

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on SB 2319
RELATING TO TOURISM

SENATOR GLENN WAKAI, CHAIR
SENATE COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM
SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION

Hearing Date: 2/3/2020

Room Number: 225

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health provides the following comments, and
3 respectfully suggests that changes be considered if the bill advances.

4 The purpose of this bill is to prohibit tour vehicle operators and tour aircraft operations from
5 conducting commercial activity on Sunday in any county of the State.

6 The bill as drafted is subject to a preemption challenge with respect to flight prohibition.

7 Congress, by its enactment of the Federal Aviation Act of 1958, as amended by the Noise

8 Control Act of 1972, preempted state and local control over aircraft noise. City of Burbank v.

9 Lockheed Air Terminal, Inc., 411 U.S. 624, 628-29 (1973). The power to regulate an aircraft's
10 flight paths, hours, and altitudes resides exclusively with the Federal Aviation Administration.

11 Skysign International Inc. v. City and County of Honolulu, 276 F.3d 1109, 1117 (9th Cir. 2002).

12 "Aircraft" means "any contrivance invented, used, or designed to navigate, or fly in, the air." 49

13 United States Code section 40102(a)(6). This definition includes tour helicopters.

14 **Offered Amendments:** Section 3 on page 4, lines 11-14, would make it unlawful for any tour
15 aircraft operation to conduct commercial activity on Sunday in any county of the State. The
16 wording in section 3 falls squarely within the type of aircraft regulation that the federal

- 1 government has preempted. Accordingly, we respectfully suggest that section 3 be deleted in its
- 2 entirety.
- 3 Thank you for the opportunity to testify on this measure.

TESTIMONY OF
JAMES P. GRIFFIN, Ph.D.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
SENATE COMMITTEES ON
ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM
AND
TRANSPORTATION

February 3, 2020
1:16 p.m.

Chair Wakai, Chair Inouye, and Members of the Committees:

MEASURE: S.B. No. 2319

TITLE: RELATING TO TOURISM.

DESCRIPTION: Prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State. Establishes penalties for violations.

POSITION:

The Public Utilities Commission offers the following comments for consideration.

COMMENTS:

The Commission administers motor carrier law in accordance with §271-2, Hawaii Revised Statutes. The Commission notes that this measure would increase its enforcement responsibilities by requiring staff to monitor tour vehicle operators in all counties on Sundays and ensure compliance. This would entail additional time and labor costs that could heighten the Commission's resource needs.

Thank you for the opportunity to testify on this measure.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON ENERGY, ECONOMIC
DEVELOPMENT & TOURISM AND COMMITTEE ON TRANSPORTATION
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 225
MONDAY, FEBRUARY 3, 2020 AT 1:16 P.M.**

To The Honorable Glenn Wakai, Chair;
The Honorable Brian T. Taniguchi, Vice Chair; and
Members of the Committee on Energy, Economic Development and Tourism,

To The Honorable Lorraine R. Inouye, Chair;
The Honorable Breene Harimoto, Vice Chair; and
Members of the Committee on Transportation,

TESTIMONY IN OPPOSITION TO SB2319 RELATING TO TOURISM

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, with approximately 650 members. I am writing share our opposition to SB2319.

We recognize that, statewide, counties are looking at ways to mitigate the visitor industry impact on residents and the environment. However, currently the counties are focusing their efforts on county and state owned beach parks and land. This bill goes far beyond those restrictions to prohibit tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday.

Tour operators are valuable to the community as they help our visitors be good stewards and keep them safe. They also help with traffic control as they reduce the number of individual cars on the road, which is very important to extremely overcrowded locations, such as Hana. If this bill passes, it will not stop visitors from going to these locations on their own.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Further, this will severely impact small businesses in a number of ways. There are many instances where a tour vehicle operator conducts business that does not necessarily relate to visitor tour activities such as private transportation from airports, cruise ships and weddings. We are also very concerned that this will restrict commercial tour operators from visiting private businesses, such as farm, garden and manufacturing tours. Not only does this impact the tour operator, but takes away a day of business from local manufacturers, farmers and businesses. This would be devastating to these businesses and the tour operators. Therefore, we oppose this measure.

Mahalo for the opportunity to provide testimony and we ask that this bill be deferred.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 2, 2020

TO: The Honorable Glenn Wakai, Chair
Senate Committee on Energy, Economic Development, and Tourism

The Honorable Lorraine R. Inouye, Chair
Senate Committee on Transportation

FROM: Alice L. Lee
Council Chair

A handwritten signature in black ink, appearing to be "AL", written over the printed name "Alice L. Lee".

SUBJECT: **HEARING OF FEBRUARY 3, 2020; TESTIMONY IN OPPOSITION TO SB 2319, RELATING TO TOURISM**

Thank you for the opportunity to testify in **opposition** to this important measure. The purpose of this measure is to prohibit tour vehicle and aircraft operators from conducting commercial activity on Sunday in any county of the State.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. It is the purview of the counties to regulate business hours and locations of tourism related commercial activities.
2. This measure would infringe on the authority of Maui County to regulate commercial activity in the county based on the county's best interests and applicable policies.
3. Maui County currently restricts specific commercial activity on certain beaches on Sundays, with broad public support. The blanket prohibitions under this measure would not take into consideration the particular needs and input of the county's residents and communities.

For the foregoing reasons, I **oppose** this measure.

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

Senator Glenn Wakai, Chair
Senator Brian T. Taniguchi, Vice Chair

COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair
Senator Breene Harimoto, Vice Chair

NOTICE OF HEARING

DATE: Monday, February 3, 2020
TIME: 1:16pm
PLACE: Conference Room 225
State Capitol
415 South Beretania Street

A G E N D A

SB 2319

Status & Testimony

RELATING TO TOURISM.

EET/TRS, JDC

Prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State. Establishes penalties for violations.

My name is Maki Kuroda, CEO and President of E Noa Corporation, from which we operate E Noa Tours and Waikiki Trolley. We are located at 3015 Koapaka Street Suite G Honolulu, HI 96819. We've been in business in the State of Hawaii since 1973 and employ over 250 on-site local residents.

I am writing to oppose SB 2319, as it presents a case to consider prohibiting tour vehicle operators and tour aircraft operations from conducting commercial activity on Sundays in any county of the State.

E Noa has been a part of the careful growth of tourism and wants above all else to continue offering the untold value it provides. The uniqueness of Hawaii and Oahu itself, have a well-deserved global reputation for being an ideal getaway.

From our perspective there is value in allowing tourism operations on Sundays. Many tourists save money for years, sometimes even a lifetime, to visit Hawaii and it is impossible to always choose the days of the week that they want to experience the exciting beauty of our Islands. People have expectations of tourism destinations. They want to experience the magic of Hawaii for the entire visit, meaning 7 days a week, just as is done at the majority of National Parks.

That being said, I understand this SB 2319 was introduced due to the over-tourism issue. The World Tourism Organization (UNWTO) defines over-tourism as “the impact of tourism on a destination, or parts thereof, that excessively influences perceived quality of life of citizens and/or quality of visitor experiences in a negative way.” They further explained that this definition shows how over-tourism can be observed both among locals, who view tourism as a disruptive factor that increasingly burdens daily

life, as well as visitors, who may regard high numbers of tourists as a nuisance. As this Bill stated, the University of Hawaii also mentioned we've hit a so-called "tipping point."

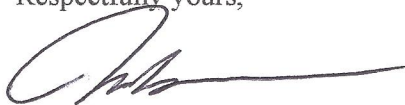
Please understand our company is also quite concerned with the current traffic situation. Especially, on the weekends, but if you study carefully you will discover that Hawaii has more visitors from the mainland who prefer to rent a car over participating in a tour. This profoundly contributes to major traffic congestion. Whereas one tour bus would accommodate 25-55 tourists compared to 2-4 in one rental car. For perspective, that means 13-25 more rental cars on the road as opposed to 1 tour vehicle.

If we stay true to the spirit of what SB 2319 is trying to accomplish, then we must analyze carefully and first define what areas and why our local residents view tourism as a disruptive factor that increasingly burdens daily life. Is it traffic? Is it noise? We are eager to participate in discussions with the community and also with respective representatives openly to come up with a true solution to a valid problem that results in the betterment of our community's daily lives while spreading the Aloha Spirit to both local residents and tourists. That is what we must do. Hawaii is my home and I am proud to live here. I am passionate about protecting these beautiful islands.

Lastly, I'd like to mention, not operating on Sunday means my staff, who are local residents, hours will be impacted.

Let's not put a Band-Aid on the issues, but come up with solid answers. Unfortunately, SB 2319 does not resolve our core concerns.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Maki Kuroda', with a long horizontal flourish extending to the right.

Maki Kuroda



50 F St. NW, Suite 750
Washington, D.C. 20001

T. 202-737-7950
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www.aopa.org

February 2, 2020

The Honorable Glenn Wakai
Chair, Senate Committee on Energy,
Economic Development and Tourism
Hawai`i State Capitol, Room # 407
415 S. Beretania Street
Honolulu, HI 96813

The Honorable Lorraine R. Inouye
Chair, Senate Committee on Transportation
Hawai`i State Capitol, Room # 210
415 S. Beretania Street
Honolulu, HI 96813

Dear Senators Wakai, Inouye and members of the EET and TRS committees:

Thank you for the opportunity to comment regarding SB 2319, relating to tourism. I write on behalf of the Aircraft Owners and Pilots Association (AOPA), the world's largest aviation organization, representing the general aviation interests of over 1,000 members in Hawai`i. General aviation encompasses all civilian flying except scheduled passenger airline service and military aviation. AOPA strongly opposes SB 2319, legislation that would prohibit tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State and establishes penalties for violations.

Federal Preemption

Regulation of the National Airspace System (NAS) is the sole responsibility of the Federal Aviation Administration (FAA) which is defined by United States Code 49 § 40103 - Sovereignty and use of airspace. As such, the FAA holds the regulatory authority to control the use of navigable airspace and regulate all operations in that airspace in the interest of the safety and efficiency of the public. Allowing the FAA to uphold this mandate is crucial to the effective and free use of airspace across the country and cannot be preempted by state or local legislation. Simply put, the State does not have the authority to enact SB 2319 as written and the bill is in clear violation of the Supremacy Clause, Article VI of the U.S. Constitution.

This topic has been debated extensively and as such there is plenty of legal precedent. The United States Supreme Court has previously considered the issue of federal preemption of state and local regulation and control of aircraft based on noise issues. After evaluating the Federal Aviation Act of 1958 and the Noise Control Act of 1972, the Supreme Court found that Congress unequivocally intended that the federal government shall have "full control over aircraft noise, pre-empting state and local control," and that this congressional intent left "no room for local

AIRCRAFT OWNERS AND PILOTS ASSOCIATION

curfews or other local controls”. The Court also determined that the federal government had preempted the field of “airspace management”. (*City of Burbank v. Lockheed Air Terminal Inc.*, 411 U.S. 624, 1973)

Following the decision of the U.S. Supreme Court in *Burbank*, the U.S. District Court of Appeals for the 9th Circuit concluded that a state’s attempt to direct when planes may or may not fly in the San Diego area impinged on airspace management; and its attempt to restrict the permissible flight times of planes solely on the basis of their noise emissions impinged on federal control of aircraft noise at its source. The Court concluded that the state had attempted to act in an area preempted by the federal government and its actions were void. (*San Diego Unified Port Dist. v. Gianturco*, 651 F.2d 1306, 1981)

The proposed restrictions by the State in SB2319 are much broader than the restrictions that were struck down in *Burbank* and *Gianturco* and we urge the State to find more appropriate avenues to address their concerns that do not violate the law.

Overtourism

While it is clear SB 2319 is a violation of Federal Preemption, it also makes little sense. The State of Hawai`i has a robust aviation history which has enabled the State’s tourism industry to flourish. According to State government data, in 2017 alone there were over 9.4 million visitors to the Hawaiian Islands with expenditures of over \$16 billion. Tourism remains one of Hawaii's largest industries and aviation is a critical part of that.

The aviation industry in the State produces over 4,100 jobs and \$742 million in economic output. AOPA understands the concerns regarding “overtourism” and respects the intent of the “aloha spirit of the state’s residents” but it is critical to understand the impact aviation and aviation related business has in the state’s GDP, making up nearly 19 percent. Aerial tours alone contribute as much as \$150 million a year to the State’s economy. SB 2319 threatens to directly impact the State’s most critical revenue streams while providing no real benefit.

Hawaii Air Tour Task Force

AOPA acknowledges the concerns Senator Thielen highlights in SB 2319 but suggests that these topics be properly evaluated within the newly formed Air Tour Task Force. This group was developed to “address safety and noise issues related to rotor and fixed-wing aerial tours in the state of Hawaii. Community involvement, public outreach, and transparency will be prioritized in all recommendations from the task force to industry and regulators”. This group is made up of subject matter experts and technical advisors from industry and individuals that represent the interest of the State and the Federal Government. AOPA asks that the state look to the Task Force to evaluate next steps regarding noise and safety concerns that have come up in SB 2319.

Summary

We understand the intent of SB 2319, but it is clear the bill as written violates the United States Constitution, specifically the Supremacy Clause of Article VI. The FAA maintains regulatory authority of airspace and access to airspace. Attempting to enact laws that circumvent the FAA’s authority is quite simply, unlawful. There are several avenues available to address the concerns outlined in SB 2319 but allowing this bill to move forward in the legislative process is not one of

them. AOPA looks forward to the State finding a positive, lawful solution which does not include SB 2319 continuing through the legislature as written.

If you have questions or require additional information, please contact me directly at 301-695-2228 or Melissa.McCaffrey@aopa.org

Respectfully,

A handwritten signature in black ink that reads "Melissa McCaffrey". The signature is written in a cursive, flowing style.

Melissa McCaffrey
Government Affairs, Western Pacific Region
Aircraft Owners and Pilots Association, AOPA



Activities & Attractions Association of Hawaii
PO Box 598, Makawao, Hawaii 96768
(808)871-7947 Main (808)877-3104 Fax

Testimony to the

COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair
Senator Breene Harimoto, Vice Chair

COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

Senator Glenn Wakai, Chair
Senator Brian T. Taniguchi, Vice Chair

Monday, February 3, 2020, 1:16 P.M.

Conference Room 225

RE: Opposition to SB2319

RELATING TO RELATING TO TOURISM

Aloha Chairs Senators Wakai & Inouye and Vice-Chairs Senators Harimoto & Taniguchi along with members the committee,

Mahalo for this opportunity to testify, my name is Toni Marie Davis. For the last 23 years, it has been my honor to serve the Activity & Attraction industry of Hawaii through my position as the Executive Director of A3H (Activities & Attractions Association of Hawaii). A3H represents nearly 150 businesses statewide. Our members range in size from very large (over 300 employees) to very small (1-2 employees) aggregated well over 1500 employees/Hawaii residents.

This Bill claims to address Hawaii's "Over Tourism" by restricting sightseeing helicopter & vehicle tours on Sundays. These actions do not address the issue of "Over Tourism" at the root cause, which is directly related to the number and type of visitor.

Sightseeing helicopters tours fall under Federal jurisdiction, specifically CFR Part 136. The state does not have the authority to restrict flights. Regarding vehicle tours:

- Visitor's Don't know Sunday from Monday
- If Visitors want this in-destination experience, they will do one of two things
 - Go on their own in an unguided/less controlled manner on Sunday
 - Go on another day of the week
- ***Both of these options exacerbating the symptom***
- Residents that require transportation for weddings, events, special functions are now limited to Saturday
- Impossible to regulate smaller uberize* tours, which will continue.



Activities & Attractions Association of Hawaii
PO Box 598, Makawao, Hawaii 96768
(808)871-7947 Main (808)877-3104 Fax

This Bill's well-intention to address a symptom of "Over Tourism" would seem to have no forward thought into the ramification of these restrictions.

Please kill SB2319 – it doesn't pass the common sense test.

Some ideas: work with commercial operators to educate our visitors. The two items which cause "over-tourism" are the number of visitors and the quality. Unless you plan on restricting flights to Hawaii our other avenue is to address the quality of visitors. Tour operators, along with Hotels & Airlines, have touchpoints with our visitors (both pre and post-arrival). They should actively educate the visitor on how to visit responsibly while in Hawaii, being Pono.

Address the room inventory; most people do not plan a vacation without a place to stay. The uberization* of accommodations has made this difficult to manage. Each county is making strides to address.

Sincerely,

Toni

Toni Marie Davis
Executive Director

***Uberization** – the action of independent contractors starting up businesses to service the visitor industry competing without the normal regulatory oversight and costs related to a larger corporation with employees. The appeal of these types of entities is an increasing trend for vacationers and appears to be at the root cause of "Over-Tourism" in destinations like Venice, Ireland and Madrid.



February 3, 2020

**TESTIMONY BEFORE THE SENATE COMMITTEES ON
ENERGY, ECONOMIC DEVELOPMENT & TOURISM
AND ON TRANSPORTATION
ON SB 2319 RELATING TO TOURISM**

Aloha Chair Wakai, and Chair Inouye, and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association with 400 members involved in the commercial transportation industry in Hawaii.

HTA opposes this bill.

Our visitor industry is a full time, full service, industry. Taking off on holidays or any day is not a workable formula.

Visitors arrive in, and depart from, Hawaii seven days a week. Some use rent cars, some use taxis or TNC, and many are on tour packages that utilize buses and mini-buses which are the most efficient method of transporting people. A bus takes the place of 27 cars or more, and would not be operating a tour, but a transfer.

We have group arrivals from the East seven days a week, who ARE taken on a tour from the airport while awaiting hotel room readiness. Many from this market have shorter stays and eliminating Sunday group activities makes things very difficult.

So will you prohibit airlines from arriving with, or departing with, visitors?

Will you prohibit cruise ships from disembarking or embarking passengers on Sundays? These passengers move in and out on shore tours utilizing "tour vehicle operators."

Tour vehicle operators also serve the general public. Sunday weddings, and other activities, utilize limousine services which are regulated by the Public Utilities Commission.

Barring activity from PUC regulated carriers opens up new tour business opportunities for fleets not regulated under chapter 271, or who are undaunted by regulations in the first place.

In fact we have already recognized that much of the troublesome activities cited by representatives of various areas are executed by companies who have not, and do not, comply with chapter 271 or with motor carrier safety regulations.

The reputable tour operators are also concerned about this acclaimed "tipping point" in the visitor industry and are interested in helping to devise workable policies to address it, rather than mandating prohibitions to our still number one industry.

Mahalo.

SB-2319

Submitted on: 1/31/2020 1:44:28 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ron howard	Testifying for Stars of Paradise Tours and Attractions	Oppose	No

Comments:

My name is Ron Howard and I am testifying in opposition to SB2319.

Based on my 40 years of experience in the Hawaii Tourism industry, I believe this bill would damage our essential tourism industry dramatically while failing to achieve the intended result of improving sustainability overall.

This bill, should it become law, would send an undeniable message to visitors, tour operators, and airlines that Hawaii no longer welcomes tourists, with frightening but as yet unknown impact.

Our companies, including the "Star of Honolulu", Royal Star Motorcoaches and Tours, Dolphin Star Cruises and our 500 plus employee-owners and their families would be directly hurt by this bill.

Further, we invite unintended negative consequences such as replacement of each of these efficient (bus) vehicles by up to 25 rental cars, taxis, uber, and small vans. A recent and vivid example of this kind of unintended consequences of a regulatory mistake may be seen in the limitations placed on reasonable expansion of Waikiki (and other) hotel rooms in recent decades. As a result of this ill-advised policy, availability of hotel rooms has been restricted making Hawaii a much more expensive destination and forcing visitors to seek alternative overnight lodging, forcing up the cost of rentals and home ownership for our Kamaaina.

We need always to remember that our focus overall must be to IMPROVE access to Hawaii's natural beauty in a planned, positive way by opening more public and private land and beaches for our local and tourist populations alike. Such relatively simple steps as developing "scenic point turn-offs" and rest areas would be a huge move in the right direction.

Finally, Hawaii has become well known the world over for poor management of our woefully neglected key infrastructure, particularly roads and airports, which impacts the negatively the lifestyles of our Kamaaina as well as visitors, let us put our energies into improving here, there is much to be done!

I urge you to withdraw SB2319!

SB-2319

Submitted on: 1/31/2020 4:49:06 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Curry	Testifying for Akina Tours & Transportation/Akina Bus Service	Oppose	Yes

Comments:

Dear Senators:

I am opposed to **SB2319**. Working closely with the Activities & Tours industry and Destination Management Companies in Hawaii since 1986, I'm aware of the ripple effect impacting not only transportation, but activities & tours, cruise ship, restaurant, and hotel concierge resellers.

As a transportation provider, my immediate reaction is to imagine just how murky the waters might be, were SB2319 to pass. While this is in review in committee, I have a few thoughts to consider:

- **Airport Transfers.** Clearly, SB2319 must not intend on prohibiting airport transfers to/from the island. Right? So, how is law enforcement to distinguish between branded tour vehicles transferring passengers to/from the airport from one operating a tour? The vehicles used are often one and the same. Would the mere existence of an airport access decal on a vehicle bumper be enough to escape scrutiny? Or will administration be through the honor system? Would driver narration be prohibited on such transfers to keep them from becoming a "tour"? How about any deviation from a direct route from the hotel to the airport? Often we are requested to provide a meal/city stop along the way to the airport for departing guests as a delay before a late flight. Since guests are asked to check out of their hotel by 11am if this practice were prohibited, guests wouldn't have anywhere to be until their flight departs at night.
- **Cruise Ships.** Every Sunday, Pride of America pulls into Kahului Harbor at 7:00AM and passengers on board expect to be able to see the island. If this legislation passes, will passengers on board be stranded in port? Will they be prohibited from hiring their own unmarked vehicles (Uber/Lyft) hence bypassing the institutional tours available? This will give birth to an infestation of "underground tours" on the islands. Suddenly, rogue tour vehicles would then be embarking on even more "unique" areas by drivers who have no experience conducting tours, perhaps without proper insurance, and not educated on where they can/cannot operate. Because they may "pass" for passenger vehicles, they might then just enter areas that are currently prohibited.

A complete retooling of Cruise Ship port of call days in Hawaii would be the long-term impact if this Bill were to pass, most likely making Sundays a day at sea. Getting testimony from Cruise Ship operators would be helpful to learn what that new port schedule might become, and how it might impact our related industries that have become dependent upon cruise ship visitors over the years.

- **Weddings.** Sundays are a popular day for the wedding industry. Because it will be argued that weddings are part of spiritual practice, they will be inevitably deemed exempt from **SB2319**. So, if transportation to/from churches would be exempt, would it be limited to just houses of worship? Wouldn't the spiritual practice exemption cover anywhere a minister might go, including beaches, parks and other venues? What about the 200 wedding guests expecting to attend? Who will be the judge to determine where the wedding participants can or cannot be transferred after the ceremony? Once at a reception hall with alcohol present, would this Bill prevent wedding guests from safe transport back to their hotel?
- **Dine-Arounds/Galas.** Will hotel transfers to events such as off-site galas and dinners be prohibited on Sundays? The Meetings Incentives, Conventions & Exhibitions [MICE] industry often hosts dine-arounds which incorporate motor vehicle transfers to/from private event sites as well as established restaurants. Are those considered "tours" or will they be exempt as well?
- **Small Businesses May Be Hurt.** Tour buses often visit commercial establishments such as Alii Kula Lavender, Maui Ocean Center, or Maui Tropical Plantation and small restaurants. Small businesses that have relied on visitor dollars would feel the crunch, because transport would not be accessible to bring them visitors on a popular day. Sites designed for tourism do not directly impact the footprint of nature in Hawaii's beaches and parks. Removing the choice of using a tour vehicle that could take visitors off on an adventure to these venues is a bad idea. Visitors may be left with little choice other than to use nearby public beach parks on Sunday instead.

While I can appreciate the cause behind overtourism, careful thought must be given before blanketly prohibiting all tour vehicles on Sundays.

Respectfully,

Kevin Curry

Business Development Manager

Akina Tours & Transportation

Waikīkī Transportation Management Special Improvement District



*Making Waikīkī better,
One curb at a time.*

**Testimony of Rick Egged
President, Waikīkī Transportation Management Special Improvement District
to the
Hawai'i State Senate Committees:
Energy, Economic Development and Tourism and Transportation
Monday, February 3, 2020**

**In strong opposition to
SB 2319 Relating to Tourism**

Aloha Chairs Inouye and Wakai and Members of the Committees,

I am submitting testimony in strong opposition of SB2319 Relating to Tourism in my capacity as the President of the Waikīkī Transportation Management Special Improvement District (WTMSID).

Waikīkī sits at the heart of Honolulu's tourism economy. The special improvement district was conceived to assist in preserving this unique resource. It was created by private passenger carriers joined by other business, freight carriers, resident, and City and County of Honolulu members. The Waikīkī Transportation Management Association (WTMA) was established to coordinate and assist in the management of certain transportation operations within Waikīkī under the purview of the WTMSID.

On any given day on O'ahu, thousands of people are transported to shopping, sightseeing, historical and remembrance visits. Thousands make connections to the airports and cruise ships. Thousands come to Honolulu on packaged tours with prepaid transportation and activities. Many transportation companies run on daily schedules offering passengers expected transportation to these destinations and activities.

Sunday operations are one-seventh of tour and transportation operators' business. Ceasing operations on Sundays would impact thousands of jobs. Jobs would be impacted directly in the tour and transportation operations. Many more jobs would be negatively impacted in the locations they serve. Tours include transportation to Pearl Harbor museums, Punchbowl, luaus such as Paradise Cove and activity destinations such as the Polynesian Cultural Center and Kualoa Ranch. Shopping destinations such as Ala Moana Center, the Waialeale Outlets, and the Aloha Stadium Swap Meet and Marketplace would be negatively impacted. Water tours requiring transportation such as snorkeling, sightseeing, and dinner cruises would be negatively impacted.

Cruise ships call at O'ahu, Kaua'i, Hawai'i and Maui on Sundays. Tour operators would be severely impacted if they were prevented from offering services on Sundays. The businesses they serve would also be negatively impacted. These include iconic stops at the Big Island Candies; macadamia nut, coffee, chocolate, and other farms; and, providers of paddle, canoe, surfing, bicycling and other experiences and equipment usually operated by small business.

We appreciate the motives behind the bill; but this bill does not address the problems of visitors staying in residential and more remote areas nor in the underfunding of tourism management and site maintenance mentioned in the University of Hawai'i Paper. We urge the Committees to vote against moving the bill forward.

Mahalo for the opportunity to testify.

2250 Kalakaua Avenue, Suite 315; Honolulu, HI 96815
808-923-1094; TMAWaikiki@gmail.com

SB-2319

Submitted on: 2/1/2020 1:40:00 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
G. Richard Schuman	Testifying for Schuman Aviation Company Ltd dba Magnum Helicopters	Oppose	No

Comments:

Aloha All

I oppose this bill.

As you might know, all aircraft while in the air is subject to Federal Regulations. I ask that you table this bill until the State Senate can receive a breif from the State Attorney General on the leagalities of such a bill.

The Helicotper Tour companies have been attending neighborhood board meetings and have altered flight paths to accomadate specific areas voluntary. The specific area like Diamond Head and Aloha Stadium have Air Traffic Control restrictions for safety and helicopters have no choice in the altitude they must fly.

Thank you for your consideration

Richard Schuman - President

Magnum Helicopters

SB-2319

Submitted on: 2/2/2020 9:52:40 AM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Testifying for Friends of Hanauma Bay	Support	No

Comments:

To: COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

Senator Glenn Wakai, Chair

Senator Brian T. Taniguchi, Vice Chair

To: COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair

Senator Breene Harimoto, Vice Chair

Re: SB2319 RELATING TO TOURISM

Hearing: Monday, February 3, 2020 1:16pm Conference Room 225

Position: STRONG SUPPORT

Aloha Chair Wakai, Chair Inouye, and Committee Members,

Friends of Hanauma Bay has advocated for the protection, preservation, and restoration of Hanauma Bay for 30 years, and the majority of our members are residents of Hawaii. We thank you for the opportunity to testify in STRONG SUPOORT of this bill.

Hanauma Bay has been inundated by tourism to such an extent that only approximately 15% of its over 1 million visitors a year are residents. Tour vehicles park along the streets in the Portlock neighborhood taking up residential parking, and tour helicopters overfly Hanauma Bay and its surrounding residential areas.

Having a pause on tour vehicle and tour aircraft operations on Sundays will help mitigate the overwhelming commercialization of our neighborhoods, and help residents reclaim their access to our treasured Hanauma Bay.

Please support and pass SB2319 which will help Hawaii residents reclaim our natural resources and neighborhoods for one day a week.

Mahalo,

Lisa Bishop

President

Friends of Hanauma Bay

SB-2319

Submitted on: 1/31/2020 2:14:30 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Support	No

Comments:

SB-2319

Submitted on: 1/31/2020 8:04:56 PM

Testimony for EET on 2/3/2020 1:16:00 PM

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

Comments:

I would like to support SB 2319.

The Hawaii air tour industry is virtually unregulated and has severely negatively impacted the residents of the state of Hawaii.

SB 2319 is the first step for peace, serenity, and quality of life for our residents.

Mahalo

SB-2319

Submitted on: 1/31/2020 1:06:52 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Want	Individual	Support	No

Comments:

Dear Chairs Wakai & Inouye, Vice Chairs Taniguchi & Harimoto, and Members of the Committees:

My whole family strongly supports this measure that limitw tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday. This is a reasonable restriction necessary to offer Hawaii residents a respite from the negative impacts of overtourism.

With the growth in the number of tourists, it has become very difficult to enjoy any outdoor activities without being overwhelmed by tour vehicles and tour aircraft. A restriction of one day a week will offer everyone a much needed respite during the week.

Thank you for this opportunity to testify in support of this bill.

SB-2319

Submitted on: 2/2/2020 10:40:18 AM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ralph Bishop	Individual	Support	No

Comments:

These restrictions are needed now. While tourism can be good for our economy and our environment, we are today threatened in our way of life, our environment, and our quality of life. Pass this legislation.

LATE



February 3, 2020
1:16 p.m.
Conference Room 225

COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM
COMMITTEE ON TRANSPORTATION
Senate Bill 2319

Aloha Chair Wakai, Chair Inouye, Vice Chair Taniguchi, Vice Chair Harimoto and members of the committees,

The Hawaii Helicopter Association opposes the language in SB 2319 which prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State and establishes penalties for violations.

We oppose SB2319. Almost all tour aircraft take off and land at airports operated by the State of Hawaii. All state airports in Hawaii receive funding from the FAA Grant Assurances programs. To restrict only tour aircraft operations from airports in the State of Hawaii would be unjustly discriminatory and, we believe, may jeopardize the funding that the airports rely upon for their continued safe operations for all aircraft.

We note, in language from SB3107 also introduced in the Hawaii State Legislature this session, "The legislature notes that its options for regulating air tourism are limited due to federal preemption. The state department of the attorney general, in its March 21, 2019, testimony before the State House Committee on the Judiciary, stated that "Congress, by its enactment of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972, preempted state and local control over aircraft noise". At issue was proposed legislation that would, in part, make it unlawful for any person to operate certain air tourism aircraft within one mile of any residential neighborhood, except at certain times or on holidays. In the opinion of the department of the attorney general, the restriction in question fell "squarely within the type of aircraft regulation that the federal government has preempted"."

The Hawaii Helicopter Association is a non-profit organization that interacts with communities and local, state, and national government in order to ensure responsible helicopter operations in Hawaii.

<https://hawaiihelicopterassociation.org>



LATE

February 3, 2020

TESTIMONY SUBMITTED TO:

STATE OF HAWAII, SENATE, COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM & COMMITTEE ON TRANSPORTATION

Chair Wakai, Chair Inouye, Vice Chair Taniguchi, Vice Chair Harimoto and members of the committees

SB2319 RELATING TO TOURISM

Jack Harter Helicopters opposes the language in SB 2319 which prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State and establishes penalties for violations.

Senator Kouchi introduced SB3107 during this legislative session. The following language appears in the Senator's bill,

“The legislature notes that its options for regulating air tourism are limited due to federal preemption. The state department of the attorney general, in its March 21, 2019, testimony before the State House Committee on the Judiciary, stated that "Congress, by its enactment of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972, preempted state and local control over aircraft noise". At issue was proposed legislation that would, in part, make it unlawful for any person to operate certain air tourism aircraft within one mile of any residential neighborhood, except at certain times or on holidays. In the opinion of the department of the attorney general, the restriction in question fell "squarely within the type of aircraft regulation that the federal government has preempted".”

The language in SB2319 that would make it unlawful to operate an aircraft conducting an air tour on Sundays would be challenged because of the federal preemption.

Additionally, the Federal Grant Assurances that fund a significant portion of the State of Hawaii's airports, would be at risk due to the discriminatory treatment of air tour operators that the language in this bill would cause to occur.

Jack Harter Helicopters, Inc. is a Hawaii-based and family-owned helicopter tour, charter, utility, and external load operator based on Kauai. We operate 4 helicopters daily and directly employ 37 Hawaii residents and the downstream benefits to the economy in the state are quite wide. Jack Harter began flying on Kauai in 1962 and the company he founded has developed and maintains a mutually-respectful relationship with the lands and people we fly over on all of our missions.

Thank you for considering our testimony and we urge your committee to **oppose passage of SB2319** through your committee.

A handwritten signature in cursive script that reads "Casey Riemer".

Casey Riemer
Special Project Manager

Monday, February 3, 2020

Aloha to the Members of the Committees:

I am submitting testimony in opposition of SB2319 Relating to Tourism as the Managing Director and Vice President of Star of Honolulu Cruises & Events, celebrating 63 years of service and Royal Star Motorcoach Tours and Destination Services celebrating over 24 years servicing our community and visitors.

On any given day throughout the State, thousands of people participate in shopping, sightseeing, activities, tours and historical and remembrance visits while thousands make connections to the airports and cruise ships. Ceasing operations on Sundays would impact thousands of jobs, loss of tax revenues for the State as business revenues can't be replaced nor the popularity as a destination would be greatly impacted.

Cruise ships and airline flights on O'ahu, Kaua'i, Hawai'i and Maui operate on Sundays require transportation. Tour operators would be severely impacted if they were prevented from offering services on Sundays as well as businesses they serve.

I can appreciate the motives behind the bill; but this bill does not address the problems of visitors staying in residential and more remote areas nor in the funding of tourism management and site maintenance mentioned in the University of Hawai'i Paper. We urge the Committees to vote against moving the bill forward.

Very truly yours,

Layne H. Wada

LATE

SB-2319

Submitted on: 2/2/2020 10:29:10 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Calvin G. Dorn	Testifying for -Paradise Helicopters	Oppose	No

Comments:

Aloha Chair Wakai, Chair Inouye, Vice Chair Taniguchi, Vice Chair Harimoto and members of the committees,

On behalf of Paradise Helicopters, I oppose the language in SB 2319 which prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State and establishes penalties for violations.

I oppose SB2319. Almost all of our aircraft take off and land at airports operated by the State of Hawaii and funded in with FAA Grant Assurances. To restrict only tour aircraft operations from airports in the State of Hawaii would be unjustly discriminatory and, may jeopardize the funding that the airports rely upon for their continued safe operations for all aircraft.

SB3107 also introduced in the Hawaii State Legislature this session recognizes that the State legislature is preempted by the federal government for air commerce. In addition, SB2319 places a financial burden on all tour operators by limiting their potential income by 14% by restricting operations on Sunday. Sometimes the only flyable day may be a Sunday due to inclement weather thus further impacting the economic hardship of the bill. Many visitors have a limited number of days to spend in Hawaii and this bill would reduce activities available to visitors by prohibiting all tour vehicle usage on Sundays. The reduction in income for the businesses will translate into reduced wages and decreased spending by visitors.

Since coming to Hawaii in 1990 I have heard a vocal minority complain about the noise generated by helicopters. I agree that at times helicopters can be noisy, but they do not exceed the sound level guidelines established by the Department of Health. Shutting down operations one day a week will not address the noise issue but will reduce the number of days our visitors will be able to engage in these activities..

LATE

SB-2319

Submitted on: 2/2/2020 2:11:28 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marc Rubenstein	Testifying for Polynesian Adventure Tours	Oppose	No

Comments:

Testimony to the

COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

Senator Glenn Wakai, Chair

Senator Brian T. Taniguchi, Vice Chair

COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair

Senator Breene Harimoto, Vice Chair

Monday, February 3, 2020, 1:16 P.M. Conference Room 225

RE: Opposition to SB2319 RELATING TO RELATING TO TOURISM

Aloha Chairs Senators Wakai & Inouye and Vice-Chairs Senators Harimoto & Taniguchi along with members the committee,

Mahalo for the opportunity to testify, my name is Marc Rubenstein. I am the Senior Vice President / COO for Polynesian Adventure Tours (Poly Ad). Poly Ad employs over 350 people on 4 islands throughout the State of Hawaii, and has been in business supporting the local economy since 1977.

This bill, while intended to improve the lives of residents, is deeply flawed, and will in fact do the opposite.

First, this bill appears to be an easy, quick fix, but in fact would be disastrous to the Hawaii economy. Hundreds of thousands of people will be impacted who need transportation on Sundays: airport arrivals and departures (not to mention the negative impact on airport tax revenue when airlines have to cease operations. This will affect the State's ability to service their bond obligations), luaus, dinner cruises, conventions, employee shuttles, etc. It goes completely against common sense, and reinforces the "anti-business" reputation the State currently has.

This bill would have a huge negative impact on employee wages, income tax revenue, and the simple ability for local businesses to remain economically viable. Hawaii businesses are overburdened as it is, so a decrease of 14% in operations would be devastating. Hawaii residents already struggle to make ends meet due to the high cost of living. This will decrease their income and raise costs - the exact opposite of what you should be working towards.

Next, it simply will not fix the issue you are trying to address. Visitors will continue to find their ways to the spots they want to visit and you are trying to keep them out of. They will rent cars, or take Uber/Lyft or other TNC options.

Travel by commercial vehicle reduces congestion and carbon footprint. Having 55 passengers on a motorcoach is the greenest form of mass transportation, and translates into 25 fewer cars on the road per motorcoach.

Additionally, the State has no authority to regulate aircraft operations, as you know. It is federally regulated.

I strongly urge you to vote NO on SB 2319, for the sake of our residents and our economy.

Thank you.

Marc Rubenstein

LATE

SB-2319

Submitted on: 2/3/2020 7:47:53 AM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marc Takeuchi	Testifying for Aloha V.I.P. Tours, Inc.	Oppose	No

Comments:

Aloha,

By not allowing tour vehicles to operate on Sundays, you will be crippling us and harming the visitor. With the hike in minimum wage, business is challenging enough for a small business like ours. But to then cut our sales potential by almost 15% would be catastrophic. We have been a local, family run company servicing visitors of Hawaii since 1981, and it would be a shame if we had to close our doors. Please think of our company when making your decisions.

Visitors don't come to our beautiful islands to sit in their hotel rooms. By limiting their options, you are only helping alternative destinations such as Mexico, the Carribean, etc. To compound things, we live in a tropical State, and tours are cancelled and rescheduled all the time due to weather. By eliminating Sundays, that means more visitors will be forced to return home without a chance to reschedule and without precious memories and fun that could influence friends and neighbors to visit our Islands.

It may seem small and a bit far fetched, but the way our industry is going at this moment, we can't afford any dip in business. Especially one that is self inflicted and easily avoided. Please don't be fooled by manipulated stats to think Tourism is booming and stronger than ever. There are too many long established companies closing their doors or selling to larger companies because it is a struggle right now. Help us, don't hurt us. Thank you for your time and consideration.

Mahalo,

Marc Takeuchi

President

Aloha V.I.P. Tours, Inc.

LATE

SB-2319

Submitted on: 2/2/2020 7:18:03 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Meehan	Individual	Support	No

Comments:

I believe that the bill that Senator Thielen has introduced is a practical and thoughtful approach to ensuring that at least one day per week, the families and individuals communities across this wonderful state have priority over tourists and others who frequent the islands. It will help reduce traffic, noise, congestion in our parks and on our beaches. It is a practical approach to sharing our resources. I strongly encourage support for this legislation within the Senate.

LATE

SB-2319

Submitted on: 2/3/2020 4:36:54 AM
Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Oh	Individual	Oppose	No

Comments:

Sunday operations are one-seventh of tour and transportation operators' business. Ceasing operations on Sundays would impact thousands of jobs. Jobs would be impacted directly in the tour and transportation

operations. Many more jobs would be negatively impacted in the locations they serve.

As a member of the visitor industry, I strongly oppose SB2319

Michael J. Oh

LATE

SB-2319

Submitted on: 2/3/2020 7:58:45 AM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
philip browning	Individual	Support	No

Comments:

Thank you for reading my testimony , I support Bill SB2319

My wife and I live in our home just outside of kalama valley , and are subject to daily tour helicopter traffic . Despite what the helicopter tour industry will tell you they fly very low , and directly over over our home . I invite any member on the panel to come and spend a day with us at our home. The helicopter noise is incredibly loud, constant throughout the day , and has significant impact on the quality of our lives. They could easliy fly along the coast but choose not to do the right thing. Now the issue is not only noise but safety !! The recent crashes of helicopters in our state indicate this activity comes with significant risks, and lam positive no home owner in the flight paths of these tour helicotopers have accepted or signed any waiver to agree to those potential risks of a crash. Who are tour helicopters executives accountable to ? Why is it ok for an industry that creates this significant negative impact, and serious potential risks to communities, allowed to not have any regulatory oversight . This bill, although it does not address flight paths, it does help address the serious noise and quality of live issue. Please help us , thank you very much

Philip Browning

COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM
COMMITTEE ON TRANSPORTATION
Senate Bill 2319

LATE

Aloha Chair Wakai, Chair Inouye, Vice Chair Taniguchi, Vice Chair Harimoto and members of the committees,

On behalf of Paradise Helicopters, I oppose the language in SB 2319 which prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State and establishes penalties for violations.

I oppose SB2319. Most of our aircraft operate from State of Hawaii and funded in with FAA Grant Assurances. To restrict only tour aircraft operations from airports in the State of Hawaii would be unjustly discriminatory and, may jeopardize the funding that the airports rely upon for their continued safe operations for all aircraft.

As a group of Helicopter Air Tour operators, we have taken many steps to reduce our noise signature and fly more neighborly. We've started the Hawaii Helicopter Association, continually self-regulate our pilots, we've purchased noise reduction equipment, trained our pilots on varying routes, trained our pilots on how to reduce our noise signature and worked with the local community either by round table or phone to address concerns. We understand we must continue dialogue to achieve the best solution for all parties. As the Director of Safety for Paradise Helicopters I fear reducing our operating window by not allowing us to fly on Sunday will put induced pressure on our pilots to fly. Sometimes the only flyable day may be a Sunday due to inclement weather thus further impacting the economic hardship of the bill. Many visitors have a limited number of days to spend in Hawaii and this bill would reduce activities available to visitors by prohibiting all tour vehicle usage on Sundays. The reduction in income for the businesses will translate into reduced wages and decreased spending by visitors.

Hawaii is a destination and I believe Air Tour operations are the best way for our visitors to see the beauty of Hawaii and the history of our State. We are some of the best ambassadors Hawaii has to offer. Thank you for your consideration.

LATE

SB-2319

Submitted on: 2/3/2020 4:36:19 PM

Testimony for EET on 2/3/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jean Navarra	Testifying for HIS Hawaii	Oppose	Yes

Comments:

This Bill is poorly written and far overreaching. I would like to point out some consequences from the Bill that seem to have been overlooked.

1. Airport Transportation. As written, this ban also bans airport transportation.
2. Taking visitors to Destinations. This would close down all luaus on Sunday, Waimea Valley, Sea Life Park, The Battleship Missouri, The Pacific Aviation Museum, the Bowfin, All Dinner Cruise Boats, All Submarines and other destinations. You are seeking to have all the thousands of people in the tour industry lose 1/5 of their pay so that a few people in Kailua aren't inconvenienced.
3. The state would lose a lot of tax income. Can the state afford that?
4. HTA has hired a cruise ship consultant to bring more ships to Hawaii. But we're going to lock them aboard? The Pride of America is in Maui every Sunday. And Many ships passing through one island or another on Sunday.
5. Waikiki Trolleys? Between Waikiki Trolley and Lea Lea Trolley, thousands of people per day are transported. What's your solution for them? A vehicle that holds 50 people is much superior to those uber drivers that hold 4. And is there that many uber drivers on the island? I doubt it.
6. Conventions and the DMC industry. No transportation between Waikiki Hotels and the conventions center? What about the conventioners who bring their spouse, who then goes on many tours? And the DMC business...
7. Who chooses the people who lose 1/5 of their income? This affects a lot more people than the few people in Kailua who want perfection all around them.
8. Constantly painting the tour industry as the bogeyman who causes all the problems is not going to solve anything.
9. This is not the correct way to solve an overcrowding problem. Instead of cutting back and banning places, the solution is to ADD more places. The Makapu`u Lookout

was built for the tour industry. Then politicians banned commercial vehicles. People in Waimanalo are not stopping there on their way home everyday. Around 100 commercial vehicles pass that lookout without stopping every day. Imagine if they did stop, for 10 minutes each. That's 1000 minutes that buses are taken off the road. What about Sacred Falls? If that lookout was reopened that's hours of buses off the road. Make the crowded beaches have a safer access. The legitimate bus companies are not dropping people off on the beach. They want a 15 minute photos stop. Devise some better parking and safer access. And perhaps a beach park can be built specifically for the tour industry. Large parking spaces, bathrooms. Sell an annual pass.

10. Do not underestimate the professional Tour guide. I know many Tour guides who have been driving this island for over 40 years. You do not achieve that without being passionate about your job and dedicated to the island. Would you rather have 50 visitors being driven around and supervised by one of these professionals? Or 25 rental cars on the road with no supervision. Or even worse, Uber drivers, who are exempted from this, and cause many problems.

11. I can imagine the PR nightmare that were to arise if this passes. How does this make Hawaii look?

12. I can also imagine that perhaps the person who wrote this bill did it so badly because this may not have been the intent. Perhaps they were really going after Circle Island tours. And they are hoping this leads to a compromise that gets them that. But they stop at Waimea Valley, and Byodo-IN amongst other places. So you are still shutting down many companies.

13. I'm not sure what the intent was to roll vehicle tours up into a bill with helicopters as the two industries are not the least bit similar.

14. Please stop trying to control things through punitive measures. Offer new opportunities instead. Get creative. Give the tour companies someplace to go.

Thank you,

Jean Navarra

HIS Hawaii



POLYNESIAN HOSPITALITY

330 Pacific Street, Honolulu, Hawaii 96817 • Phone (808) 526-3565 Fax (808) 521-5917 • www.phthawaii.com

LATE

Aloha Chairs Wakai and Inouye and Members of the Committee.

I am Michael Kobayashi, President and CEO of Polynesian Hospitality Transportation Company and Kobayashi Travel Service.

I am submitting testimony regarding HB 2319. I am opposed to this bill as currently stated.

We are a three generation family business with our Hawaii business roots starting in the 1890's with a modest wooden two story hotel named Kobayashi Ryokan on S. Beretania Street. At that time, we were mainly servicing clientele arriving on Japanese vessels in Honolulu Harbor as well as some local customers coming in from the outside islands. Since then, we started Kobayashi Travel on Oahu and in Hilo in the 50's serving both outgoing and incoming passengers, our transportation company in the 70's, and lastly created The Tour Shop, a tour wholesale company in later years.

Since our humble beginnings, we have been servicing our clientele on a daily basis till present day and have realized that every day is in fact important to our customers and our staff. Our whole concept is based on servicing both our outbound and inbound clientele as our employees are ready and able to provide the best value to experience the magic of our islands throughout their entire stay.

I am also passionate about the issue of Over Tourism and I truly believe we must be responsible and proactive to protect our valuable resources here in our islands. We need to be a part, alongside with our lawmakers, to listen and communicate with our local communities and work openly and honestly taking all concerns to heart to come to a workable solution.

Respectfully,

Michael Kobayashi