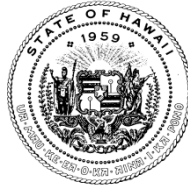


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 26, 2020
1:30 PM
State Capitol, Room 211

S.B. 3107
RELATING TO AIR TOURISM

Senate Committee on Transportation and Ways and Means

The Department of Transportation **supports** the intent of this proposed bill to develop a pilot program and consider other actions to address excessive noise from air tourism aircraft on the island of Kauai.

To avoid a duplication of efforts, we feel this taskforce should include stakeholder groups that represent all islands Statewide.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
TRANSPORTATION
and
WAYS AND MEANS**

**Wednesday, February 26, 2020
1:30 PM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 3107
RELATING TO AIR TOURISM**

Senate Bill 3107 proposes to establish a Kauai Air Tourism Working Group to develop a pilot program and consider other actions to address excessive noise from air tourism aircraft on the island of Kaua'i. It required a report to the Legislature and makes an appropriation. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

The Department, through its Divisions of State Parks, and Forestry and Wildlife, manages large areas of Kaua'i which are subject to constant overflights by tour helicopters, notably Waimea Canyon, Koke'e, Nāpali and Wailua River, and helicopter noise is a universal complaint of park visitors. We are also aware of safety issues, including the proliferation of unauthorized drone usage in areas also frequented by helicopters. The Department's Kaua'i district operations are also frequently supported by helicopter transport of staff and equipment to remote areas, so selecting Kaua'i as a pilot project also taps into this wealth of experience and training embedded within the Department's staff. We look forward to participating in an established working group.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

SB-3107

Submitted on: 2/23/2020 5:59:24 PM

Testimony for TRS on 2/26/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Hilton	Testifying for Windward Coalition	Support	No

Comments:

Please include all counties be included in this bill! including Oahu and the Big Island!

Mahalo, Eileen Hilton MD

President Windward Coalition



February 25, 2020

Hawaii State Senate Committee on Transportation
Hawaii State Senate Committee on Ways and Means

Re: February 26, 2020 Hearing on SB3107 Relating to Tour Aircraft

Aloha Senators,

STOP DAT!, formed in 2008, is a coalition of Kaua'i citizens and organizations that believe that air tourism should respect residents' right to the peaceful enjoyment of their communities and parks. StopDAT!'s objective is the creation of enforceable rules, for all types of tour aircraft, that will end the air tourism industry's creation of noise over residential areas, recreational areas, noise-sensitive environmental areas, and cultural sites.

StopDAT! **strongly supports SB3107** for the following reasons:

1. SB 3107 proposes the only possible path for designing and implementing a voluntary program for managing the impacts of excessive noise from tour aircraft. Unlike other "voluntary" approaches that are based on the "foxes guarding the hen house" and are therefore doomed to fail, SB 3107 would establish a working group that balances industry representation with representation from the impacted communities, and has clear objectives, professional facilitation and a requirement to report back to the legislature.
2. SB 3107 acknowledges the very obvious need for a state-sponsored, publicly accessible, automatic dependent surveillance-broadcast ("ADS-B") based tracking system, to make known the air tourism operators who are responsible for causing noise disruptions. This is critical to making progress on the air tourism noise management issue, as neither voluntary compliance, nor effective enforcement of existing or future mandatory rules, will ever occur unless a comprehensive, transparent tracking system is created to both expose the rule-breakers and credit those air tour operators who fly respectfully.

Thank you for considering this testimony.

A handwritten signature in black ink that reads "Carl F. Imperato".

Carl Imperato
P.O. Box 1102
Hanalei, HI 96714

SB-3107

Submitted on: 2/25/2020 11:46:52 PM

Testimony for TRS on 2/26/2020 1:30:00 PM



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

Comments:

HICOP TESTIMONY IN STRONG SUPPORT OF SB 3107

SENATE COMMITTEE ON TRANSPORTATION Senator Lorraine R. Inouye Chair,
Senator Breene Harimoto Vice Chair,

SENATE COMMITTEE ON WAYS AND MEANS Senator Donovan Dela Cruz Chair,
Senator Gilbert S.C. Keith-Agaran Vice Chair,

SENATE BILL 3107 TESTIMONY IN STRONG SUPPORT

Wednesday, February 26, 2020, Capitol Conference Room 211, 1:30 PM

Aloha Chairs Inouye and Dela Cruz, Vice Chairs Harimoto and Keith-Agaran, and
Committee Members Senators English, Fevella, Shimabukuro, Kahele, Kanuha, Kidani,
Moriwaki, Riviere and Taniguchi.

Senate Bill 3107 RELATING TO AIR TOURISM. Establishes a Kauai Air Tourism
Working Group to develop a pilot program and consider other actions to address
excessive noise from air tourism aircraft on the island of Kauai. Requires a report to the
Legislature. Makes an appropriation.

See attached: 2013 - 2018 National Park tour copter overflights by year/by National
Park, Hawaii Volcanoes is the most tour copter impacted individual National Park in the
Nation, Haleakala is the 4th and the State of Hawaii is the most tour copter impacted
State in the Nation, by far. Kahele/Hawaii Island Legislative Delegation/CODEL letter
September 28, 2016 describing the tour copter debacle. CODEL Senators Schatz and
Hirono, Representative Gabbard have done nothing meaningful since that letter was
written!

It is a shame that more time, effort and tax dollars must be spent on the Hawaii tour
copter debacle, a debacle that has been going on for over 60 years, making those on
the ground totally unnecessarily miserable because the tour copter operators have no
Aloha, operate in a way to totally alienate the communities they do business in..

The copter operators knowingly cause this misery to those on the ground by continuing to transit over our homes with their incessant tour copter noise nuisance pollution, their humongous carbon footprint raining down on us and the threat of crashing copters destroying our properties and injuring or killing those on the ground under this totally unnecessary onslaught.

Testimony from the tour copter operators regarding 2020 legislation states that they want to continue doing business as usual and do not want to implement any safety measures such as flotation/ADS-B/IFR and want to continue transiting over our homes, sighting the FAA as the responsible agency, the same FAA that the FAA whistle blowers claimed operated with collusion.

HICoP in 2015/2016 met with the tour copter operators on Hawaii Island and described in detail and with pictures and videos showed them how much their operations transiting over our homes caused an unbearable impact. HICoP asked the tour copter operators to voluntarily implement the offshore route fashioned after the Long Island FAA Rule Island solution, FAA Rule 14 CFR Part 93, the New York Helicopter Offshore Route. To date the tour copter operators on Hawaii Island have continued business as usual, they just do not care.

It appears the tour copter operators feel they can do what ever they want and that may be true, as the FAA has totally abdicated all responsibilities and duties regarding the tour copters, which may be explained by the recent whistle blowers, FAA employees, that alleged there was collusion between the FAA administrators and the tour copter operators.

So are more committees, defunct round tables, reports, the answer while tour copter noise nuisance pollution, carbon footprint and more dangerous crashes continue to happen?

The Senate Committee on Commerce, Consumer Protection and Health has a better answer in Senate Bill 2649, their report:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred S.B. No. 2649 entitled: "A BILL FOR AN ACT RELATING TO TOUR AIRCRAFT," begs leave to report as follows: The purpose and intent of this measure is to amend section 261-12, Hawaii Revised Statutes, to require tour aircraft operations permit applicants to operate only aircraft that are outfitted with certain Federal Aviation Administration (FAA) approved safety devices.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Island Coalition Malama Pono, O'ahu Tour Helicopter Safety and Noise Inter-Action Group, Kailua Neighborhood Board No. 31, Pearl City Neighborhood Board No. 21, Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5, thirteen individuals, and a petition signed by one hundred eighty-six individuals. Your Committee received testimony in opposition to this measure from Mauna Loa

Helicopters, Paradise Helicopters Hawai'i, Hawaii Helicopter Association, Jack Harter Helicopters, Magnum Helicopters, and six individuals.

Your Committee finds that Hawaii has experienced recent events that have escalated public concern for the safety of tour helicopters. Hawaii residents continue to express concerns that the widespread self-regulated operation of helicopters and other small aircraft pose significant safety risks for not only those in the air, but also those on the ground below.

This measure would require that helicopter tour operators comply with existing FAA requirements by outfitting their tour aircraft with FAA-approved safety flotation devices and automatic dependent surveillance-broadcast devices before being granted permits to operate.

Your Committee further finds that there are numerous studies on what effect aircraft noise has on humans. As this measure continues to move through the legislative process, your Committee encourages those committees hearing this measure to determine an appropriate definition for the term "noise footprint".

Your Committee has amended this measure by inserting language providing that: (1) All tour aircraft permit holders shall be prohibited from allowing the noise footprint of their tour aircraft to enter any occupied property; and (2) Failure to comply with the requirements imposed by this measure shall result in the denial of a permit or rescission of permit.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2649, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2649, S.D. 1. Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Health,

ROSALYN H. BAKER, Chair .

"Noise Footprint" has a very simple definition in that the noise from a tour copter could not be heard in an occupied area.

Occupied Area - The term "occupied area" means land area that is used by people, including residential areas, commercial areas, and recreational areas. This is the same definition that is included in Representative Ed Case's "Safe and Quiet Skies Act of 2019"

When SB 2649 is implemented, all complaints will cease, serenity and safety will be returned to the constituents/voters/taxpayers on the ground and the tour copter operators may continue their businesses free from the threat of actions precipitated by constant complaints from the victims on the ground.

HICoP urges all Senators and Representatives to become cosponsors and supporters of SB 2649 which could be known as "The Return Serenity and Safety to Hawaii Act".

Mahalo,

The HICoP Board

SB-3107

Submitted on: 2/19/2020 11:46:38 PM

Testimony for TRS on 2/26/2020 1:30:00 PM

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

Comments:

I support SB 3107 to create a group for the island of Kaua`i to address air tourism.

SB-3107

Submitted on: 2/20/2020 7:44:33 AM

Testimony for TRS on 2/26/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

Not sure why another commission is needed but if it helps the people of Kauai with the noise pollution then great. I personally think all islands need this but we can start with Kauai.

SB-3107

Submitted on: 2/23/2020 9:03:51 PM

Testimony for TRS on 2/26/2020 1:30:00 PM

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

Comments:

It is essential that Air Tourism Working Groups be established on ALL OF THE HAWAIIAN ISLANDS to develop a pilot program and consider other actions to address the EXCESSIVE NOISE from air tourism aircraft on the island of Kauai **and throughout our State**. Please help us get our skies and peace of mind back by controlling the out-of-control tour helicopter industry!

SB-3107

Submitted on: 2/23/2020 10:14:45 PM

Testimony for TRS on 2/26/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce	Individual	Support	Yes

Comments:

My name is Bruce Lum, and I strongly support SB3107 and I request that this BILL include all the counties in the State of Hawaii, eg. Hawaii County and the City and County of Honolulu.

I approve the the the purpose statement, "Establishes a Kauai Air Tourism Working Group to develop a pilot program and consider other actions to address excessive noise from air tourism aircraft on the island of Kauai. Requires a report to the Legislature. Makes an appropriation."

Mahalo for you kind attention,

Bruce Lum

I strongly **SUPPORT** bill SB3107 to develop a program to address excessive Helicopter Air Tour noise.

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



Fax to: Sen. Delacruz - 586-6091
Sen. Inouye - 586-7339

SB3107

1 message

Lani Blissard <guava1054@gmail.com>
To: Lani Blissard <guava1054@gmail.com>

Tue, Feb 25, 2020 at 11:45 AM

Aloha Sen. Dela Cruz, Inouye and Committee Members,
I would like to voice my support of SB3107 to establish a Kauai Air Tourism Working Group to develop a program regarding excessive noise from tour aircraft and to report this to the legislature. This issue of excessive tour aircraft noise over residential communities is serious and a real concern for many constituents. It very much needs to be addressed.

Thank you,
L. Blissard

SB-3107

Submitted on: 2/25/2020 1:17:53 PM

Testimony for TRS on 2/26/2020 1:30:00 PM

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

Comments:

LATE

SB-3107

Submitted on: 2/26/2020 6:27:44 AM

Testimony for TRS on 2/26/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Brown	Individual	Support	Yes

Comments:

I – Dan Brown - fully support HB 19SB 3107 - this measure will greatly assist in ensuring the safe operation of tour helicopter companies – **I strongly suggest that all counties - especially Oahu, Maui and Hawaii islands also be included as they have significant air tour operations.** The FAA cannot be trusted to solely ensure safe compliance of rules governing the skies above our homes and communities and the lives of those who choose to fly in unsafe tour helicopters. 35 crashes and 45 deaths since the year 2000 testify to the lack of oversight on these companies. The crash in Kailua last April 2019 illustrates the danger to the communities of Hawaii - miraculously no one was killed on the ground. I urge you to support this bill and forward it for approval - Thanks - Dan Brown

I own a home in Kailua on Oahu and jointly own 10 acres on mountain above Kona on Hawaii Island - both are subject to tour helicopter overflights daily.

SENATE COMMITTEE ON TRANSPORTATION

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

SENATE COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

LATE

Joint Committee Hearing

Wednesday, February 26, 2020
State Capitol Conference Room 211
1:30 PM

SENATE BILL 3107

Relating to Air Tourism

**TESTIMONY IN SUPPORT
WITH RECOMMENDATIONS**

Aloha Chairs Inouye and Dela Cruz, Vice Chairs Harimoto and Keith-Agaran, and Committee Members:

House Bill 3107, Relating to Air Tourism, provides for the essential opportunity to establish an air tourism working group.

According to SB 3107, the purpose of this measure is to establish a stakeholder working group to be comprised of representative stakeholders to develop a pilot program to manage the negative impacts of excessive noise from tour aircraft, consider other actions to address air tracking technology needs, and report to the legislature.

It is strenuously recommended that this essential advisory group be established for each of the State's four counties, not simply one.

From September 2018 to date, seven (7) commercial and tour helicopter crashes and emergencies in three of Hawai'i's four counties have flashed a clear message that significant protections 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 Hughes-369E crash in Waipio Valley, Hawai'i Island;
- April 16, 2019- K&S Hughes-369E in Sacred Falls State Park, O'ahu;
- 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.

In light of the above, comprehensive modifications and additions to SB 3017 are attached below for your respected consideration in order to enable a diverse and focused stakeholder working group to successfully represent each county in the greater public interest.

----Stakeholder Working Group for Each County----
Recommended Modifications and Additions for SB 3107

...The legislature finds that the United States Federal Aviation Administration mandates automatic dependent surveillance-broadcasts (ADS-B) at certain airports throughout the nation. ADS-B technology provides air trackers with real time position, altitude, and velocity through transmitters on board the aircraft identified by their registered N-numbers. However, while the Federal Aviation Administration mandates the use of these broadcasts in Honolulu and Kahului, the administration does not mandate their use at airports in Lihue, Hilo, and Kona.

The legislature recognizes congressional efforts to require federal authorities to develop appropriate aircraft regulations and enforce those regulations to address these concerns. The legislature also believes that the State, in the meantime, should take steps to develop non-preempted state laws and industry guidelines that would address local concerns about the air tourism industry.

The purpose of this Act is to establish a stakeholder air tourism working group for each county, which shall consist of representative stakeholders, that shall develop a pilot program to manage the negative impacts of excessive noise from tour aircraft on each island, consider other actions to address air tracking technology needs for each county, and report to the legislature.

SECTION 2. (a) There is established within the department of transportation, for administrative purposes, an air tourism working group for each county. The working group shall:

- (1) Develop a voluntary pilot program to manage the negative impacts of excessive noise from tour aircraft within each county's residential communities, cultural sites, state and county parks, and natural environment. Before implementing the pilot program, the working group shall:
 - (A) Identify and prioritize areas throughout each county most negatively impacted by the recreational air tourism industry; and
 - (B) Through the use of noise impact modeling and geographic information system mapping, identify appropriate flight paths, flight altitudes, and distances from each island's residential communities, cultural sites, state and county parks, and natural environment;
- (2) Recommend a specific state-sponsored tracking system, similar to the Los Angeles helicopter noise initiative, that uses Webtrak or similar technology to a) determine in real time the aircraft that cause disruptions on each island and to b) provide the correct data to facilitate the filing of complaints;
- (3) Determine the cost of necessary software, maintenance, and other expenses relating to the aforementioned state sponsored and administered tracking system to be paid by permit fees for the use of each State airport;
- (4) Explore methods to effectively influence businesses in the recreational air tourism industry to use automatic dependent surveillance-broadcasts that are accessible to all members of the public on each island. Methods to be considered shall include
 - (A) GET taxes on each aircraft; and
 - (B) Increases in applicable fees and rental rates for leased lands; and
- (5) Consider other actions to address excessive noise from air tourism aircraft.

- (b) The following individuals shall serve as members of the stakeholder working group in each county:
- (1) The director of transportation or the director's designee, who shall serve as the chairperson of the working group;
 - (2) The chairperson of the board of land and natural resources, or the chairperson's designee from the division of state parks, department of land and natural resources; and
 - (3) The chairperson of the board of directors of the Hawaii tourism authority, or the chairperson's designee.
- (c) The chairperson of the stakeholder working group shall invite the following persons to serve as members:
- (1) One representative from each community air safety and noise-mitigation advocacy group in each county;
 - (2) One representative from each island's visitors bureau;
 - (3) One representative each island's Sierra Club Group;
 - (4) One representative from each county's recreational air tourism industry;
 - (5) One representative from each organization on each island that perpetuates the Hawaii culture impacted by air tourism;
 - (6) One resident on each island representing the island's residents who have experienced hearing excessive aircraft noise near their homes; and
 - (7) One member of the public residing on each island who has experienced hearing excessive aircraft noise while visiting a state or county park or beach on the island.
- (d) The working group shall report the outcome of its pilot program and its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2022.
- (e) The department of transportation, upon recommendation by the stakeholder working groups in each county, shall hire a consultant to assist the Kauai air tourism working group in the completion of the report required under subsection (d). The consultant shall have experience in facilitation, consensus-building, and community-based approaches. Notwithstanding any law to the contrary, the department, in selecting a consultant from among consultants who are equally qualified in the foregoing areas, shall select the consultant with the most experience, or the ability to contract with sub-consultants, in geographic information systems, ambient noise analysis, and aircraft technology.

Further, a significant safety component has been absent from Senate legislation to date, and this is recommended to be included in HB 3107. FAA-approved Instrument Flight Rating has proven to be essential for air tour helicopters in Hawaii, with all pilots certified for same.

The fact that commercial helicopter operators fly absent instrument certification requirements cannot be ignored, and three recent multi-fatality helicopter crashes illustrate the glaring necessity for instrument rating validation:

- 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 two (3) children.

These helicopters were operated under only visual flight rules (VFR) in overcast conditions. If the commercial helicopter operators had been instrument flight rated and required to abide by instrument flight rules (IFR), vastly different and far less devastating outcomes would have been possible.

Instrument Flight Regulation is incorporated within FAA Federal Aviation Regulations (FAR) Code 14, which includes aircraft operator Instrument Rating Requirements under FAR 14 CFR Part 61 §61.65, below, and aircraft Instrument and Equipment Requirements under FAR 14 CFR Part 91 §91.205 and Part 135 §135.163 and §135.165.

**FAR 14 CFR Part 61 §61.65
Instrument Rating Requirements**

<https://www.law.cornell.edu/cfr/text/14/61.65>

(c) **Flight proficiency.** A person who applies for an instrument rating must receive and log training from an authorized instructor in an aircraft, or in a full flight simulator or flight training device, in accordance with paragraph (g) of this section, that includes the following areas of operation:

- (1) Preflight preparation
- (2) Preflight procedures
- (3) Air traffic control, clearances and procedures
- (4) **Flight by reference to instruments**
- (5) Navigation systems
- (6) Instrument approach procedures
- (7) **Emergency operations**
- (8) Postflight procedures

Therefore the following air tour safety provision is recommended to be added to SB 3107:

§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)."

When included under Hawai‘i Revised Statutes Section 261, the requirement for IFR aircraft operations will help ensure tour helicopter operator compliance with federal regulations to better protect those in the air during sudden and unexpected inclement weather, and will dually serve to protect the larger public on the ground within the range of danger.

Thank you for considering the above support and recommended modifications and additions for Sente Bill 3107.

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

LATE

SB-3107

Submitted on: 2/26/2020 8:30:55 AM

Testimony for TRS on 2/26/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bronsten Kossow	Individual	Oppose	No

Comments:

Add amendments and create the action group similar to Hawai'i Island. All should be involved, not just a selected few.