

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**WRITTEN TESTIMONY
ONLY**

**Testimony COMMENTING on SB2474, SD2
RELATING TO NOISE CONTROL**

REPRESENTATIVE HENRY J. C. AQUINO, CHAIR
COMMITTEE ON TRANSPORTATION

Hearing Date: March 16, 2018
Time 10:30 am

Room Number: 423

1 **Fiscal Implications:** The Department of Health appreciates the intent of this measure but defers
2 to the priorities set forth in the Executive Budget.

3 **Department Testimony:** This measure requires the Department of Health (DOH) to conduct a
4 study on the impacts of aviation noise on the residents in the Puna district and surrounding areas
5 of the Hawaii Volcanoes National Park and report its findings and recommendations, including
6 any proposed rule adoption and legislation, to the legislature no later than twenty days prior to
7 the convening of the regular session of 2019.

8 The Governor and Legislature have already appropriated funds to the State Department of
9 Transportation (DOT) in Act 049 for the purpose of planning noise monitoring and noise
10 compatibility studies for fiscal years 2017-2018 and 2018-2019. While the Department of
11 Health (DOH) could provide a noise study of the area, we would be ill-equipped to adopt new
12 rules or recommend legislation to address aircraft noise because the regulation of Hawaii's
13 airspace in general, and the management of flight paths in particular, in addition to the noise of
14 an aircraft at its source, are governed exclusively by federal law (the Aviation Safety and Noise
15 Abatement Act of 1979) and are under the purview of the Federal Aviation Administration
16 (FAA). Consequently, any undertaking by DOH to regulate in these areas would be subject to
17 federal preemption and would likely be invalidated. In addition, the intent of HRS Chapter 342F
18 and HAR 11-46 was to regulate noise emanating from stationary equipment, and equipment

1 related to agricultural, construction, and industrial activities. These types of sources are either
2 fairly constant in it nature, stationary or restricted to a certain location. Finally, it is our
3 understanding that under certain circumstances the proprietor of an airport has some discretion to
4 address local concerns regarding aircraft noise without violating federal law. Therefore, we
5 suggest the Legislature continue working with DOT to explore ways in which DOT, as an airport
6 owner/operator, in concert with the FAA, may be able to address the concerns of the
7 communities impacted by aircraft noise.

8 Thank you for the opportunity to testify.

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

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March 14, 2018

Representative Henry J.C. Aquino, Chair
Committee on Transportation
Hawai'i State Capitol, Room 423
Honolulu, HI 96813

Dear Chair Aquino and Committee Members:

Re: SB 2474, SD 2 Relating to Aviation Noise In and Around HVNP
Hearing Date: 03-16-18 – 10:30 am; House Conference Room 423

I support SB 2474, SD 2, and thank you for giving it a hearing.

SB 2474, SD 2 would require that the Department of Health conduct a study on the impact of aviation noise on residents of the Puna District and surrounding areas of the Hawai'i Volcanoes National Park. It also appropriates unspecified funds to the Department of Health to conduct the study.

I know that funding is tight, but this noise issue is one of the most vexing that we face. Helicopters have been a source of endless complaints from communities that lie in the flight path to HVNP, and there should be no doubt that noise can constitute both a nuisance and a health hazard, especially in otherwise tranquil rural areas.

Tour companies that bear the brunt of the public's ire could also benefit from such a study, if positive suggestions and/or compromises emerge from the study's findings.

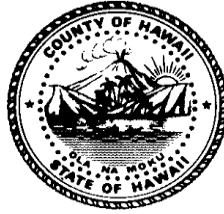
I have met with tour operators and asked them to develop a plan to address noise issues. They have taken some initial steps, and I commend them for that. Moreover, I am hopeful that tour operators and community members can work together. Having the study called for in SB 2474, SD 2 would be a positive way of moving the process forward.

Thank you for your consideration.

Respectfully submitted,

Harry Kim
Mayor, County of Hawai'i

Eileen O'Hara
Council Member
Council District 4



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Management Committee

Vice Chair: Planning Committee and
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Sustainability Committee

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Hawaii County Council

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Representative Henry J.C. Aquino
Chair, House Committee on Transportation
Hawai'i State House of Representatives

March 14, 2018

**Re: In Support of Senate Bill 2474, from Hawai'i County Council District 4
To be heard by TRN on 03-16-18 10:30AM in House conference room 423**

Aloha Chair Dela Cruz and Committee Members:

I'm writing to express my support of Senate Bill 2474, which requires the Department of Health to conduct a study on the impact of aviation noise on residents of the Puna district and surrounding areas of Hawai'i Volcanoes National park.

We need to consider appropriate routes for tour helicopters such that visitors can view our active volcanoes and wonderful waterfalls without chronic and incessant noise above residential neighborhoods. Please consider the impact the passing of this Bill will have on the health of our citizens, and contact me if you have any questions about my support or knowledge of the subject.

Sincerely,

A handwritten signature in cursive script that reads "Eileen O'Hara".

Eileen O'Hara
Council Member
Council District 4

SB-2474-SD-2

Submitted on: 3/15/2018 12:58:56 AM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Support.

SB-2474-SD-2

Submitted on: 3/15/2018 10:21:26 AM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Kudray	Individual	Support	No

Comments:

Every day that it's not raining, helicopters are flying over the thousands of people in Puna at the lowest possible elevation, so that tourists can not only see the volcano but gawk at the locals along the way. **The noise is loud enough to suspend talking outside.** There is no reason they have to fly at this low of an elevation when not over the volcano. There are many flights per hour and increasing all the time. Sound regulation is necessary to preserve some semblance of our natural world here. **In the time it has taken me to type this, three flights have gone overhead.** A simple 1000' elevation limit would suffice but study it first for the objective data please! The situation will be clear afterwards regarding the sound and disruption. **Thank You!**

SB-2474-SD-2

Submitted on: 3/15/2018 11:23:51 AM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-2474-SD-2

Submitted on: 3/15/2018 3:37:23 PM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

I strongly support this bill.

LATE

SB-2474-SD-2

Submitted on: 3/16/2018 5:16:32 AM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Choon James	CountryTalkStory.com	Support	No

Comments:

[SB2474 SD2](#) STRONGLY SUPPORT

I understand getting problems solved takes a very long windy road in the legislative process. It's very clear that cumulative and continuing aviation noises into the personal space of an individual's home destroy peace and quiet.

The situation is very clear. Uninvited aviation tours/noises are severe nuisances not just in Puna but everywhere in the islands.

Helicopter operators manage the tours as a profiteering opportunity. Tourists see the tour as a fun thing to do. But these two actions are at the expense of the public's quality of life and safety.

Nobody thinks of the most affected residents who are exposed to these cumulative noises day in and day out. A resident is entitled to peace and quiet in their own homes.

Immediate actions must be taken by the appropriate regulating authorities to ensure that all existing aviation rules are followed and proliferation of such activities stopped. There is no compelling reason to allow a few profiteering operations to impose such unfair hardships and nuisance on the general happiness of the public.

Mahalo,

Choon James

Kahuku

Measure Title: RELATING TO NOISE CONTROL.

Report Title: Noise Control; Aviation Noise; DOH; DOT; Appropriation (\$)

Description: Requires the Department of Health, in collaboration with the Department of Transportation, to conduct a study on the impact of aviation noise on residents of the Puna district and surrounding areas of the Hawaii Volcanoes National Park. Appropriates funds to the Department of Health to conduct the study. Effective 7/1/2050. (SD2)

SB-2474-SD-2

Submitted on: 3/15/2018 6:35:29 PM

Testimony for TRN on 3/16/2018 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Springer Kaye	Individual	Support	No

Comments:

LATE

SB-2474-SD-2

Submitted on: 3/15/2018 11:47:10 PM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Madsen	Individual	Support	No

Comments:

Aloha,

The type of noise made by all these low flying helicopters really is maddening. Earlier today they were coming every 2 minutes. I'll save you some money and just let you know that creating an atmosphere that can only really be described "war-like" is a trigger/cause for PTSD.

Even more maddening is when something does go wrong they are flying above homes because anyone's roof can act as a nice cushion vs. having to crash on solid rock.

They can play games with who's neighborhood they are going to harass on Monday, Tuesday, Wednesday, ect... But their business model is still illegal. As if people in Puna aren't poor enough, the helicopters have to repeatedly steal the air rights immediately above everyone's heads. Legally that is a form of theft and destroys people's right to peaceful, quite, and private enjoyment of their property. Impossible to feel "private" when buzzed every few minutes.

So apparently lots of money to be made hauling tourists around in the restricted air space immediately above people's homes. But don't worry folks in exchange for being constantly harassed and under siege by the helicopters corporations they have generously donated zero dollars and zero cents to the Puna community. So, in a nutshell they steal from everyone's quality of life and contribute nothing to Puna.

Mahalo,

Chris Madsen

LATE

SB-2474-SD-2

Submitted on: 3/16/2018 12:31:55 AM
Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
A Kathleen Lee	Individual	Support	No

Comments:

Honorable Senators,

I do affirm that you will approve the study to determine the impact on the area of Puna especially and surrounding area of aviation noise. We live in Hawai'i nei to find the peace and quality of life we aspire to. This is an important one for friends and ohana in the area...they don't submit testimony often, so I am helping in their plight.

Most grateful,

April Lee

Hawi, HI

LATE

SB-2474-SD-2

Submitted on: 3/16/2018 12:43:40 AM

Testimony for TRN on 3/16/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cleon Bailey	Individual	Support	No

Comments:

Peace be unto you,

The neighborhoods of Ouli, Anekona, and Kanehoa, which are just makai of Kamuela Hawaii along mile marker 63, Kawaihae road. Unfortunately, for years we have been receiving horrible noise pollution from the west based helicopter tour industry. Nonetheless, we have reached out to Sunshine Helicopter tours, Blue Hawaiian tours, and Paradise Helicopter tour companies for years. In turn, the flights have increased to include bidirectional routes to the volcano site, as well as the standard return route flight paths. Paramount, it sucks that we should have to move our families to rest and grow in a peaceable habitat. Especially, when we located beneath the air space over our properties first. Moreso, securing them by paying mortgages and State property taxes. Therein, to lose our peaceful air space because a tour industry who profits off of our pain; nevertheless, doing business in a lawful manner. Given they are self-regulated and claim to fly at the minimum elevation set by the FAA. Mayor Kim tells our communities it is a FAA issue. We know it is because they don't regulate the tour industry, other than to set the minimum overhead elevation while flying over our communities. Please pass an amended bill; reversing the amended effected date of 2050; back to the original commencement year of 2018, get real Representatives! The thought that yourselves who serve the people of the state; whereas, need to delegate more time to collect information, insults our integrity. We ourselves cannot understand why our Representative, Cindy Evans, had not married our community's complaints into this same said bill. Again, please help the Big Island communities with this long ongoing problem with our helicopter tour industries noise pollution; whereas to include our communities of Ouli, Anekona, and Kanehoa within this same bill.

Very truly yours

C. Bailey