

SB-2649

Submitted on: 2/17/2020 3:06:32 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Claudine Tomasa	Testifying for Kailua Neighborhood Board #31	Support	No

Comments:

Testimony in Support of SB2649

Aloha Chair Rosalyn Baker, Vice Chair Stanley Chang, and members of the Senate Committee on Commerce, Consumer Protection, and Health.

My name is Claudine Tomasa I am a member of the Kailua Neighborhood Board #31 and I Chair the Committee on Public Safety Public Health and Civil Defense.

I am testifying in support of SB2649, relating to Tour Aircraft, and amends HRS Section 261-12 to require tour aircraft operation permit holders to equip their aircraft with FAA approved safety devices. SB2649 also provides that No permit shall be authorized unless the tour aircraft is fitted with a flotation device and an automatic dependent broadcast device which have been approved by the United States Federal Aviation Administration.

The increased regulation serves to protect the safety of people /citizens living **on the ground** as well as the safety of passengers and aircrew of tour aircraft/helicopters. Commercial Tour operations need to move their flight routes offshore by one mile to ensure the safety of innocent people living below. The required flotation devices and the ADS-B makes it safer for operators to fly away from current unsafe inland routes.

On April 29, 2019 -a little before 9:00 a.m. on a regular work/school day- Kailua experienced a fatal tour helicopter crash on Oneawa Street. The three people on board did not make it, but Miraculously, no one in this highly populated residential area was injured or killed.

This was the third commercial /tour helicopter crash in the Windward Oahu area within a six month period between -October 28, 2019 and April 29, 2019. Many community members expressed serious concerns about public safety for people **on the ground**.

Subsequently the Kailua Neighborhood Board formed a Subcommittee on Low Flying Helicopter Flights Over Kailua; and on September 5, 2019, the entire Kailua

Neighborhood Board passed a Resolution Relating to Public Safety and Urgency To Support Stringent Regulations and Enforcement of Tour Aircraft Operations Over Kailua. Copies of the Resolution were distributed to our Elected Federal, State, and City Representatives.

In the interest of Public Safety, I urge members of the Transportation Committee to support and pass SB2649. Thank you for allowing me to testify in support of this Bill.

SB-2649

Submitted on: 2/16/2020 5:22:16 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Veray	Testifying for Pearl City Neighborhood Board Chair	Support	No

Comments:

I am submitting this testimony on behalf of the Pearl City Neighborhood Board No. 21 and the reason for support to SB2649 is related to our passed Board Resolution.

SB-2649

Submitted on: 2/18/2020 1:54:50 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
bob ernst	Testifying for hicop	Support	No

Comments:

HICOP TESTIMONY ON SENATE BILL 2649

SENATE COMMITTEE on COMMERCE, CONSUMER PROTECTION and HEALTH

Senator Rosalyn Baker, Chair Senator Stanley Chang, Vice Chair

SENATE BILL 2649 TESTIMONY IN STRONG SUPPORT

Thursday, February 20, 2020 State Capitol Conference Room 229 10:00 AM

Aloha Chair Baker, Vice Chair Chang and Committee Members Senators Fevella, Keohokalole, Nishihara, Ruderman and Thielen,

Senate Bill 2649, Relating to Tour Aircraft, amends HRS Section 261-12 to require tour aircraft operations permit holders to equip their aircraft with FAA approved safety devices.

SB 2649 essentially provides that no tour aircraft operation shall be permitted at any State airport without having a permit and no permit shall be authorized unless the tour operator's aircraft are equipped with the following:

A. Flotation devices. These include aircraft flotation pontoons and personal flotation devices for all aircraft occupants as required by FAR 14 CFR Part 136, appendix A specific to Hawai'i.

B. Automatic dependent surveillance-broadcast (ADS-B) devices. This is in compliance with the federal remote tracking and public identification system required as of January 1, 2020 by FAR 14 CFR Part 91.225.

These requirements, when included under Hawai'i Revised Statutes Section 261-12, will help ensure tour aircraft and operator compliance with federal regulations. Further, additional remedial avenues are advocated to be enacted:

In addition, this proposed legislation originally included:

C. All Tour Aircraft Permit Holders will be required not to allow the noise footprint from their aircraft enter any occupied properties.

but was mistakenly omitted in the drafting of SB 2649.

Please amend SB 2649 to include previously mistakenly omitted paragraph C. above.

These are all common sense requirements for tour copter operators to comply with to receive a mandated Hawaii TOUR AIRCRAFT OPERATORS PERMIT

The original proposed legislation also included:

PERMIT DENIAL AND PERMIT RESCISSION:

1. Failure to comply with the above requirements will result in denial of permit and/or rescission of permit.

Please include this as part of SB 2649.

The testimony on Hawaii SB 3154 was/is very revealing and since SB 2649 contains the same/similar language a review of that testimony is enlightening.

https://www.capitol.hawaii.gov/Session2020/Testimony/SB3154_TESTIMONY_TRS-EET_02-03-20_.PDF

Please read the excellent testimony in favor of SB 3154 from Michelle S. Matson O'ahu Tour Helicopter Safety and Noise Inter-Action Group Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board #5 DLNR Diamond Head Citizens Advisory Committee, Bryon Lee HICoP Board Member, Dan Brown Kailua Neighborhood Board and Oahu Tour Helicopter Safety and Noise Interaction Group, Keith Caywood Kaimuku Neighborhood Board and Oahu Tour Helicopter Safety and Noise Interaction Group'

Below the AG, Calvin Dorn Paradise Helicopters, Jack Harter Helicopters, Hawaii Helicopter Association, Schuman Aviation and AOPA all testified against the common sense safe and Aloha requirements of SB 3154. Unconscionable that the tour copter industry and the top law enforcement officer of Hawaii reject commonsense safety and Fly Aloha requirements and try to hide behind the protection of the whistle blower alleged collusion and corrupt FAA, the FAA which has totally abdicated it's responsibilities and duties in Hawaii nei.

This abhorrent behavior beckons the State of Hawaii to fill the void and this SB 2649 with included amendments does just that.

1. The Hawaii State Attorney General Claire Connors said the State of Hawaii must continue to Permit unsafe copters to continue to fly over our homes risking a copter crashing into our homes since tour copters in Hawaii have a track record of crashing at random. including when they crash into the water of this water surrounded Island State without NTSB mandated flotation, and no one knows when and where they crashed because the copters do not have ADS-B location technology. AG Connors says safety requirements can not be added by the Hawaii Legislature to the existing Hawaii Tour Aircraft Permit prerequisites. Too bad that AG Connors does not put more effort into "can do" instead of "no can"!

"The Department of the Attorney General provides the following comments, and respectfully suggests that changes be considered if the bill advances. The purposes of this bill are to: (1) require the Department of Transportation to adopt rules that require verification that an applicant for a tour aircraft permit has fitted the aircraft with flotation equipment approved by the Federal Aviation Administration (FAA), and that the applicant has equipped the aircraft with, and uses during operation of the aircraft, an automatic surveillance-broadcast system; (2) require all tour aircraft operators to comply with the National Transportation Safety Board (NTSB) safety recommendations; and (3) restrict tour aircraft operators from operating within an undetermined distance from residential property. The bill as drafted is subject to a preemption challenge. The FAA preempts the entire field of aviation safety from state regulation. *Montalvo v. Spirit Airlines*, 508 F.3d 464, 469 (9th Cir. 2009)."

HICoP comments; You would think that Attorney General Connors would strive to address the tour copter debacle safety issues and find a way to protect those on the ground as well as those utilizing the totally nonessential tour copter thrill rides. HICoP called the AG requesting same but it appears the AG is more interested in harassing Hawaii non-profits such as Kahea.

2. Calvin Dorn, owner operator of Paradise Helicopters opposes all the safety requirements of SB3154.

" As an owner operator of a small business helicopter company employing 100 people throughout the State I oppose the language in SB 3154 requiring verification that an applicant for a tour aircraft permit has fitted their aircraft with Federal Aviation Administration approved flotation equipment and additionally requires verification that

an applicant for a tour aircraft permit has equipped their aircraft with and uses during operation an automatic dependent surveillance-broadcast system. This bill also requires tour aircraft operators to comply with the National Transportation Safety Board safety recommendations and prohibits any tour aircraft operator from operating an aircraft near a residential property."

HICoP comments; Calvin knowing that one of his copters could crash at any time you would think he would want them to have the safety equipment specified in SB3154, safety equipment recommended by the NTSB for Hawaii, and mandated by the FAA except on Hawaii Island and Kauai, and that furthermore Calvin would not want to have his copters crash into our homes/occupied areas, as tour copter crashes happened so recently in Kailua and Pearl Harbor etc..

3. Jack Harter Helicopters opposes the safety requirements in SB 3154 including NTSB recommended flotation, FAA required ADS-B and Jack Harter wants to continue to fly over our homes with the associated risk of crashing into our homes.

"Jack Harter Helicopters opposes the language in SB 3154 requiring verification that an applicant for a tour aircraft permit has fitted their aircraft with Federal Aviation Administration approved flotation equipment and additionally requires verification that an applicant for a tour aircraft permit has equipped their aircraft with and uses during operation, an automatic dependent surveillance-broadcast system. This bill requires tour aircraft operators to comply with the National Transportation Safety Board safety recommendations and prohibits any tour aircraft operator from operating an aircraft near a residential property."

4. The Hawaii Helicopter Association opposes the language in SB 3154. It is presumed this HHA statement applies to all HHA members: Founding HHA members include Novictor Helicopters, Paradise Helicopters, Safari Helicopters, Sunshine Helicopter, Air Maui, Blue Hawaiian Helicopters, Hawaii Helicopters, Jack Harter Helicopters, Hawaii Pacific Aviation, and Island Helicopters.

" The Hawaii Helicopter Association (HHA) opposes the language in SB 3154 requiring verification that an applicant for a tour aircraft permit has fitted their aircraft with Federal Aviation Administration approved flotation equipment and additionally requires verification that an applicant for a tour aircraft permit has equipped their aircraft with and

uses during operation an automatic dependent surveillance-broadcast system. This bill requires tour aircraft operators to comply with the National Transportation Safety Board safety recommendations and prohibits any tour aircraft operator from operating an aircraft near a residential property."

HICoP comments; Again, HHA opposes, flotation which is recommended by the NTSB for all tour copters operating in the Island/Pacific Ocean State of Hawaii (Common Sense?) since late 1900s as a result of deadly crashes in water and probably would have saved the 16 year old boy in the recent Pearl Harbor deadly in water crash, ADS-B which is FAA mandated Nation wide but not in Hawaii Island/Kauai air space and HHA wants to continue to fly their crashing, malfunctioning, parts dropping, incessant excessive noise nuisance producing humongous carbon footprint nonessential copters over our super quiet homes. No make sense!!

5. G. Richard Schuman, Testifying for Schuman Aviation Company Ltd dba Magnum Helicopters, I Oppose SB3154.

"As far a float equipped helicopters, most recent was a landing by Liberty Helicopters in New York and in Hawaii, Heli USA, both helicopters equippent with floats, In NY, six passengers died and in Hawaii, two. Those passengers would have survived if they were able to land on shore."

" Those passengers would have survived if they were able to land on shore."

HICoP asks; How many people walked away from the recent Kailua "land on shore" deadly crash?

HICoP comments; A doors off thrill ride with restraints not made to be released. Why didn't the copter reach land?

HICoP believes below is coverage on Liberty Helicopters deadly crash in water, Schuman was referring to;

The helicopter, a Eurocopter AS350, was a private charter commissioned for a photo shoot, said James P. O'Neill, commissioner of the New York City Police Department. It is owned by Liberty Helicopters, a New Jersey-based company that claims to be the "largest and most experienced helicopter sightseeing and charter service in the Northeast," according to its website. Providing sightseeing trips since 1990, the company advertises "unparalleled safety records."

Questions were raised Monday about whether the pilot could have saved, or tried to save, his passengers. Because the helicopter was flown with the doors off, passengers wore harnesses that went over their shoulders and between their legs, Adams said. On their back, between their shoulder blades, was a metal ring attached to a carabiner and tethered to the floor.

"You're in there, you're anchored," Adams said. "You can lean out as far as you want, and you're not going to fall out of the helicopter. But you're also belted in."

He added: "There's no way those people could've gotten out of the helicopter. Not with the training they had. Not even me, and this is my third time ... When you're anchored at your shoulder blade, you can't reach that."

The video of the Pearl Harbor crash is telling: <https://www.youtube.com/watch?v=1BdDmRijKjA>

HICoP asks; Why did it not land on the land? If it did would the results have been the same as the recent Kailua deadly crash?

6. "Thank you for the opportunity to comment regarding SB 3154, relating to tour aircraft. 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 opposes SB 3154, legislation that would prohibit any tour aircraft operator from operating an aircraft near a residential property, along with other mandates to tour aircraft operators."

HICoP comments; Mahalo AOPA! Nuff said! No safety flotation as recommended by the NTSB, no ADS-B as mandated by the FAA, we want to fly over your homes even though we know it is dangerous to you because copters crash. AOPA says it all in a nutshell.

Mahalo,

The HICoP Board

SENATE COMMITTEE on COMMERCE, CONSUMER PROTECTION and HEALTH

Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

**SENATE BILL 2649
TESTIMONY IN STRONG SUPPORT**

Thursday, February 20, 2020
State Capitol Conference Room 229
10:00 AM

Aloha Chair Baker, Vice Chair Chang and Committee Members:

Senate Bill 2649, Relating to Tour Aircraft, amends HRS Section 261-12 to require tour aircraft operations permit holders to equip their aircraft with FAA approved safety devices.

SB 2649 essentially provides that no tour aircraft operation shall be permitted at any State airport without having a permit and no permit shall be authorized unless the tour operator's aircraft are equipped with the following:

A. Flotation devices.

These include aircraft flotation pontoons and personal flotation devices for all aircraft occupants as required by FAR 14 CFR Part 136, appendix A *specific to Hawai'i*.

B. Automatic dependent surveillance-broadcast (ADS-B) devices.

This is in compliance with the federal remote tracking and public identification system required as of January 1, 2020 by FAR 14 CFR Part 91.225.

These requirements, when included under Hawai'i Revised Statutes Section 261-12, will help ensure tour aircraft and operator compliance with federal regulations.

Further, additional remedial avenues are advocated to be enacted:

The fact that tour helicopter operators fly without instrument flight certification and instrument flight rules cannot be ignored, and three recent multi-fatality private helicopter crashes illustrate this glaring necessity:

- April 29, 2019 – a Novictor Helicopters tour helicopter crashed in downtown Kailua on O'ahu, with three (3) fatalities;
- December 26, 2019 – a Safari Helicopters tour helicopter crashed into a Kaua'i cliff face, with seven (7) fatalities including three (3) children;
- January 26, 2020 – an Island Express charter helicopter crashed in Southern California, with nine (9) fatalities including three (3) children.

These helicopters were operated by pilots using visual flight rules (VFR) in overcast conditions. If the registered private aircraft operators had been required to operate their helicopters by instrument flight rules (IFR) with pilots certified for IFR operations – vastly different and far less devastating outcomes would have been possible.

Therefore, in support of several State Legislators' recommendations to protect their impacted communities, the Committee is urged to add the following IFR compliance requirements to SB 2649 under HRS 261 as consistent with FAR 14 CFR Part 91.205 and Part 135.163 and 135.165, together with the vital safety flotation and ADS-B surveillance and broadcast requirements for State airport tour helicopter permittees:

"§261- Helicopters; commercial purposes; instrument rating.

(a) No person may operate a helicopter for commercial purposes within this State without a valid instrument rating from the Federal Aviation Administration.

(b) Any individual who operates a helicopter in violation of this section and any employer for whom the individual operates the helicopter shall each be subject to penalties under section 261-21(a)(2)."

From September 2018 to date, commercial and tour helicopter crashes and emergencies in Hawai'i alone have flashed a clear message that significant protective action must be implemented:

- September 18, 2018- Novictor Robinson-44 crash in Wahiawa, O'ahu;
- October 22, 2018- Novictor Robinson-44 crash at Kaneohe Bay recreational sand bar;
- February 21, 2019- K&S "Paradise" Hughes-369E crash in Waipio Valley, Hawai'i Island;
- April 16, 2019- K&S "Paradise" Hughes-369E in Sacred Falls State Park, Oah'u;
- April 29, 2019- Novictor Robinson-44 crash with 3 fatalities on a Kailua town street;
- May 21, 2019- Schuman "Magnum" Hughes-369D emergency landing in Diamond Head National Natural Landmark and State Historic Monument crater park with 3,300 daily visitors;
- December 26, 2019 - Safari Eurocopter-AS350 crash with 7 fatalities on a Kauai cliff face near the Na Pali Coast.

Additionally in 2016, a fatal tour helicopter crash occurred near the USS Arizona memorial and Pearl Harbor nuclear submarine base.

These emergency events are eight (8) incontrovertible reasons why flotation devices must be ensured as required under FAR 14 CFR Part 136, appendix A *specific to Hawai'i*, and why the 1-mile offshore rule must be implemented; why automatic dependent surveillance-broadcast (ADS-B) devices must be and are now required; and why pilot instrument flight certification and implementation of instrument flight rules are absolutely necessary in adverse weather conditions that suddenly appear.

We can no longer risk tour helicopters crashing and burning in Hawai'i's communities and neighborhoods or within protected natural reserves and coastal defense areas.

NTSB and ATC Crash Videos

<https://www.ktvu.com/video/648897>

"NTSB releases new video of helicopter crash site"

<https://www.npr.org/2020/01/27/800100632/what-we-know-the-helicopter-crash-that-killed-kobe-bryant-and-8-others>
"flying in low clouds and fog . . . operating under special VFR clearance"

Adverse weather conditions was a factor in the Kauai helicopter crash:

<https://www.staradvertiser.com/2020/01/16/hawaii-news/ntsb-says-adverse-weather>

How Many More? How Many Children?

<https://www.ktvu.com/video/648728>

Thank you for considering the above support for SB 2649 and the related addition to this measure.

Sincerely,
Michelle S. Matson

O'ahu Tour Helicopter Safety and Noise Inter-Action Group
Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board #5
DLNR Diamond Head Citizens Advisory Committee

FAA Regulation Citations Attached

FAR 14 CFR Part 136, Appendix A
Special Operating Rules for Air Tour Operators in the State of Hawaii

https://www.law.cornell.edu/cfr/text/14/appendix-A_to_part_136

Section 3. **Helicopter flotation equipment.** No person may conduct an air tour in Hawaii in a single-engine helicopter beyond the shore of any island, regardless of whether the helicopter is within gliding distance of the shore, unless:

- (a) The helicopter is amphibious or is equipped with floats adequate to accomplish a safe emergency ditching and approved flotation gear is easily accessible for each occupant; or
 - (b) Each person on board the helicopter is wearing approved flotation gear.
-

FAR 14 CFR Part 91 §91.225

Automatic Dependent Surveillance-Broadcast Out (ADS-B) Equipment and Use.

<https://www.law.cornell.edu/cfr/text/14/91.225>

- (b) After January 1, 2020, and unless otherwise authorized by ATC, no person may operate an aircraft below 18,000 feet MSL and in airspace described in paragraph (d) of this section unless the aircraft has equipment installed that—
 - (1) Meets the performance requirements in—
 - (i) TSO-C166b, Automatic Dependent Surveillance - Broadcast (ADS-B) and Traffic Information Service - Broadcast (TIS-B) Equipment Operating on Radio Frequency 1090 MHz; or
 - (ii) TSO-C154c, Automatic Dependent Surveillance-Broadcast (ADS-B) Equipment Operating on Radio Frequency 978 MHz;
 - (2) Meets the requirements of §91.227 —
[Automatic Dependent Surveillance-Broadcast \(ADS-B\) Out equipment performance requirements](#)
- (f) Each person operating an aircraft equipped with ADS-B Out must operate this equipment in the transmit mode at all times unless—
 - (1) Otherwise authorized by the FAA . . .
 - (2) Otherwise directed by ATC (air traffic control). . .



Magnum Helicopters
130 Iolana Place, Honolulu, HI 96819
808-833-4354 Fax 808-837-7867
Email doug@magnumhelicopters.com

February 20th, 2020

To: State of Hawaii Committee on Commerce, Consumer Protection and Health
Conference Room 229, State Capitol, 415 South Beretania Street

RE: HB2649

Dear Committee Members,

Magnum Helicopters opposes the language in SB 2649 requiring that tour aircraft be fitted with a flotation device and an automatic dependent surveillance-broadcast device approved by the Federal Aviation Administration in order to be approved for an Air Tour Permit in the State of Hawaii.

The Federal Aviation Administration through the Federal Aviation Regulations has preemptive authority in the regulation of aircraft equipment required in all aircraft flown in the National Airspace System (NAS) of the United States of America. This authority has been established to maintain a uniform national aviation system that permits the safe and efficient utilization of the NAS. The federal preemptive authority prohibits states, cities, counties, and other entities from imposing rules related to aircraft equipment and the operation of aircraft in the nation's airspace.

Additionally this rule would do nothing to increase safety. It imposes undue financial burden on tour operators that not only abide by federal regulations, but also choose to fly routes that keep passengers over land or within glide distance of land. In these cases, the addition of flotation devices adds no protection to the passengers.

We respectfully ask the committee to reject this bill.

Thank you,

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

Douglas Froning,
General Manager/Chief Pilot



February 20, 2020
10:00 am
Conference Room 229

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair; Senator Stanley Chang, Vice Chair

Aloha Chair Baker, Vice Chair Chang, and members of the committee,

The Hawaii Helicopter Association opposes the language in SB 2649 requiring that tour aircraft be fitted with a floatation device and an automatic dependent surveillance-broadcast device approved by the Federal Aviation Administration in order to be approved for an Air Tour Permit in the State of Hawaii.

The Federal Aviation Administration, through the Federal Aviation Regulations, has preemptive authority in the regulation of aircraft equipment required in all aircraft flown in the National Airspace System (NAS) of the United States of America. This authority has been established to maintain a uniform national aviation system that permits the safe and efficient utilization of the NAS. The federal preemptive authority prohibits states, cities, counties, and other entities from imposing rules related to aircraft equipment and the operation of aircraft in the nation's airspace.

Additionally, the requirement in this bill that a tour aircraft operator (fixed-wing, helicopter, or otherwise) and no other type of aircraft operation must have specific equipment on their aircraft in order to be authorized to hold a State of Hawaii Air Tour Permit, is unjustly discriminatory. Placing aircraft equipment requirements on air tour operators working out of State of Hawaii airports that are not also imposed on non-tour operators working from the same airports, the Hawaii Department of Transportation would be in violation of the Federal Grant Assurances. The State of Hawaii has agreed to uphold the Grant Assurance's requirements in order to receive funds from the federal government for the operation of Hawaii's airports. These are critical funds that the HI DOT cannot afford to lose.

The Hawaii Helicopter Association thanks you for considering our testimony and we urge your committee to **oppose** passage of SB2649 through your committee.

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>



February 20, 2020
10:00 am
Conference Room 229

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair; Senator Stanley Chang, Vice Chair

Aloha Chair Baker, Vice Chair Chang, and members of the committee,

The Jack Harter Helicopters opposes the language in SB 2649 requiring that tour aircraft be fitted with a floatation device and an automatic dependent surveillance-broadcast device approved by the Federal Aviation Administration in order to be approved for an Air Tour Permit in the State of Hawaii.

The Federal Aviation Administration, through the Federal Aviation Regulations, has preemptive authority in the regulation of aircraft equipment required in all aircraft flown in the National Airspace System (NAS) of the United States of America. This authority has been established to maintain a uniform national aviation system that permits the safe and efficient utilization of the NAS. The federal preemptive authority prohibits states, cities, counties, and other entities from imposing rules related to aircraft equipment and the operation of aircraft in the nation's airspace system.

Additionally, the requirement in this bill that a tour aircraft operator (fixed-wing, helicopter, or otherwise) and no other type of aircraft operation must have specific equipment on their aircraft in order to be authorized to hold a State of Hawaii Air Tour Permit, is unjustly discriminatory. Placing aircraft equipment requirements on air tour operators working out of State of Hawaii airports that are not also imposed on non-tour operators working from the same airports, the Hawaii Department of Transportation would be in violation of the Federal Grant Assurances. The State of Hawaii has agreed to uphold the Grant Assurance's requirements in order to receive funds from the federal government for the operation of Hawaii's airports. These are critical funds that the HI DOT cannot afford to lose.

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 SB2649 through your committee.

Casey Riemer
Special Project Manager

I strongly **SUPPORT** bill SB2649 to develop, and improve safety operations related to Helicopter Air Tours.

Tour Helicopter Companies that operate on Hawaii Island refuse to fly over the Ocean, claiming safety concerns, however during inclement over-land weather their backup plan is to operate over the Ocean, even though some companies do have flotation devices.

1. Because there are NO established FAA routes for Tour Helicopters.

Helicopter Tour Co. are in the sightseeing business and charge customers for this service. As a for-profit business their routes are defined by the shortest path between tour destinations to provide the lowest cost fares. Also, the quicker the tour route is completed the more tours are possible per day.

2. A 1994 study sponsored by the Hawaii Department of Transportation was published by UH Professor Panos Prevedourous.

This report shows that Helicopter **NOISE** has the **LOUDEST** impact of all types of noise in our community.

Fast moving low flying Helicopters on cloudy days over hard terrain produce the greatest degree of noise due to the reflection of the sound between the clouds and hard surfaces.

Helicopter tours customers pay to have a good view. Hawaii is the only state which allows a minimum altitude of 500 feet above ground over residential communities during cloudy weather. Therefore, most of the time they operate at **MINIMUM** altitudes. The pilots want to complete the route quickly, therefore operate at near **MAXIMUM** speeds. Hawaii Island is volcanic and our ground is **HARD**. Also, located at higher elevations we have more **CLOUDY** than sunny days per year.

Tour Helicopters produce the greatest noise of any other equipment operated in our community due to the nature of their business.

3. Noise Frequency

- a. "Noise annoys, awakens, angers and frustrates people" as published in the State of Hawaii (DOH) Noise Reference Manual.

Tour helicopters are not equipped with modern transponders and programs such as Flightaware cannot track their movement.

Based on self-reporting, during 2017 the Hawaii Volcano National Park had more than 15,000 sightseeing overflights and each were charged a park entrance fee. This translates into an average of 80 flights in/out the park daily over residential communities.

Daryl Soares

HICoP



Comments

CHANGE.ORG - Hawaii Island Residents are asking for relief!

Name	Location	Date	Comment
Sharon Lee	Pāhoā, HI	2017-06-23	Please let us stop the madness of tour helicopters who have invaded and interrupted our lives with their money hungry attitude and disregard for the health and welfare of the people on land that they fly over in excess of 100 times per day. That works out to one flight every three minutes all day long.
Kat Thomason	Tappan, NY	2017-06-23	It is inhumane to subject people to this ceaseless helicopter noise.
Isis Albright	Hilo, HI	2017-06-23	I am constantly bombarded by tour helicopters. There is no peace in my home. There is NO NEED to fly over peaceful residents not the name of profit. Helicopter companies refuse to be pono despite constant requests over many many years. It is time to legislate and regulate. Ps in the time it took to write this 3 have flown over my home. LOUD. Not pono
daryl soares	Hilo, HI	2017-06-24	We suffer here on the Big Island from constant helicopter noise created by hundreds of over flights by air tour companies going back and forth to Hawaii Volcanoes National Park.
daryl soares	Hilo, HI	2017-06-24	EVERY NIGHT, JUST BEFORE I FALL ASLEEP, ALL I HEAR IS THE WHINE OF THE MD500 IN MY HEAD BECAUSE THEY FLY SO LOW AND ARE SO LOAD OVER US ALL DAY LONG. AIR TOUR OPERATORS TELL RESIDENTS "THEY HAVE THE RIGHT TO FLY OVER OUR HOMES AS MANY TIMES AS THEY LIKE." THEY STATE: "WE ARE DOING NOTHING ILLEGAL."
Geoffrey Last	Pahoa, HI	2017-06-24	I live here
Penny Shaver	Pāhoā, HI	2017-06-24	I live in the neighborhood they fly over. Very disturbing for some of our PTSD vets!!!
donald carpenter	Honolulu, HI	2017-06-24	the helicopter NOIES is a real problem, we need help
Kathie Griffeth	captain cook, HI	2017-06-24	I live in Ocean View. Multiple times a day we have helicopters well below the 1000 foot limit. We hear them, see them, wave (or salute), but no care. Our animals freak out, no care. The almighty tourist dollar means NOTHING to us, so take your high dollar choppers out to sea.
Pv B	mountain view, HI	2017-06-24	Tour helicopter noise is incessant and near constant and is a continuing nuisance depriving me of the use and enjoyment of my property. The copters need to fly an offshore route.
Jan Watson	Hakalau, HI	2017-06-24	I live in a flight path...
Steven Jacquier	Pāhoā, HI	2017-06-24	Helicopter operators are making millions of dollars a year yet I have never once seen a helicopter company put any money back into the community; no sponsorships, no scholarships, no community improvement grants, nothing. There are times when the helicopters fly significantly below the required 500 feet above houses and livestock, yet there is no response to complaints let

Name	Location	Date	Comment
			alone enforcement of existing regulations. On days when a family member is ill and trying to rest having helicopters blasting over the house (which upsets animals and causes them to bark or squawk or yowl) dozens of times is quite frustrating. Probably they "donate" (that is the proper term for bribe, kickback, and pay-off, right?) the big bucks to Schatz, Hirono, and Hanabusa so that makes it all good. Yep.
Bradley Duell	Kailua Kona, HI	2017-06-24	I TOTALLY support this. So many times I have gone to Volcanoes Park and had to endure helicopter after helicopter after helicopter after helicopter go over and disturb the sacred peace of Kilauea.
Maria Bos	Steenwijk, OV, The Netherlands, Netherlands	2017-06-24	enough reasons are mentioned to have peace in Hawai without all that noise.
Kauilapele Kona	Kihei, HI	2017-06-24	I support this. Many times I have gone to Volcano National Park and heard an stream of helicopter after helicopter disturb the sacred peace of Kilauea. To me, and anyone else who does ceremony at Kilauea and recognizes it as Pele's domain, this is something that NEEDS to end, in my view.
Jim Gerlach	Winston-Salem, NC	2017-06-24	Helicopters desecrate the sacredness of the island and interfere with the silence of those on the mainland.
william Hunter	Milwaukee, WI	2017-06-24	My land at 16-1770 37th Street is directly under their flight path. Every ten minutes...
Kathleen Robinson	Smyrna, GA	2017-06-24	This area is sacred as well as home to many. Please stop these helicopters from disturbing it. Thank you.
Frederick Warshauer	Volcano, HI	2017-06-24	Much of Hawaii Island suffers from the frequent noise from the air tour industry flying tourists over the quiet forests, parks and residential areas of the island without any considerations for those below. Any other noise making industry seems to have some sort of regulation, so it is time to regulate where these tour helicopters can and cannot fly. The industry and its clients come from other places, but we residents have to bear the obnoxious noise and attitude of the air tour industry day after day. No place is it worse than over the extensive residential subdivisions of Puna, where the majority of their flight path lengths are right over residences. The industry and its impacts continue to expand, with absolutely no regard for us residents. Regulate their flight paths to off shore.
Armand Rivas	Missoula, MT	2017-06-24	I live in papaikou and constantly have helectoptors flying over my house. :(
Christine Gower	West Sussex, England, UK	2017-06-24	Everyone has a right to a quiet life, it's inconceivable that you should feel it's okay to people with sound pollution in the name of greed.
Jane Hoffman	Highland Lakes, NJ	2017-06-24	Please have helicopters fly offshore.Thank you
Albert Meyer	Yarmouth, ME	2017-06-24	I care.

Name	Location	Date	Comment
Rudi Stade	Huntsville, Ontario, Canada	2017-06-24	Is it too much to ask to be able to visit a place so beautiful and sacred without having to yell to each other over the racket of choppers overhead like so many mosquitos? Is nothing sacred anymore?
Jim Peavey	Smyrna, GA	2017-06-24	I've taken rides over some of the islands of Hawaii. There is no need to fly over all of the inland. Fly around an island and then fly into national forrest areas only, unpopulated areas. We impose sounds barriers around airports. These islands are very small. The people of these islands need to be protected.
Lani Howell	Honolulu, HI	2017-06-24	Blue Hawaii helicopters are noisy, window-rattling menaces in our neighborhood in Waimea!
Makua Maipono	Haiku, HI	2017-06-24	Maui, also, is plagued by Helicopter Tours. The irony is: Haleakala Crater is supposed to be one of the "Quietest Places on Earth".
Glen Larsen	Lancaster, CA	2017-06-24	This is annoying all who live in this section of the island.
Gary Hollister	Scottsdale, AZ	2017-06-24	When I visit Hawaii, I too am disturbed by all the helicopter's and resultant noise in this island paradise. If tourists want to see Hawaii from the air, do like we do in Arizona - take a quiet hot air balloon ride! Thanks for your consideration.
tom piergrossi	keaaau, HI	2017-06-24	It's relentless, annoying and unnecessary
Michele Morgan	Seattle, WA	2017-06-24	It is the right solution to be for the Kingdom of Hawaii. ##### No fly overs of disturbance. And so it is! Peace out!
Linda Evans	Kalaheo, HI	2017-06-24	There is way too much noise and interference in modern life...and these helicopters are a plague....More silence and peace is needed, Please stop the excessive helicopter flying; have mercy on the people/animals etc.
Patricia Matilda Tompson	Kamuela, HI	2017-06-24	The helicopters feel intrusive and are disruptive. Off shore seems like a reasonable solution.
Jason Blair	Kamuela, HI	2017-06-24	Its not just Volcanoes National Park, it everywhere on the island! They circle around Akaka Falls and do circles over my home with no regard for anyone on the ground.
Jill Lawrence	or, OR	2017-06-25	PLEASE, do the right thing. Your Mama will be proud :)
Candis Dow	Mountain View, HI	2017-06-25	I have helicopters flying over my home. Some times as early as 8 am and as late as 6 pm. Many times too low and some times about two minutes apart. I hang out my laundry, they are there, I garden, they are there, I have friends over for a BBQ and we have to yell because they are there. The dogs in the neighborhood bark because they are there. I, as many others, don't want them there. I will find myself becoming so full of anxiety. They interfere EVERY DAY with my life. The animals lives. My community. There must be a solution. So many years.

Name	Location	Date	Comment
Makua Maipono	Haiku, HI	2017-06-25	Unnecessary, Destructive and Profit driven. These must STOP!! Maui also is plagued by Helicopter Tours, especially over Haleakala which is ironically dubbed "the Quietest place on Earth"
Don Diehl	pahoa, HI	2017-06-25	Living the last twenty years here in Hawaiian Paradise Park I can attest to the unreal noise. Yesterday starting at six a.m . Christmas or any day for that matter is interrupted by teeth chattering noise. It is totally fucked. Please help us this once. Put people over money if you know how.
Leslea Soares	Hilo, HI	2017-06-25	The helicopters fly too low!
Katie Herrick	Papaikou, HI	2017-06-25	They are constantly over my house
Heather Irwin	Salem, OR	2017-06-25	When did money become more important than the aina and people's well being? Shameful!
James Grazzini	Pahoa, HI	2017-06-25	I am tired of hearing the helicopters flying by every 10-15 minutes all day long
Dankest Vibe	Beverly Hills, CA	2017-06-25	Shout out to Kauilapele's Blog! https://kauilapele.wordpress.com Aloha!
Dorian Weisel	Honokaa, HI	2017-06-25	The irresponsible, care nothing about those that are adversely impacted by their tours, behavior of the helicopter industry on the Big Island of Hawaii must stop
David Hill	Pāhoa, HI	2017-06-25	I'm sick and tired of these helicopters flying right over my home daily.
Ginger Vogler	Kailua-Kona, HI	2017-06-25	Are visitor dollars more important than cutting back noise pollution for residents? More shameless gutting quality of life in order to line political pockets???
Wil Barbero	Kahului, HI	2017-06-25	Excessive noise has harmful effects. Peace and quiet, please!
Ryan Lewis	Hilo, HI	2017-06-25	I am a homeowner in Hilo and I think it is an invasion of privacy and the peace of our residents to have these helicopters flying over our homes, especially with the frequency that they are.
Jeanne kozuch	Tucson, AZ	2017-06-25	The increased helicopter noise is robbing me from the enjoying the livelihood in my own home.
Tara Paulus	Sebastopol, CA	2017-06-25	Noise is pollution. Stop polluting the air and space over the big Island.
Bodhi Anderson	Hilo, HI	2017-06-25	There is no need for helicopter tours to fly over our homes during their tours. The off shore route is beautiful and respects the lives of the people who live here.
Alberto Guerrero	Tracy, CA	2017-06-25	I am against placing profits over human and Natures needs.
Arthur Steele	Keaau, HI	2017-06-25	My neighbors are offended by these flights.

Name	Location	Date	Comment
William Steiger	Mountain View, HI	2017-06-25	Mahalo for signing! The Sierra Club wrote a great article about this back in 1995- twenty-two years ago;http://vault.sierraclub.org/planet/199412/ftt-copter.as p
William Steiger	Mountain View, HI	2017-06-25	Lots of damage being observed in Hawaii Volcanoes National Park;http://www.environment-hawaii.org/?p=3817It's been going on for a very long time. Mahalo for signing!
William Steiger	Mountain View, HI	2017-06-25	The Sierra Club wrote a great article about this way back in 1995;http://vault.sierraclub.org/planet/199412/ftt-copter.as pLots of damage to our national park from these over flights as documented by a park biologist back in 1993-twenty-four years ago;http://www.environment-hawaii.org/?p=3817Mah alo for signing!
William Steiger	Mountain View, HI	2017-06-25	The Sierra Club wrote a great article about this way back in 1995;http://vault.sierraclub.org/planet/199412/ftt-copter.as pLots of damage continuing to our national park from these over flights as documented by a park biologist back in 1993-twenty-four years ago;http://www.environment-hawaii.org/?p=3817Mah alo for signing!
Pamela Kerschner	Denver, CO	2017-06-25	Other places i know are really degraded by helicopter noise - including the canyons around Sedona AZ and Bryce National Park. This technology needs to be muffled drastically to be acceptable to most humans under the helicopters. This noise is stressful for life. Its too much. So I can appreciate Hawaii's problem with helicopter noise.
Russ Underwood	Hilo, HI	2017-06-25	I'm signing because my neighborhood is becoming unlivable. On May 17th 2017. I personally counted 62 helioper passes over my house in Hilo between 8am and 6pm. I challenge ANY politician to endure that level of noise pollution without taking action. The Big Island needs to reclaim the serenity we have clearly lost....
Darlene Guerra	Kailua, HI	2017-06-26	My home is in Fern Acres, Puna District. It is time for regulation of looking down at people and noise. Thank you.
David Makizuru	Volcano, HI	2017-06-26	Annoyed with helicopter noise early in the morning
N A	Honolulu, HI	2017-06-26	I immensely dislike having helicopters flying over my home and down my street unless they are rescue oriented or with the military, police, or fire department. It is especially creepy when I google my street address and see how much of my home and my privacy has been exposed to the public,so having helicopters flying overhead feels like an invasion of my privacy. Mahalo.

Name	Location	Date	Comment
Nina Decker	Los Angeles, CA	2017-06-26	My family and I live in Papa'aloa, and helicopter noise / traffic is almost daily. We live here for privacy and to enjoy a peaceful lifestyle. Please don't fly over our homes. Mahalo!
Mary Ann Saindon	Keaau, HI	2017-06-26	I am signing because of the constant loud noise over my property. Also I consider this an invasion of my privacy.
Dexter Williams	Pāhoa, HI	2017-06-26	Sometimes we have helicopters one after the other for hours on end. The noise is so loud that we cant even talk on the phone. On other islands people have succeeded in making tour companies be re reasonable. Lets do it here.
Jeremy Bracken	Kurtistown, HI	2017-06-27	The helicopters fly low over our Kurtistown Puna Hawaii farm causing us and our livestock & pets stress anxiety and diminished quality of life
Shannon Herrington	Hilo, HI	2017-06-27	As I'm signing this guess what's loudly flying over my house. #
Michelle Shuey	Erie, PA	2017-06-28	I live in the helicopter zone and it is truly annoying.
grigor fedan	Ninole, HI	2017-06-28	Noise pollution is spoiling our island and helicopters are a big component.
graceson ghenq	Hilo, HI	2017-06-28	I am sick and tired of being harrassed by low flying helicopters!
Chens Haa	Keaau, HI	2017-06-29	Tired of the constant noise at all times of the day especially the early morning hours and from extremely low flying helicopters.
Keala Pascua	Mountain View, HI	2017-06-29	It becomes irritating to hear helicopters over our house when our daughter is getting ready to take a nap or when we just walk out in our yard to enjoy nature but that's all you hear is the helicopters
Bonnie Terry	Keaau, HI	2017-06-29	I live in Hawaiian Paradise Park and helicopters fly over my house many times a day on their way to see the lava. I feel that a flight plan that goes out over the ocean would be nice for the tourists, and also give us peace and quiet, privacy and would be safer for the residents
Donna Walters	Show Low, AZ	2017-06-29	My friends has these fly over her house several times a day! Very noisy. Must be a less intrusive route.
Susan Sodan	Graham, NC	2017-06-29	There are multiple helicopters in the air over my home at ant given time during the summer. They are loud and obtrusive. This is a residential area. This needs to stop. There is absolutely no concern for the people whose lives are disrupted due to the noise and theft of our feeling of privacy.
Linda Sexton	Waynesville, NC	2017-06-29	Noise is detrimental to well being. Changing the flight path to the ocean instead of the land would bring peace to the land. Easy fix.
Nina Bersamina	san jose, CA	2017-06-29	I'm such of them flying above my house, our lack of privacy because of their intrusive flight patterns. We are not their tourist attraction
kris wilhelmsen	Pahoa, HI	2017-06-29	The cost of equipping these helicopters to fly over water, and the raised insurance rates, are a fraction of the amount that

Name	Location	Date	Comment
			tje companies are taking in from tourism. The greed of these companies indicates how little they care for the people of hawaii. If they cared at all about the Hawaiian community, these companies would be lobbying for new legislation, rather and than the people being impacted. Shame on these companies!
Robbie Mcgrath	Aiea, HI	2017-06-29	noise level, disruption, and health issues
Samantha Mcguire	Pāhoa, HI	2017-06-30	Agree with the residents!
Vickie VanFechtman	Pāhoa, HI	2017-06-30	I am signing because the heavy flight traffic over our neighborhoods adversely effects our peaceful homes. Too much noise! Take the helicopters off the coast.
Mary Miller	Keaau, HI	2017-06-30	Really cannot understand why they need to fly over Hawaiian Paradise Park... why ANY copter does...over the Forest reserve, sure, but not the Park itself, please!
Meriam Corcoran	Ocean View, HI	2017-06-30	The danger factor of something going wrong with a copter flying over public could cost enormous on property owners and the lives lost or injured. This alone should be an intelligent reason why helicopters should fly off shore in the first place.
Bridgit Manacchio	Pāhoa, HI	2017-06-30	I live at the lower end of Nanawale. They fly down to my house, do a slow bank, and go back. It looks and feels like a guided tour over the forested areas down here. Noise level is polluting.
Lawrence Reynolds	Mountain View, HI	2017-07-01	I'm in the direct commonly used flight path for the helicopter tours flying from Hilo to the Lava flows in the national park. The noise is constant and very, very loud. I want to see the helicopters re-routed over the Ocean. Me and my neighbors all have health issues due to the constant stress from the noise of these loud machines. Please, can someone represent us?? We voted you in office, so now we will be watching to see how you do your job. Mahalo, Lawrence Reynolds
Alice S. Lee	Pasadena, CA	2017-07-01	Someone needs to be in control and assert pressure to control the health hazardous conditions these flights are causing.
Susan Blankenbecler	Pāhoa, HI	2017-07-01	I lived in California in the 70s when there were helicopters looming over head day and night. It felt very dark and oppressive.
Benjamin Ruggaber	Pāhoa, HI	2017-07-01	The noise and frequency of flights completely ruins the beauty of the island.
sharon walker	keaau, HI	2017-07-01	These helicopters fly directly over my house and very low too. Not caring whos privacy they invade or how loud they are. These pilots are very rude and do not care. Its all about the \$\$\$.
Spiro Theofilatos	ASTORIA, NY	2017-07-01	I recently moved to Puna from NY city, looking for peace and serenity only to find helicopters flying over my house daily. NOT OK.
Starr Miller	Madison, MS	2017-07-02	I think the islanders have a right to quiet.... Maybe the coppers could work out a time frame that they could fly.....then everybody wins and are happy.

Name	Location	Date	Comment
Scott Baker	Hilo, HI	2017-07-06	Better flight paths may be available that will allow tourist flights and allow residents to avoid excessive noise.
Karl Mendonca	Hilo, HI	2017-07-06	The Hawaii and it's residents have been dis-respect for all too long by helicopter tours. For over 30 years the environmental and social impacts have steadily increased to the point of destroying paradise. The voices and concerns of residents have been ignored and now we turn to our elected representatives to finally protect and save Hawaii from the devastating impacts of helicopter tours. Helicopter Tours demonstrates the total lack of respect for Hawaii, its land, people and culture. Fact 1: Helicopter Tours are the number one cause of noise pollution in Hawaii. Noise pollution from Helicopter tours exceeds noise pollution from all other tourist activities combine. Fact 2: Helicopter Tours generate more air pollution per tourist than any other tourist activity. What makes both of these facts more disgusting is that the noise and air pollution are directly targeted at Hawaii's most scenic and tranquil sites as well as residential homes. Hawaii is not an amusement Park for dis-respectful polluting "jo
Kathleen Boyd	Hilo, HI	2017-07-06	It's the right thing to do for Hawaii residents who suffer from noise and disturbances from the choppers.
Nelson Ho	Hilo, HI	2017-07-07	Stop the noisy, noxious air tour industry.
Alberto Salazar	Haiku, HI	2017-07-07	Tour helicopter noise is irritating, stressful, and induces high blood pressure, which in turn causes many health issues. Tour helicopter noise is also unnecessary. They don't have to fly as low as they do.
Kaui Trainer	Hilo, HI	2017-07-07	Helicopters fly over my farm constantly! It is a real nuisance! Please support this petition to require change in their flight path!
Richard Costello	Pāhoa, HI	2017-07-07	There is no reason the helicopters need to fly over residential areas.
Sharron Cushman	Pahoa, HI	2017-07-07	Time to respect those living here. No more flights over residential areas. Start restricting the number of daily flights that are impacting people and animals.
Jason Shafer	Hilo, HI	2017-07-08	Because I live in there flight paths on 30th, and it's a constant irritation.
donald carpenter	Honolulu, HI	2017-07-08	if there was a meeting in hilo, in the near future, inviting all big island residents, local legislators, senators, ex, helicopter company's reps, would you come ???
Susan Rosier	Pāhoa, HI	2017-07-08	Enough already. It would be so much better if they flew over the ocean instead of over our heads barely above the trees! The constant noise is so irritating and sometimes cannot even hear on the telephone. Really tourists would much rather view the ocean than our rooftops!
Charlie Bass	Princeville, HI	2017-07-08	Noise pollution in Hawaii from air tours should not be tolerated. Please help.

Name	Location	Date	Comment
Jaymeson Sanchez	Dublin, CA	2017-07-09	Please stop this. Our house up in mt. voew and my parents have daily flights all day long over our property.
Stacy Sproat-Beck	Kilauea, HI	2017-07-10	I suffer from this same problem on Kaua`i
LaVonne Baker	Kirkland, HI	2017-07-10	I lived in Leilani Estates. The helicopter noise was too much.
Robert Moller-Roll	Keaau, HI	2017-07-10	Both residents and visitors to Hawai'i island should be able to enjoy paradise peacefully. Helicopter tours are very expensive and are not affordable to only the very wealthy. They are a luxury tour and are causing more harm than benefit
Jack Thornton	Papaikou, CA	2017-07-12	The noise is unbearable and disruptive to everyone.
jake owsley	Estill Springs, CO	2017-07-13	Operators, after numerous requests to fly over nonpopulated areas, see only their own profits ahead of all else. We watch helicopters intentionally fly lower over areas where there has been complaints. They have had ample opportunity to curb their noise.
Wendy Barske	Mt. View, HI	2017-07-13	As I was reading a few comments that were posted four helicopters have flown over my house. It is very invasive especially as some of them are very low. Would be nice if changes could be made.
Katie Thomas	Australia	2017-07-13	Residents must always be prioritized over tourists. People have the right to peace and tranquility in their own homes and this must be defended against corporate or elite greed.
Linda Correia	Hilo, HI	2017-07-13	I am tired of these huge machines over my home morn to till night!! I live in Hilo Hawaii many homes !! Tour companies have no regards for home owners they are babies the sick who cannot even take a nap !!! Walls and windows rattle some are noiser then others like so loud it sounds like it's falling apart, and Scarry what happens if these huge machines come down mechanical problems, and it has happened many times but what if it's downed in our neighborhoods on our homes !!!
M. Eileen O'Hara	Hilo, HI	2017-07-13	I support this petition
Sheryl Rawson	Hilo, HI	2017-07-13	I have helicopters flying over my house daily, sometimes five or ten times in the space of a few hours. It is noisy and not peaceful at all, as Hawaii is supposed to be. Many friends compare about this as well.
Mike Egan	Mountain View, HI	2017-07-13	Because we are tired of being awakened as early as 5:00 am by these helicopters. Because we are tired of having conversations interrupted and having to keep repeating due to these helicopters. Because I'm tired of having my recordings interrupted in the middle and having to do it all over. Because we are tired of hearing a hundred helicopters flying over head all day long, with as many as 5 at one time!!!I don't think it is right that these helicopters should be making a ton of money at our expense, all day long 7 days a week. We moved here to get away from city life and have some peace and quite, and now we're becoming angry this crap continues.

Name	Location	Date	Comment
Thomas Walsh	Hilo, HI	2017-07-13	I live along side the Wailuku River in Hilo and am constantly bombarded with the irritating loud noise of the helicopter over flights from daybreak until sunset. Do something about it!!!
Elizabeth Hansen	Hakalau, HI	2017-07-13	We need the respect people's space which includes removing noise pollution.
Debra Phillips	Pahoa, HI	2017-07-13	Please respect our rights and the need for safety...Please
James J Lynch	Las Vegas, NV	2017-07-13	I support these families living in an area that has constant noise from the helicopters. I lived in an area that our house was in a flight pattern of the landing strip. Every three minutes it was so loud you could not hear someone talking you, who was standing next to you.
Stephanie Vigorito	Mountain view, US	2017-07-13	My family's farm is directly under the flight path of constant tour helicopter traffic. As I write this at 6:35am there is a Blue Hawaii helicopter passing low above our farm, and the noise will go on all day. Please move all this tour traffic off shore and keep it safely away from our homes!!!
Michael Wozniak	Federal Way, WA	2017-07-13	I'm very tired of the helicopter noise DIRECTLY over my house when one mile out from my house is open ocean. Enough is enough!
David Hansen	Mountain View, HI	2017-07-14	These nearly constant overflights of my home has ruined my life & my health. I am in a constant state of anxiety. I am a disabled senior & cannot even take a nap during the day. One cannot relax, watch tv, or listen to audiobooks or radio.
Harry Widdifield	Pāhoa, HI	2017-07-14	Overflight noise.
Candi Johnson	Keaau, HI	2017-07-15	Our Orchidland home is heavily and negatively impacted by the tour helicopters. In addition, there are negative effects in our livestock and agricultural livelihood. At times the noise level is so high that people right next to each other are unable to hold a normal conversation here. The level of stress from this noise pollution is at times unbearable. Last Sunday the helicopters started crossing directly over the house AT 5:30 AM!! That is simply unacceptable.
kelly hager	Dallas, TX	2017-07-15	After spending time in the magical Halawa valley with one of the residents, I realized that the helicopters might be fun for tourists, but are disrupting life for people living in these spots. Flying off shore would at least keep them from flying over people's homes and land.
Natasha Wong Yuen	Mountain View, HI	2017-07-15	i work late nites and the noise from the helicopters (5-10) wakes me all day long. I need more sleep.
William Steiger	Mountain View, HI	2017-07-16	hicop.org appreciates your support! You are a true leader who cares about the people you represent. Your support means a lot to us! Mahalo!
Lani Hink	Vineburg, CA	2017-07-16	It's difficult to believe this situation has gone on so long with absolutely nothing done. Perhaps it's time to look for the reasons these helicopter tour companies GET so much and don't even pay GET taxes. The laws need to be changed and our elected officials

Name	Location	Date	Comment
			have been unresponsive. Would this have something to do with Hawaii Air Tour Helicopter Compny contributions to their election campaigns?
Jon Vigorito	Mountain View, HI	2017-07-16	The FAA has failed in every way to monitor the helicopter tour industry on the Big Island. Being the only agency with the authority to regulate the airspace over our homes and businesses, this has to change. The FAA must be held accountable. They are receiving our tax dollars but choosing to shirk their responsibilities entirely when dealing with the helicopter tour industry.
David Berg	Tampa, FL	2017-07-16	I'm signing because we need noise regulation over neighborhoods as it not only ruins home values, they meed the noise control and privacy. Also have to start thinking about drone traffic as well.
La'ahia Farms Keliikuewa	Mountain View, HI	2017-07-17	It's time to STOP EXPLOITING HAWAI'I ISLANDS! There is No reason for helicopter tours to be flying over residential homes, National Parks, Natural Area Reserves, and Forest Preservations. On the island of Hawai'i we are blessed to have the Native Hawaiian Hawk that frequently flies above our homes throughout the day. This Native and endangered bird is constantly disturbed by these low flying helicopters. When these tour helicopters fly over our home our house sometimes shakes as if we were at an airport and instead I live in the mountains! None of these companies are honest about flying too low they don't want to do anything to work with the local people here nor do they help with our communities . Their pilots are breaking the law everyday and they know it. It's unfortunate that these companies don't excercise Aloha. They obviously don't care about the local communities and that's their downfall. All we ask is for all helicopter tour companies to fly around taking the coastline route. We live on an island af
Tammy Davis	Kapaa, HI	2017-07-19	The noise is too much for local residents. It feels like an assault when it begins in the morning. They can look from the ocean and see the beauty of Kauai. It seems like too much noisy invasion of our special places on Kauai for both locals and tourists alike. Please put more limits on helicopters and drones!
Melissa Snyder	Santa Monica, CA	2017-07-19	The helicopters wake my children from their naps making this already tired mom even more tired. Tourists viewing is less important than sleep for moms and kids.
William Steiger	Mountain View, HI	2017-07-20	We couldn't agree more!
Rick Turner	Honolulu, HI	2017-07-27	I am very proud of Bob Ernst and the Members of HICop for their progressive, necessary and productive actions to stop these Helicopter Tour Companies from flying over our homes, businesses and schools. These tour helicopter companies are destroying our health by giving us cancer with their Poison exhaust and gas vapors. Decreasing the Value of our Homes and Businesses with constant noise intrusions. They continuously violate FAA Rules and Regulations when it comes to flying below a 1,000 feet. The tour helicopter companies needs to be immediately regulated to fly 5 miles away from the ocean shoreline and at least 2,500 feet high. Therefore, these companies will not be around any homes and destroying the quality of all our lifes.

Name	Location	Date	Comment
Mary Ann Saindon	Keaau, HI	2017-08-07	This disrupts my daily life - constantly. Can't sleep late on the weekends, can't enjoy my yard w/o constant noise, can't find any peace & quiet. Why does sightseeing by tourists mean more than a resident's right to peace & quiet on their own property? Why must I interrupt phone conversations when the choppers pass by? Why must I turn up the volume on my TV when the choppers pass by? Why can't I take a nap without choppers waking me up? Why can't they fly over the ocean?
Bonnie Miller	Keaau, HI	2017-08-07	Peace shattered--repeatedly. Seven helicopters this morning over my house in 45 minutes.
Elizabeth Bush	Kamuela, HI	2017-08-08	I love my island.
Kat Ahin	Hilo, HI	2017-08-08	We are constantly bombarded with helicopter noises every single day, at least 1 flying over our home every single hour in Mountain View and it takes away our serenity of being at home in our neighborhood! Make them stop so we can be at peace without this awful noise pollution!!!
Ronald Mason	McKinney, TX	2017-08-09	...numerous flights daily over my property cause me to have to call people back because I'm on the phone, or the noise just doesn't allow me to rest if I want to...I just want peace and quite...
Sharon Lee	Pāhoā, HI	2017-08-09	The endless sound of helicopters, all day, every day, frequently one every 5 minutes. That works out to over 100 per day. This constant noise is detrimental to my overall health I live in upper Ainaloa. They are supposed to be flying neighborly, but they don't. Once again it is about the money. It is important not to let them push us around any longer.
vincent callagher	Keaau, HI	2017-08-16	This is physical assault on all nature. Animal and human existence. Please protect all life from sound pollution.Thankyou
John Renauer	PAHOA, HI	2017-08-16	I'm in the direct route to the lava entry from Hilo.
Mary Monroe	Keaau, HI	2017-08-16	Tour helicopters fly directly over my property all day, every day, sometimes very low. They start very early in the morning and go late into the day and even the evening sometimes. It is absolutely horrible and completely impacts my day to day life and sense of peace and well being.
Kapualani Abreu	Keaau, HI	2017-08-16	Something needs to be done. Paradise in not paradise with all the noise.
Jasmine Steiner	Pahoa, HI	2017-08-16	I'm signing because all of my life here my family and I have suffered from the disturbances of these low flying loud helicopters. Enough is enough destroying our peace on our private lands for their own personal gain.
Ha Underwood	Miami, US	2017-08-16	After my Jan-March 2017 Hilo stay, my 2 month trip to the SF Bay Area turned into a 3 month trip. I could have come back last week. By the time I left in March, I was not myself. I was yelling at the sky like a mad person . I think I know how PTSD begins. It's more peaceful on the mainland, which is STUNNING to me. Twenty million

Name	Location	Date	Comment
			people border the bay, but there are very few helicopters. Why am I reluctant to buy a ticket to return? One reason, I fear a return of the screaming returning. My beautiful neighborhood is Apocalypse Hilo...
Ha Underwood	Miami, US	2017-08-16	After my Jan-March 2017 Hilo stay, my 2 month trip to the SF Bay Area turned into a 3 month trip. I could have come back last week. By the time I left in March, I was not myself. I was yelling at the sky like a mad person. I think I know how PTSD begins. It's more peaceful on the mainland, which is STUNNING to me. Twenty million people border the bay, but there are very few helicopters. Why am I reluctant to buy a ticket to return? One reason, I fear a return of the screaming. From my one yard !! My beautiful neighborhood is Apocalypse Hilo...
Bill Miller	Hilo, US	2017-08-16	When they are at 1500 feet or higher I don't bother with a response but when they are lower they get the double bird international call sign and the occasional moon shot. Blue Hawaiian Helicopters is consistently lower 1500 feet.
Nanci Munroe	Keaau, HI	2017-08-17	Helicopters over my house daily, do not abide by 500' height limit!
D Loa	Kailua-Kona, HI	2017-08-18	I support any motion to Malama 'āina.... Stop raping our lands for your PERSONAL financial gains- A'ole Pono!
Betty Easley	Kailua-Kona, HI	2017-08-18	Constantly flying over my house
Christopher McCullough	Hōlualoa, HI	2017-08-18	Noise pollution over our paradise is unacceptable and disturbing.
Nohealani Kaawa	Naalehu, HI	2017-08-18	These choppers have also been illegally landing and giving tours on remote and private beach properties within the Kaū district. Stop the air traffic, its too noisy and we are loosing the way we connect to nature because of that distraction.
Cynthia Thomas	Hilo, US	2017-08-18	yeah they fly over my house all day long, some very low, my walls vibrate. as soon as i hear one heli, i know another one will be flying over as well in less than five minutes. always a pair. i dont mind when they fly high but them bluw hawn helicopters are the worst they always flyover low, maybe 200 ft above tree level?
cynthia massa	Hilo, HI	2017-08-18	EVERY DAY I HAVE TO HEAR THIS NOISE from sunup to sundown. STOP
Susan Norman-Jones	Cave Junction, OR	2017-08-18	Animals and birds are bothered by the noise pollution also.
Barbara Cornelius-Davis	Na'alehu, Hawaii, HI	2017-08-19	The constant movement of helicopters flying over my home in WAIOHINU Ka'u every day and early evening for their companies financial benefits has got to end ! We here in the real country of big island watch as many of these lawless tour companies terrorise our community with the constant back and forth, always right over my house or a bit this or that , please help our community , they need to fly over the ocean not over my house

Name	Location	Date	Comment
Jayne Dator-Freeman	FPO AP, CA	2017-08-19	Helicopter tours need to be regulated. The regular noise takes away from our peace and tranquility. Noise pollution Affects our health and well being.
Jordan Anger	Ocean View, HI	2017-08-20	It's the right thing to do! Go fly over the water not peoples homes!
Ivan Jokain-Witcha	Naalehu, HI	2017-08-22	Not infrequently the helicopters fly below the minimum elevation required. this makes the problem even more annoying.
Gary Harrold	Hilo, HI	2017-08-24	More noise = more stress = more autoimmune diseases=more burden on our health care system {Sirens, mowers, barking dogs, rude loud vehicles, Hawaiian Airlines flying over Hilo - the noise is horrendous. Stop it!
Jennifer Ruggles	Mt. view, HI	2017-09-10	The helicopter noise has gotten out of hand in Puna. Please allow our residents to enjoy the peace and quiet they deserve in their homes.
Brad Coffel	Pāhoa, HI	2017-09-10	We should not have to suffer while others are profiting!
Melissa Smith	Mountain View, HI	2017-09-10	I am signing because the erratic loud noise disturbs me, my family, my animal and causes stress to all. There is a simple solution !
christy ceraso	Pahoa, HI	2017-09-10	Peace and quiet is my need as a creature of the Earth and a human right. Some peoples desire to make money does not override that need and right for peace and quiet.
Roy Lozano	Pāhoa, HI	2017-09-10	I don't want flights of any sort over my home on Pohoiki rd. Period. Greedy tour operators should honor the people and take paths off shore for all tours.
Vinceanna DePolo	Makawao, HI	2017-09-10	The noise bothers me!! Please fly more off shore!!!
Patrick McNulty	Mountain View, HI	2017-09-11	We get to the point of almost wanting it to rain every day because when the weather is bad they won't allow the helicopters to fly. The noise is becoming almost unbearable. These helicopters are flying so low in some cases you can tell what color shirts the pilots are wearing. My understanding is they are supposed to stay up at least 1000 feet some of these aren't even up 300 something has got to change.
Louise Teasdale	Pahoa, HI	2017-09-11	Air pollution. They fly way to low.
Sylvia Dolena	Pahoa, HI	2017-09-11	Helicopter noise is very stressful and disruptive to normal life here.
Ivo Miller	Kapaa, HI	2017-09-12	Dangerous behavior. Noise Pollution
Susan Smith	Wonder Lake, IL	2017-09-12	I care!###
Michelle Stava	keaaau, HI	2017-09-12	Helicopters start flying over our home every morning at 7am and don't stop till after dark. This is not what it was like when we bought our property. We wanted peace and quiet! They can fly along the coast and not disturb the local people who get no benefit, just noise pollution. They fly over our homes to save time and gas. This should be a cost of business, or the money should get put into the local

Name	Location	Date	Comment
			area in the way of infrastructure. Otherwise we should not have to deal with their noise!
Kami Hinger	Denver, CO	2017-09-12	As a visitor of Hawaii, I do not want its beauty disrupted.
Robert Bogle	Pahoa, HI	2017-09-12	And put exhaust mufflers on them!
Michael Christopher	Pahoa, HI	2017-09-12	I'm tired of you flying over my head day and night.
Carolyn Okonek	Hilo, HI	2017-09-12	Noise pollution is very abusive. At least 10 times a day these helicopters fly overhead! Please make them go off shore!
chere fenton	rockaway, OR	2017-09-14	They have harassed residents for decades, enough is enough ! I have had them fly so low over our house, that they topped a tree and almost crashed in our orchard ! It is only weed, spend that money where it counts, catch the meth, heroin and crack dealers !! Leave the medical patients alone !! Disgusting display of government over spending for BS !!
joann bessinger	logan, UT	2017-09-15	Flights over residential areas can cause unnecessary noise invade privacy and can be a hazard if the helicopter should have any mal function.
Diana Leighland	Pāhoa, HI	2017-09-15	I live near the lava flowing into the ocean and they fly tourists low and slow right over my house! Operators are not respecting homeowners privacy. What happened to our Quiet Skies initiative?
Karina Carvajal	Hilo, HI	2017-09-15	Karina Carvajal
Claudia Ziroli	Mountain View, HI	2017-09-17	We generally have about 2 helicopters every 8-10 minutes flying over our house. I have eventually gotten use to the ones that are flying at regulation elevations.. But the problem is that many, many of them are flying significantly lower than regulation. It is invasive and oppressive. Why should residents have to deal with the helicopter company's business/profits at the expense of our rights as property owners and Hawai'i residents? (While I typed this short message, one helicopter flew from the eruption and one is currently flying directly overhead!)
Patrick Ryan	Media, PA	2017-09-22	I've recently moved to Hawaii. The helicopters ruin the nature of Hawaii, nature and more are highly disturbed. Please go back to Babylon with helicopter GREED - DO NOT BRING BABYLON HERE.
Robert Coster	Keaau, HI	2017-09-22	Seems tours have actually increased since HI-CoP has started to bring light to the situation. We're getting more overflights lately for sure.
Alex Shade	North Bend, OR	2017-09-29	The noise is definitely too much. No reason not to fly offshore!
Heidi Fickinger	Hilo, HI	2017-09-30	The frequency of low altitude helicopter tour flights over Hawai'i have escalated to epidemic proportions. Flights occur directly over houses with a complete lack of respects for the community in the Hilo area daily. There is no other form of tourism that is allowed to adversely impact local residents in this manner. It is time to force these companies to act in a more responsible manner.

Name	Location	Date	Comment
Kahualani Aitken	US	2017-10-01	The noise from helicopters is invasive.
Elisabeth Kerekgyarto	Pahoa, HI	2017-10-13	There's no need to fly so low over people's houses! Show some Aloha!
Michael Croes	Austin, TX	2017-10-15	■ live in Kalapana Gardens.. YOU BET ■ WANT OVER-FLYING STOPPED, and will help vote out any representative who disagrees!

Bruce Lum
99-546 Iwaiwa Street
Aiea, Hawaii 96701

February 18, 2020

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
THE 30TH LEGISLATURE
REGULAR SESSION OF 2020

RE: In strong support of Senate Bill SB2649 and I echo SSCR2345

Aloha kākou Chair Baker, Vice-Chair Chang and CPH committee members,

My name is Bruce Lum and I am in full support of SB2649, because I think that in view of the recent commercial helicopter crashes and deaths on Oneawa Street, Kailua and at the Pearl Harbor Visitors Center, and Koke‘e Kaua‘i, it is very clear that the “honor code” method of providing safety and protections for public safety and national security is not effective and correction is long overdue.

I fully concur with State Senate Committee’s report statement in SSCR2345 quoted as follows:

The purpose and intent of this measure is to improve tour aircraft safety by requiring that tour aircraft permit seekers have aircraft that are outfitted with Federal Aviation Approved safety devices.

Your Committee finds that in 2019 alone, there were two helicopter crashes in the State of Hawaii resulting in ten fatalities. Your Committee further finds given the geographic and weather conditions in Hawaii, certified instrument flight technology and flotation devices are integral safety devices for tour helicopter. This measure would require tour aircraft to be outfitted with those safety devices before being granted permits to operate.

My strong recommendation to this committee is to amend and adopt SB2649 to include the following:

- 1. All Tour Aircraft Permit Holders will as a prerequisite have their aircraft fitted with FAA approved flotation and,**
- 2. All Tour Aircraft Permit Holders will as a prerequisite have their aircraft fitted with FAA approved ADS-B and will be required to have ADS-B turned on during total operation period and,**
- 3. All Tour Aircraft Permit Holders will be required not to allow the noise footprint from their aircraft enter any occupied properties.**

PERMIT DENIAL AND PERMIT RESCISSION:

- 1. Failure to comply with the above requirements will result in denial of permit and/or rescission of permit.**

I believe that it is time for our State Legislature to stop hovering over the seriousness of what SB2649

suggests and proposes, and swiftly adopt SB2649 to end the historical complacency of Hawai'i government about taking action to end the out of control safety threat that exists in our local aviation air space, and enabled by meaningless FAA regulations.

I urge this honorable committee to also take up the torch to protect the public and visitors by acting to adopt HB1907 and send a hopeful message to all that Hawai'i concurs with Rep. Ed Case's ["Safe and Quiet Skies Act"](#) to address growing concerns about the inadequate regulation of commercial air tours in Hawaii.

Case's proposed "Safe and Quiet Skies Act" would direct the Federal Aviation Administration (FAA), which has virtually exclusive jurisdiction over such aircraft, to adopt tighter safety recommendations long advanced by the National Transportation Safety Board (NTSB).

On December 26, 2019, an Airbus AS350 B2 helicopter operated by Safari Helicopters was destroyed by impact forces and a post-crash fire after striking a cliff face in Koke'e. The crash killed all on board. Of the 7 killed, The NTSB report following the tragedy says adverse weather conditions was a factor in the Kaua'i helicopter crash that killed 7.

The six passengers who died due to fatal injuries from the crash were identified as visitors from two families:

1. Sylvie Winteregg, 50, Christophe Winteregg, 49, Alice Winteregg, 13, and Agathe Winteregg, 10, of Switzerland
2. Amy Gannon, 47, and Jocelyn Gannon, 13, of Madison, Wis.

According to a preliminary report from the National Transportation Safety Board, it was in heavy rain and fog at the time the tour helicopter crashed into the cliff face on Kauai. "The weather at the closest official weather observation station — Barking Sands Pacific Missile Range Facility — about 9 miles from the crash site, reported winds at 12 to 25 knots, 10 miles of visibility and broken clouds at an elevation of 3,400 and 4,700 feet."

"The helicopter had left Lihue Airport at 4:31 p.m. on Dec. 26 under **visual flight rules**, meaning **the pilot would fly based on sight without instruments**. It was the pilot's eighth and last scheduled 50-minute aerial tour flight of the day. **The helicopter did not have flight tracking equipment on board**, so its exact flight path remains unknown."

Robert Katz, a commercial pilot and certified flight instructor, said based on information in the report, it appeared the pilot encountered rapidly changing weather he was not qualified to handle.

Rep. Case expressed his personal dismay and concern by saying, "A pilot flying his eighth 50-minute tour in one day, without instrument certification and flying in a rough and variable terrain, rapidly changing weather environment, on visual flight rules only. According to a close-by witness and other observations, probably in '20 ft visibility in rain and fog.' No flight tracking equipment aboard."

In the decades of growing aerial tours on all islands it has been a decade's norm for commercial tour pilots to fly by visual flight rules (flying based on sight without instruments) as many pilots learned to do during the Vietnam War. Very necessary and acceptable during war, but this practice is not necessary or acceptable during peace time.

Bruce Lum
99-546 Iwaiwa Street
Aiea, Hawaii 96701

“Following these recent tragedies in Kailua and at Dillingham Air Field, which are not isolated instances nationally, the NTSB, which is responsible for investigating accidents but not for direct safety regulation, strongly suggested to the FAA that safety-related regulation of commercial tour helicopters and small aircraft skydiving operations is generally insufficient. Clearly the FAA should now follow the NTSB’s lead before any more lives are lost.”

“These tragedies occurred amidst a rapid increase in commercial helicopter and small plane overflights of all parts of Hawai’i including residential, commercial and industrial neighborhoods, cemeteries and memorials, land and marine parks and other recreation areas, and sensitive military installations. These have disrupted whole communities with excessive noise and other impacts, destroyed the peace and sanctity of special places, increased risk to not only passengers but those on the ground, and weakened security and management of defense operations.”

“This current situation is not acceptable for both safety and community impact concerns. Regarding ground disruption and risk, the FAA takes the position that its responsibility is strictly operational safety and national airspace efficiency and does not extend to ground disruption and other negative impacts.”

“As a result, the operators, aside from strict takeoff and approach, avoidance of established flight paths and other limited circumstances, are virtually free to fly wherever, whenever and as often as they want. And they do, with little to no self-regulation.”

Case noted 21 individuals were killed in Hawaii in three accidents in 2019 alone, which should “spark unanimous concern” for the basic safety of these operations.

“Yet the air tour helicopter and small aircraft industry buries its head in the sand, claims all is well and refuses to acknowledge any concern or need to change, compounded by the Federal Aviation Administration, which is supposed to be ensuring safety, claiming that there is no reason to suspect any general industry concern,” he said. “The tragedy is not only the loss of life but the industry’s position ... an open invitation to further tragedies that very well might strike not only those in the air (but) the million-plus on the ground that they fly over repeatedly every day.”

At the very minimum, requiring all commercial tour aircraft to broadcast their tracking information under the penalty of law, would add immensely to safer aircraft operations over O‘ahu.

Based on recent crashes, my tracking of aircraft over my house, the large volume of commercial tour aircraft flying over residential areas in my area and Pearl Harbor, the significant growth of the commercial air tour flights over O‘ahu and the absence of effective safety metrics and regulations on commercial air tour aircraft, **I am strongly in favor of you adopting SB2649.**

Mahalo for your kind attention,

Bruce Lum

SB-2649

Submitted on: 2/16/2020 1:06:33 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

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

Comments:

Please approve SB2649 to require helicopter tour operators to have required FAA safety flotation devices and automatic dependent surveillance-broadcast (ADS-B) devices (and keep ADS-B devices on) at all times in all areas of our state.

SB2649 would be a good start at the state level to provide accountability and compliance with FAA regulations ensuring the safety and protection of Hawaii residents and passengers in the air tour industry.

Mahalo

SB-2649

Submitted on: 2/17/2020 8:36:32 AM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter A Dudgeon	Individual	Support	No

Comments:

The reason "Magnum" and others fly on-shore, is they are not equipped with floats. Flying off-shore would protect the population from noise and crashes. This is a safety issue, that, if there is a problem, a helicoptrer could land near the shoreline rather than on-shore, over the population.

Thank You.

Peter Dudgeon Former airline President

Comercial rated pilot

Concerned citizen subjected to frequent daily overflights at low altitude.

SB-2649

Submitted on: 2/17/2020 10:02:36 AM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Laeha	Individual	Support	No

Comments:

We have lived in Maunawili for over 20 years. As Kamaaina returning home from the Mainland, we chose to raise our family here because of the beautiful Koolau Mountains and the peace and tranquility of the community. Over the past 3-4 years, Maunawili has been inundated with tour helicopter traffic. This traffic is particularly unbearable during the busy summer tourist season when there have been as many as 14 tour helicopters overhead in one hour (that is one EVERY 4 MINUTES). How is this acceptable?

The tragic helicopter accident in Kailua Town last year (that miraculously spared the lives of residents on the ground), highlights the need to have these helicopters sent offshore to ensure the safety, health, and well-being of our communities. These helicopters should also be equipped to operate under the Instrument Flight Rules (IFR) needed to safely navigate in the unpredictable cloudy conditions that occur especially on the Windward side of the island.

Our skies have reached a breaking point. The self-regulation of the tour helicopter industry is no longer an option.

SB-2649

Submitted on: 2/17/2020 12:44:06 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharlene Chun Lum	Individual	Support	No

Comments:

Aloha kakou,

My name is Shar Chun-Lum and I am a taxpayer who lives in Halawa. Our daily lives are regularly disrupted by the noise of helicopters flying over our community from dawn to well beyond dusk. Some helicopters fly so low that the glass in our windows shake. During those times, my husband and I cannot carry on our conversations or hear the TV broadcasts. I fear that one day, there will be a malfunction and crash in my community. There are also 3 schools nearby and several churches, as well as the prison and soon the jail.

I support SB2649 as the purpose and intent of this measure is to improve our aircraft safety by requiring that our aircraft permit seekers have aircraft that are outfitted with Federal Aviation Approved safety devices.

Given the geographic and weather conditions in Hawaii, certified instrument flight technology and flotation devices are integral safety devices for our helicopter. This measure would require our aircraft to be outfitted with those safety devices before being granted permits to operate.

It makes little sense to issue permits without these safety measures in place. It's a shame that we need legislation to have helicopter businesses do what should be standard procedure before placing people and communities at risk.

Please pass SB2649 today.

Mahalo for the opportunity to present my views.

SB-2649

Submitted on: 2/17/2020 3:33:35 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jean graham	Individual	Support	No

Comments:

February 17,2020

RE; SB 2649 SUPPORT

GOOD MORNING

Senator Lorraine Inouye, Chair
Senate Breene Harimoto, Vice Chair

Committee on Transportation Conference Room 225
Hawaii State Capitol

We live in Leilani Estates and have seen the excesses and abuses an unregulated tour helicopter industry can wreak on a community. For the duration of the 2018 Fissure #8 lava flow and several months post-eruption, overflights per day often exceeded 150 aircraft in an 8 hour period. The operators were turning helicopter flights over at an average of every 60-75 minutes during daylight hours; as fast as they could land and load. The industry reaped an enormous business opportunity during this disaster. Never has lava been so predictable and so close to an airport. They took full advantage of it at the expense of our communities. The short roundtrip from Hilo allowed each fleet multiple flights per aircraft every day. It was an unparalleled business opportunity. The flightpath was short and the turnover was high and they used the communities in the path of the lava relentlessly.

There were more often than not, 4-8 helicopters over head arriving and leaving and circling Fissure #8 3-6 times. Circling kept them overhead for an additional 10 minutes, hovering and weaving in and out of traffic slowly. At times, individual helicopters were stacked up tp 2-5 aircraft deep before departing.

This intense and unregulated air traffic created non-stop noise for hours with measured decibels at times, in excess of 85 decibels. It also created an incredibly dangerous situation for residents on the ground under the heavy traffic. We were lucky there were no collisions or failures.

I discuss the above to illustrate how careless and unregulated the industry is. They were not constrained by any agency or even their own management and were free to use the airspace

any way that maximized profits. We were able to track around 12 aircraft at the time and noted near-collisions in the busy airspace. These craft were all at the same altitude, trying to maximize the view, often flying within a few dozen feet of each other. When we attempted to make complaints to the HHA, our calls were ignored and nothing was done.

All this is to say, the industry does not self-regulate and does not respond to residents' comments. When we have a combination of unsafe flightpaths and heavy traffic, we need laws to make the industry accountable.

In addition to the strict permitting, I suggest all the helicopter tour industry data be made available to the public. Information should include fleet sizes, flightpaths, number of flights daily, monthly and annually, annual revenue figures, increases in annual flight numbers, and any citations or violations. The public should be allowed to see what tour operators are doing over their communities.

To this end, requiring all aircraft to install ADS-B would be an important step towards ensuring compliance. With this tool, residents are able to monitor who is using their neighborhoods for tours, how often they fly and at what altitudes they fly. It also pinpoints location with latitude and longitude. At present only aircraft using certain classes of airports are required to use ADS-B. That exempts anyone flying at any airport on the island of Hawaii, Maui, and Kauai, unless they use Inyoe to land. All of these islands get significant traffic and have seen numerous incidents--some of them fatal. Daniel K. Inyoe is effectively the only airport that meets the requirement for mandatory installation of ADS-B.

We do not agree that the tour industry should comply only with FAA requirements, Hawaii is a unique problem with small airports and heavy helicopter traffic over populated land. The FAA doesn't forbid the installation of ADS-B and the state is empowered to make their own decision on it.

HHA has submitted testimony as follows:

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.

They are not responsive to communities and they have failed to interact with them when contacted several hundred times with concerns. In fact, the past president blocked all email contact, returning messages unread and the hotline was never answered in person. Messages were ignored. Their dismissal of resident's comments and concerns illustrates perfectly why legislation is needed.

All of the following should be made law.

No permit shall be authorized unless accompanied by a Hawaii sectional aeronautical chart marked to indicate routes and altitudes to be used in conducting aerial tours and noise abatement procedures to be employed in the vicinity of identified noise sensitive areas.

No permit shall be authorized unless the tour aircraft is fitted with a flotation device and an automatic dependent surveillance-broadcast device which have been approved by the United States Federal Aviation Administration.

Regards

Jean Graham

SB-2649

Submitted on: 2/17/2020 4:58:35 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments:

Hawaii bears the burden of nearly 50 percent of U.S. helicopter tourism. It is now simply impossible to go anywhere—even in federally designated wilderness areas—without being bombarded by the effects. There is detrimental disturbance to native species in our parks and wilderness areas by the noise created by aircraft. It detracts from the serenity and preservation of the purpose for which these parks were originally created: the preservation of nature and to provide a natural experience for park goers. It is also upsetting and intrusive to East Honolulu residents, especially those living near the shoreline and in valleys where the scream of engines and helicopter blades reverberates. Helicopter and airplane noise can be heard in East Honolulu as late as 11 pm and as early as 4 am which is harmful to the sleep of people in our residential areas. The commercial and tour helicopter impacts on Hawai'i's communities, ranging from low altitudes and high noise levels to unsafe flight patterns and fatalities, continue to cause significant public concern and distress. Your support of SB2649 is crucial to the health and safety of our communities. Mahalo.

SB-2649

Submitted on: 2/16/2020 2:59:16 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Individual	Support	No

Comments:

The current spate of tour helicopter accidents is unacceptable. It is obvious that tour helicopter safety must be improved so that future accidents could be avoided or minimized.

A number of these tragic accidents have been weather related. As a retired instrument flight rated helicopter pilot for the Hawaii National Guard, I find it unconscionable that tour helicopter pilots are not required to be instrument flight rated. Once a visual flight rated pilot inadvertently enters a cloud, they don't know their location or the attitude of the helicopter. They are a danger to all on board and on the ground as well.

In addition to current proposals to modify flight routes, our Legislature should actively support increasing tour safety by supporting a requirement for tour helicopter pilots to be instrument flight rated, and for all safety equipment to be aboard.

Chuck Prentiss, Kailua

SB-2649

Submitted on: 2/17/2020 10:45:09 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments:

Absolutely! Too many tour operators flaunting the laws. It is obvious they cannot police themselves. I stand in strong support of this bill.

SB-2649

Submitted on: 2/18/2020 3:24:13 PM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andre Lang	Individual	Support	No

Comments:

Aloha to all and mahalo for listening.

I live in Waiohinu Kau on the big island in the path of the helicopter noise. It is astounding that the management of the tour companies have no Aloha in mind when flying over our heads as early as 730 am on a Sunday or any other time. During the eruption of Kilauea this occurred daily , continuously throughout the day. I moved to Kau to get away from the noise.

Unfortunately I have reflex epilepsy which only occurs with loud noises due to brain damage in the auditory cortex. I can not explain to you what it is like when being assaulted from above by a helicopter close to the ground. I literally crawl under a pillow in order to avoid a seizure, I also carry earplugs with me wherever I go. Even at home on the farm.

Please, make them stop.

Their helicopter business is not going to perish with the authorization of this bill. They can continue to fly off shore and higher up. I understand that tourism is the main economic engine. Unfortunately money is being made at the expense of us citizens.

Please make them go away.

Sincerely

Andre Lang

SB-2649

Submitted on: 2/19/2020 7:35:35 AM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia	Individual	Support	No

Comments:

Thank you for proposing this bill, Senator Chang! Love it. A few thoughts:

Noise-impact from these tour helicopters is a major factor for residential communities & for those visiting national monuments (Diamond Head, Pearl Harbor, Volcano National Park, etc).

Are we able to add an addition to this bill that addresses noise & safety? For the rights of all taxpaying residents (& those visiting national monuments) to have peaceful enjoyment of their properties and not be severely impacted by the noise of tour helicopters flying overhead at low altitudes.

An additional consideration is in regulating the amount of permits given annually to the tour helicopter companies, as, as far as my understanding, this is not yet regulated.

Mahalo Nui & big hugs to you, Adrian, Allen and the team!! Miss you guys!

Malia

Mauna Loa Helicopters

73-310 UU Street

Kailua Kona

96740

HI

February 20, 2020

10:00 am

Conference Room 229

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair; Senator Stanley Chang, Vice Chair

Aloha Chair Baker, Vice Chair Chang, and members of the committee,

Mauna Loa Helicopters opposes the language in SB 2649 requiring that tour aircraft be fitted with a floatation device and an automatic dependent surveillance-broadcast device approved by the Federal Aviation Administration in order to be approved for an Air Tour Permit in the State of Hawaii.

The Federal Aviation Administration, through the Federal Aviation Regulations, has preemptive authority in the regulation of aircraft equipment required in all aircraft flown in the National Airspace System (NAS) of the United States of America. This authority has been established to maintain a uniform national aviation system that permits the safe and efficient utilization of the NAS. The federal preemptive authority prohibits states, cities, counties, and other entities from imposing rules related to aircraft equipment and the operation of aircraft in the nation's airspace.

Additionally, the requirement in this bill that a tour aircraft operator (fixed-wing, helicopter, or otherwise) and no other type of aircraft operation must have specific equipment on their aircraft in order to be authorized to hold a State of Hawaii Air Tour Permit, is unjustly discriminatory. Placing aircraft equipment requirements on air tour operators working out of State of Hawaii airports that are not also imposed on non-tour operators working from the same airports, the Hawaii Department of Transportation would be in violation of the Federal Grant Assurances. The State of Hawaii has agreed to uphold the Grant Assurance's requirements in order to receive funds from the federal

government for the operation of Hawaii's airports. These are critical funds that the HI DOT cannot afford to lose.

Mauna Loa Helicopters thanks you for considering our testimony and we urge your committee to **oppose** passage of SB2649 through your committee.

Dan Heath
Mauna Loa Helicopters

SB-2649

Submitted on: 2/19/2020 9:51:21 AM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Heath	Individual	Oppose	No

Comments:

February 20, 2020

10:00 am

Conference Room 229

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair; Senator Stanley Chang, Vice Chair

Aloha Chair Baker, Vice Chair Chang, and members of the committee,

I oppose the language in SB 2649 requiring that tour aircraft be fitted with a floatation device and an automatic dependent surveillance-broadcast device approved by the Federal Aviation Administration in order to be approved for an Air Tour Permit in the State of Hawaii.

The Federal Aviation Administration, through the Federal Aviation Regulations, has preemptive authority in the regulation of aircraft equipment required in all aircraft flown in the National Airspace System (NAS) of the United States of America. This authority has been established to maintain a uniform national aviation system that permits the safe and efficient utilization of the NAS. The federal preemptive authority prohibits states, cities, counties, and other entities from imposing rules related to aircraft equipment and the operation of aircraft in the nation's airspace.

Additionally, the requirement in this bill that a tour aircraft operator (fixed-wing, helicopter, or otherwise) and no other type of aircraft operation must have specific equipment on their aircraft in order to be authorized to hold a State of Hawaii Air Tour Permit, is unjustly discriminatory. Placing aircraft equipment requirements on air tour operators working out of State of Hawaii airports that are not also imposed on non-tour operators working from the same airports, the Hawaii Department of Transportation would be in violation of the Federal Grant Assurances. The State of Hawaii has agreed to uphold the Grant Assurance's requirements in order to receive funds from the federal government for the operation of Hawaii's airports. These are critical funds that the HI DOT cannot afford to lose.

I thank you for considering our testimony and we urge your committee to **oppose** passage of SB2649 through your committee.

Dan Heath

LATE

SB-2649

Submitted on: 2/19/2020 10:38:31 AM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bronsten Kossow	Individual	Oppose	Yes

Comments:

Aloha Senators,

Please **oppose** this bill. Although ADS-B is required per federal standards within airports like Honolulu and Kahului. Federal Aviation Administration has these standards and the State should observe and honor the FAA regulations.

Also, within addition to the bill it would also require floatation devices. Please note that the FAA also has a regulation for flying tours off the shoreline that would require floatation devices, but the flight within land does not need that extra feature.

Please review and request input from the governing agency the Federal Aviation Administration, as for 1) FAA is the governing agency and federal laws preempt State law in the supremacy clause of the US Constitution, which as the State Attorney General has also stated in past comments that could lead to legal disputes to the Supreme Court. 2) Have experts in the field that are able to create the best decision before putting mechanisms in place. Clearly most people who support the measure are not pilots and aircraft mechanics. I'm not a pilot or mechanic, and I'm sure most of those in the legislature are not in the field of aviation, with the exception of Senator Kai Kahele.

Please, oppose or defer this measure.

LATE

To: fax #(808) 586 6070 (sen. Baker)
fax #(808) 586 8420 (sen. Chang)
SB 2649

Feb. 19, 2020

Aloha Sen. Baker and Sen. Chang,

I would like to voice my support of this bill, SB2649, regarding the requirement to have flotation devices on all tour helicopters and for the ADS-B automatic dependent surveillance broadcast devices. Both are important for safety and compliance with federal regulations.

Also, I strongly suggest that these tour aircraft respond to the enormous noise problem over residential communities and the danger of crashes in such areas by flying off shore and away from these neighborhoods.

It is time to protect and legislate for the people of this state, not just select business interests. As constituents, we need and deserve this consideration.

Mahalo,

Lani Blissard

SB-2649

Submitted on: 2/19/2020 11:29:55 AM

Testimony for CPH on 2/20/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Dorn	Individual	Oppose	No

Comments: