

JAN 21 2020

SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE NATIONAL
TRANSPORTATION SAFETY BOARD TO ADOPT AND ENFORCE
REGULATIONS FOR INCREASED SAFETY STANDARDS FOR HELICOPTERS
AND SMALL AIRCRAFT THAT CHARGE FEES FOR CARRYING PASSENGERS
ON RECREATIONAL FLIGHTS.

1 WHEREAS, there have been two fatal aircraft crashes in
2 Hawaii since April 2019; and

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4 WHEREAS, on April 29, 2019, the pilot and two passengers
5 were killed when a tour helicopter crashed on Oneawa Street, a
6 busy residential roadway in Kailua, Oahu, Hawaii; and

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8 WHEREAS, on June 21, 2019, the pilot and ten passengers
9 were killed when an airplane used for skydiving crashed at
10 Dillingham Airfield in Mokuleia, Oahu, Hawaii; and

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12 WHEREAS, the National Transportation Safety Board (NTSB)
13 reports that there have been eighty accidents and nineteen
14 deaths involving skydiving flights since 2008; and

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16 WHEREAS, under federal law, the Federal Aviation
17 Administration (FAA) has the authority to prescribe regulations
18 on the flight of aircraft, including protecting individuals and
19 property on the ground and preventing collisions; and

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21 WHEREAS, under Federal Aviation Regulations, aircraft
22 operators are categorized depending on the type of service they
23 provide: Part 121, Part 135, and Part 91; and

24
25 WHEREAS, major passenger airlines operate under Part 121,
26 the strictest category of regulations; and

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28 WHEREAS, Part 135 governs business and charter flights that
29 operate for compensation or hire, including air taxis, air
30 tours, and certain helicopters, and includes specific



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1 requirements for aircraft maintenance and safety; however, Part
2 135 requirements are not as stringent as Part 121 requirements;
3 and
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5 WHEREAS, Part 91 regulations, which governs privately-owned
6 aircraft, including certain helicopter operators and all
7 parachuting service operators, are far more lenient than Part
8 121 or Part 135 regulations and operators under Part 91 do not
9 have to comply with manufacturer bulletins and other safety
10 regulations; and
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12 WHEREAS, following the crashes in Hawaii, the NTSB urged
13 the FAA to increase regulations for aircraft and air tour
14 operators that operate under Part 135 and Part 91 of the Federal
15 Aviation Regulations; and
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17 WHEREAS, the NTSB has urged the FAA to implement NTSB
18 recommendations to improve the safety of for-hire charter
19 flights and parachuting service operations for years; and
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21 WHEREAS, however, the FAA has declined to make changes to
22 improve the safety of charter flights and parachuting service
23 operations as recommended by the NTSB, especially with respect
24 to pilot training, maintenance of aircraft, and FAA oversight;
25 and
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27 WHEREAS, Congress made the NTSB responsible for
28 investigating all civil aviation accidents and certain accidents
29 in other modes of transportation, with the intent of identifying
30 safety improvements to prevent future accidents; and
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32 WHEREAS, however, the NTSB has no authority to require
33 implementation of its recommendations or change safety
34 regulations and practices; and
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36 WHEREAS, this body finds that NTSB-recommended regulations
37 for charter flights and parachuting service operations are
38 necessary to address the increasing safety risks and fatalities
39 caused by these types of for-hire tour operations; however, only
40 Congress may grant authority to the NTSB to adopt and enforce
41 safety regulations; now, therefore,
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1 BE IT RESOLVED by the Senate of the Thirtieth Legislature
 2 of the State of Hawaii, Regular Session of 2020, the House of
 3 Representatives concurring, that the United States Congress is
 4 respectfully requested to authorize the NTSB to adopt and
 5 enforce regulations for increased safety standards for
 6 helicopters and small aircraft that charge fees for carrying
 7 passengers on recreational flights; and
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9 BE IT FURTHER RESOLVED that certified copies of this
 10 Concurrent Resolution be transmitted to the President Pro
 11 Tempore of the United States Senate, Speaker of the United
 12 States House of Representatives, Majority Leader of the United
 13 States Senate, Minority Leader of the United States Senate,
 14 Majority Leader of the United States House of Representatives,
 15 Minority Leader of the United States House of Representatives,
 16 Hawaii's congressional delegation, Administrator of the Federal
 17 Aviation Administration, Chairman of the National Transportation
 18 Safety Board, Governor, and Director of Transportation.
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