

JAN 21 2020

SENATE 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
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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
31 requirements for aircraft maintenance and safety; however, Part
32 135 requirements are not as stringent as Part 121 requirements;
33 and



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2 WHEREAS, Part 91 regulations, which governs privately-owned
3 aircraft, including certain helicopter operators and all
4 parachuting service operators, are far more lenient than Part
5 121 or Part 135 regulations and operators under Part 91 do not
6 have to comply with manufacturer bulletins and other safety
7 regulations; and

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9 WHEREAS, following the crashes in Hawaii, the NTSB urged
10 the FAA to increase regulations for aircraft and air tour
11 operators that operate under Part 135 and Part 91 of the Federal
12 Aviation Regulations; and

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14 WHEREAS, the NTSB has urged the FAA to implement NTSB
15 recommendations to improve the safety of for-hire charter
16 flights and parachuting service operations for years; and

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18 WHEREAS, however, the FAA has declined to make changes to
19 improve the safety of charter flights and parachuting service
20 operations as recommended by the NTSB, especially with respect
21 to pilot training, maintenance of aircraft, and FAA oversight;
22 and

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24 WHEREAS, Congress made the NTSB responsible for
25 investigating all civil aviation accidents and certain accidents
26 in other modes of transportation, with the intent of identifying
27 safety improvements to prevent future accidents; and

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29 WHEREAS, however, the NTSB has no authority to require
30 implementation of its recommendations or change safety
31 regulations and practices; and

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33 WHEREAS, this body finds that NTSB-recommended regulations
34 for charter flights and parachuting service operations are
35 necessary to address the increasing safety risks and fatalities
36 caused by these types of for-hire tour operations; however, only
37 Congress may grant authority to the NTSB to adopt and enforce
38 safety regulations; now, therefore,

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40 BE IT RESOLVED by the Senate of the Thirtieth Legislature
41 of the State of Hawaii, Regular Session of 2020, that the United
42 States Congress is respectfully requested to authorize the NTSB



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1 to adopt and enforce regulations for increased safety standards
 2 for helicopters and small aircraft that charge fees for carrying
 3 passengers on recreational flights; and
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5 BE IT FURTHER RESOLVED that certified copies of this
 6 Resolution be transmitted to the President Pro Tempore of the
 7 United States Senate, Speaker of the United States House of
 8 Representatives, Majority Leader of the United States Senate,
 9 Minority Leader of the United States Senate, Majority Leader of
 10 the United States House of Representatives, Minority Leader of
 11 the United States House of Representatives, Hawaii's
 12 congressional delegation, Administrator of the Federal Aviation
 13 Administration, Chairman of the National Transportation Safety
 14 Board, Governor, and Director of Transportation.
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OFFERED BY:

















