
HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS, THE FEDERAL AVIATION
ADMINISTRATION, AND THE HAWAII DEPARTMENT OF TRANSPORTATION
TO TAKE EVERY ACTION NECESSARY TO ADDRESS RAPIDLY
INCREASING SAFETY RISKS AND COMMUNITY DISRUPTION RESULTING
FROM INSUFFICIENT REGULATION OF RAPIDLY INCREASING
OPERATIONS OF TOUR HELICOPTERS AND SMALL AIRCRAFT
THROUGHOUT HAWAII SKIES.

1 WHEREAS, the volume and extent of tour helicopter and small
2 aircraft operations throughout Hawaii's skies have rapidly
3 increased in the past decade, even more so in recent years; and
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5 WHEREAS, with such increases, the safety risks to
6 helicopter and small aircraft passengers, and to the Hawaii
7 residents and visitors over which the helicopters and small
8 aircraft fly daily, have rapidly increased; and
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10 WHEREAS, tour helicopters and small aircraft in Hawaii's
11 skies, through noise, vibration, and visual impacts, have
12 increasingly disrupted residential, business and industrial
13 communities; state and national parks, such as Hawaii Volcanoes
14 National Park and Haleakala National Park; defense areas, such
15 as Joint Base Pearl Harbor-Hickam; cemeteries and areas of
16 solemnity, such as the National Memorial Cemetery of the Pacific
17 and Pearl Harbor National Memorial; and areas of critical
18 infrastructure; and
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20 WHEREAS, the National Transportation Safety Board, which is
21 the federal agency responsible for investigating aircraft
22 collisions and for making recommendations on improving the
23 safety of aircraft operations, found that Hawaii tour helicopter
24 and small aircraft operations accounted for nine of the nation-
25 wide fifty-four accidents that prompted investigations by the
26 board over the last five years; and



1 WHEREAS, within the last twelve months alone, twenty-three
2 lives were lost through the following tour helicopter and small
3 aircraft collisions in the State:

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- 5 (1) On April 29, 2019, a tour helicopter crashed into a
6 residential neighborhood in Kailua, Oahu, killing
7 three people;
 - 8
 - 9 (2) On June 21, 2019, a commercial small aircraft crashed
10 at Mokuleia, Oahu, killing eleven people;
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 - 12 (3) On December 27, 2019, a tour helicopter crashed on
13 Kauai, killing seven people; and
 - 14
 - 15 (4) On February 22, 2020, a commercial small aircraft
16 crashed at Mokuleia, Oahu, killing two people; and
17

18 WHEREAS, over the past decade, tour helicopters and small
19 aircraft have been involved in several other incidents that,
20 while not fatal, nevertheless constituted severe risks to the
21 passengers, residents, and visitors on the ground; and
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23 WHEREAS, the foregoing disruptions and crashes are largely
24 the result of a lack of effective federal regulations and a lack
25 of self-regulation in the tour helicopter and small aircraft
26 industry; and
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28 WHEREAS, effective regulations to eliminate or mitigate
29 ground disruptions would place restrictions on the time, routes,
30 altitude, and frequency of helicopter and small aircraft
31 operations; and
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33 WHEREAS, communities would be safer and would face fewer
34 disruptions from tour helicopter and small aircraft operations
35 if existing federal acts and regulations, including the
36 following, were used to their full extent:
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- 38 (1) The National Park Air Tour Management Act of 2000, as
39 amended, which requires operators conducting
40 commercial air tours over national parks to operate
41 pursuant to an air tour management plan issued by the
42 Federal Aviation Administration, or in lieu of such a



1 plan, pursuant to a voluntary agreement with the
2 agency;

3
4 (2) The Airport Noise and Capacity Act of 1990, which
5 establishes the Federal Aviation Administration's
6 authority over airport owners' noise restrictions; and
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8 (3) Title 14 Code of Federal Regulations part 50, which
9 regulates the Federal Aviation Administration's
10 airport noise compatibility planning programs; and
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12 WHEREAS, the Federal Aviation Administration largely
13 asserts that it has exclusive jurisdiction over regulating the
14 nation's airspace and aircraft operations, which means that the
15 Federal Aviation Administration, not the State, has the sole
16 power and responsibility to establish and enforce restrictions
17 that would prevent tour helicopter and small aircraft operations
18 from disrupting communities; and
19

20 WHEREAS, although the National Transportation Safety Board
21 has made various safety recommendations to the Federal Aviation
22 Administration that would apply to tour helicopter and small
23 aircraft operations, the board is still waiting for an
24 acceptable response from the Federal Aviation Administration on
25 a number of the recommendations; and
26

27 WHEREAS, following the April 29, 2019, crash in Kailua, the
28 Chairman of the National Transportation Safety Board stated that
29 "each crash underscores the urgency of improving the safety of
30 charter flights by implementing existing [board] safety
31 recommendations", and called for small aircraft flight safety
32 improvements; and
33

34 WHEREAS, the Federal Aviation Administration and the
35 operators of Hawaii tour helicopters and small aircraft are
36 currently in the process of updating the Hawaii Air Tour Common
37 Procedures Manual, which is an agreement between the Federal
38 Aviation Administration and the operators over various
39 operational and safety procedures, but are not making this
40 manual available for public review or comment; and
41



H.C.R. NO. 151

1 WHEREAS, the Federal Aviation Administration, Hawaii
2 Department of Transportation, some Hawaii tour helicopter
3 companies, and other interested stakeholders have formed the
4 "Hawaii Air Noise and Safety Task Force" with the stated intent
5 of addressing increasing safety and community disruption
6 concerns, but are not providing opportunities for public comment
7 or participation; and

8
9 WHEREAS, an increasing number of elected officials and
10 community organizations have expressed increasing concern with
11 safety risks and community disruption arising from tour
12 helicopter and small aircraft operations; and

13
14 WHEREAS, Ed Case, Representative for the First
15 Congressional District of Hawaii, has introduced legislation,
16 H.R. 4547, with a short title of the "Safe and Quiet Skies Act
17 of 2019"; and

18
19 WHEREAS, if enacted, H.R. 4547 would, in pertinent part:

- 20
21 (1) Prohibit commercial air tours from operating over or
22 within a half mile of especially sensitive locations;
23
24 (2) Require the Federal Aviation Administration to require
25 the use of automatic dependent surveillance-broadcast
26 out equipment during the entire operation of a
27 commercial air tour;
28
29 (3) Require the Federal Aviation Administration to
30 prohibit pilots from undertaking any activities other
31 than flying the aircraft, including monitoring video
32 equipment or narrating, during the operation of a
33 commercial air tour;
34
35 (4) Impose minimum altitude requirements and noise
36 restrictions on commercial air tours;
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38 (5) Authorize state and local jurisdictions to impose
39 additional requirements on commercial air tours;
40 (6) Require the Federal Aviation Administration to
41 implement any recommendations issued by the National
42 Transportation Safety Board concerning operators of



1 commercial aircraft on which the Federal Aviation
2 Administration has not provided an acceptable response
3 to the board; and
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- 5 (7) Require the Federal Aviation Administration to subject
6 commercial air tour operators to certain regulations
7 relating to commercial aircraft operators, instead of
8 regulations relating to non-commercial aircraft
9 operators; and
10

11 WHEREAS, on January 31, 2020, the United States Senate
12 Committee on Commerce, Science and Transportation released a
13 report entitled, "Whistleblower Allegations of Misconduct at the
14 FAA Flight Standards District Office in Honolulu, Hawaii",
15 outlining multiple whistleblower claims of inadequate safety
16 regulation of tour helicopters, specifically including those
17 involved in the fatal crashes in Kailua on April 29, 2019, and
18 on Kauai on December 27, 2019; and
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20 WHEREAS, the City Council of the City and County of
21 Honolulu and nineteen of Oahu's neighborhood boards have taken
22 official actions to urge the federal government to act to
23 address the disruptions and dangers posed by tour helicopter and
24 small aircraft operations; and
25

26 WHEREAS, the lack of effective federal regulations and the
27 lack of effective self-regulation by the tour helicopter and
28 small aircraft industry poses a significant and growing threat
29 to the safety, health, and well-being of the nation and the
30 State; now, therefore,
31

32 BE IT RESOLVED by the House of Representatives of the
33 Thirtieth Legislature of the State of Hawaii, Regular Session of
34 2020, the Senate concurring, that the United States Congress,
35 the Federal Aviation Administration, and the Hawaii Department
36 of Transportation are urged to take every action necessary to
37 address rapidly increasing safety risks and community disruption
38 resulting from insufficient regulation of rapidly increasing
39 operations of tour helicopters and small aircraft throughout
40 Hawaii skies; and
41



1 BE IT FURTHER RESOLVED that the United State Congress is
2 urged to promptly enact the proposed Safe and Quiet Skies Act of
3 2019; and

4
5 BE IT FURTHER RESOLVED that the Hawaii Department of
6 Transportation and Federal Aviation Administration are urged to:

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8 (1) Pursue existing remedies to limit community disruption
9 through the Airport Noise and Capacity Act of 1990 and
10 title 14 Code of Federal Regulations part 150; and
11
12 (2) Immediately release the draft Hawaii Air Tour Common
13 Procedures Manual for public review and comment; and
14

15 BE IT FURTHER RESOLVED that the Federal Aviation
16 Administration is urged to:

- 17
18 (1) Implement any recommendations issued by the National
19 Transportation Safety Board concerning operators of
20 commercial aircraft on which the Federal Aviation
21 Administration has not provided an acceptable response
22 to the board;
23
24 (2) Fully implement, in concert with the National Park
25 Service, the requirements of the National Park Air
26 Tour Management Act of 2000 with respect to all
27 applicable Hawaii parks and other relevant areas; and
28
29 (3) Immediately and fully investigate whistleblowers'
30 claims with respect to the Honolulu Flight Standards
31 District Office's implementation of safety
32 requirements; and
33

34 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety
35 Task Force is urged to immediately open its deliberations for
36 public comment and participation; and
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38 BE IT FURTHER RESOLVED that federal, state, and county
39 elected and administrative officials are urged to pursue the
40 foregoing actions, the enactment of legislation to authorize
41 state and local governments to regulate helicopter and small
42 aircraft operations, and all other actions that will enhance



H.C.R. NO. 151

1 safety and prevent community disruption by Hawaii tour
2 helicopter and small aircraft operations; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Speaker of the House
6 of the United States House of Representatives; Majority Leader
7 of the United States Senate; members of Hawaii's Congressional
8 delegation; Administrator of the Federal Aviation
9 Administration; Manager of the Honolulu Flight Standards
10 District Office of the Federal Aviation Administration; Chairman
11 of the National Transportation Safety Board; Director of the
12 National Park Service; Hawaii Director of Transportation; mayor
13 of each county; chair of each neighborhood board; and Co-chairs
14 of the Hawaii Air Noise and Safety Task Force.
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