39 Resolution be transmitted to the Governor and each member of
 40 Hawaii's congressional delegation.

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 42
 43  OFFERED BY:

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