

MAR - 6 2020

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# SENATE 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  
9

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;  
11

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  
22

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  
27

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  
32

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  
7

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  
11

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



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;  
37  
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  
4

- 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  
19

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 Senate of the Thirtieth Legislature  
33 of the State of Hawaii, Regular Session of 2020, the House of  
34 Representatives concurring, that the United States Congress, the  
35 Federal Aviation Administration, and the Hawaii Department of  
36 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  
37

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



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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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OFFERED BY:

  


