



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2020**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 3154, RELATING TO TOUR AIRCRAFTS.

**BEFORE THE:**

SENATE COMMITTEE ON TRANSPORTATION AND ON ENERGY, ECONOMIC  
DEVELOPMENT, AND TOURISM

**DATE:** Monday, February 3, 2020 **TIME:** 1:16 p.m.

**LOCATION:** State Capitol, Room 225

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Michael Q.Y. Lau, Deputy Attorney General

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Chairs Inouye and Wakai and Members of the Committees:

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 floatation 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).

Section 1 on page 3, lines 1-2, would require tour aircraft operators to comply with the NTSB safety recommendations. The NTSB makes safety recommendations to the FAA. The FAA, however, is not required to adopt the NTSB recommendations. The State may not implement safety regulations over and above what the FAA requires. Accordingly, we respectfully suggest that section 1 on page 3, lines 1-2, be deleted.

In addition, the power to regulate an aircraft's flight paths, hours, and altitudes resides exclusively with FAA. *Skysign International Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1117 (9th Cir. 2002).

Section 1 on page 3, lines 3-4, would prohibit aircraft from flying within an undetermined distance from residential properties. This wording falls squarely within the type of aircraft regulation that the federal government has preempted. Accordingly, we respectfully suggest that section 1 on page 3, lines 3-4, be deleted.

Thank you for the opportunity to comment on this bill.

**LATE**

**SB-3154**

Submitted on: 2/2/2020 10:01:19 PM

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

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

Comments:

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

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.

I oppose SB 3154. There is language in SB3107 also introduced in the Hawaii State Legislature this session that mentions the Federal Aviation Act of 1958 which preempts any local control over aircraft operations in the Federal airspace. In addition, flotation devices are not a panacea for helicopter operations and can lead to overreliance on equipment that can fail such as the tragic accident in New York. The NTSB takes years to determine the cause of accidents and comes up with broad recommendations that may or may not be applicable to operations in Hawaii. The incorporation of all NTSB safety recommendations would place an unnecessary financial burden on operators and may not improve safety in Hawaii. The requirement for ADSB does not address any specific safety program or reduce helicopter noise. The prohibition of any tour aircraft operating within "(blank)" feet is vague and currently tour aircraft are required to fly at a minimum of 1,500 feet above the ground over residential areas. This requirement is only applicable to the State of Hawaii.

I have been a resident of Hawaii since 1990 and have been engaged in Helicopter aviation the entire time. Helicopters make noise but also provide jobs and an environmentally safe way for our visitors to see the beauty that is Hawaii. No roads, no bathrooms, no trails, no introduction of invasive species are needed for helicopters and airplanes to conduct aerial tours. What we provide for Hawaii is jobs and an activity for visitors and local families as well as supplemental helicopter support in times of Natural Disaster.





February 3, 2020  
Conference Room 225

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

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

As the Director of Safety for a 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.

I oppose SB 3154. There is language in SB3107 also introduced in the Hawaii State Legislature this session that mentions the Federal Aviation Act of 1958 which preempts any local control over aircraft operations in the Federal airspace. In addition, flotation devices are not a panacea for helicopter operations and can lead to overreliance on equipment that can fail such as the tragic accident in New York. The NTSB takes years to determine the cause of accidents and comes up with broad recommendations that may or may not be applicable to operations in Hawaii. The incorporation of all NTSB safety recommendations would place an unnecessary financial burden on operators and may not improve safety in Hawaii. The requirement for ADSB does not address any specific safety program or reduce helicopter noise. The prohibition of any tour aircraft operating within "(blank)" feet is vague and currently tour aircraft are required to fly at a minimum of 1,500 feet above the ground over residential areas. This requirement is only applicable to the State of Hawaii.

I grew up in Hawaii and have been involved in aviation for our 20 years. I can tell you the Hawaii tour operators have taken many steps to "fly neighborly." We've started the Hawaii Helicopter Association, continually self-regulate our pilots, we've purchased noise reduction equipment, trained our pilots on varying routes, trained our pilots on how to reduce our noise signature and worked with the local community either by round table or phone to address concerns. We understand we must continue dialogue to achieve the best solution for all parties.

Hawaii is a destination and I believe Air Tour operations are the best way for our visitors to see the beauty of Hawaii and the history of our State. We provide a service of being some of the best ambassadors Hawaii has to offer as well as jobs and a variety of services such as helping our communities during Natural Disasters.

Thank you for your consideration.



**LATE**

February 2, 2020

**TESTIMONY SUBMITTED TO:**

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

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

**SB3154 RELATING TO TOUR AIRCRAFTS**

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.

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

The language in SB3154 that would make it unlawful to operate an aircraft conducting an air tour in Hawaii would be challenged because of the federal preemption.

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

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

Thank you for considering our testimony and we urge your committee to **oppose** passage of SB3154 through your committee.

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

Casey Riemer  
Special Project Manager



**LATE**

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

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

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

The Hawaii Helicopter Association opposes the language in SB 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.

We oppose SB 3154. We note, in language from SB3107 also introduced in the Hawaii State Legislature this session, "The legislature notes that its options for regulating air tourism are limited due to federal preemption. The state department of the attorney general, in its March 21, 2019, testimony before the State House Committee on the Judiciary, stated that "Congress, by its enactment of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972, preempted state and local control over aircraft noise". At issue was proposed legislation that would, in part, make it unlawful for any person to operate certain air tourism aircraft within one mile of any residential neighborhood, except at certain times or on holidays. In the opinion of the department of the attorney general, the restriction in question fell "squarely within the type of aircraft regulation that the federal government has preempted"."

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

<https://hawaiihelicopterassociation.org>



**SB-3154**

Submitted on: 2/2/2020 11:59:58 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Antoinette M Davis	Testifying for Activities & Attractions Association of Hawaii	Oppose	No

Comments:

**SB-3154**

Submitted on: 2/1/2020 3:03:55 PM

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

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

Comments:

Aloha All

I Oppose SB3154

There are items in this bill helicopters already do by Federal Law like ADSB. 95% of all helicopter tours are conducted between the hours of 7:30am to 5:00pm, Seven day a week.

For the safety of the passengers, Tour helicopters must remain within guilding distance to shore. Professional rescue operators like the US Coast Guard will tell you that water ditching with untrain passengers, survivabiliy is questionable.

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 surrived if they were able to land on shore.

The FAA is the authority on helicopter safety and they have strict rules that govern helicopter flights over water. The FAA should be the governing factor on what equipment should or should not be installed on aircraft

Thank you for your time and consideration

Richard Schuman - President

Magnum Helicopters



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

T. 202-737-7950  
F. 202-273-7951

[www.aopa.org](http://www.aopa.org)

February 2, 2020

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

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

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

Thank you for the opportunity to comment regarding SB 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.

### **Federal Preemption**

Regulation of the National Airspace System (NAS) is the sole responsibility of the Federal Aviation Administration (FAA) which is defined by United States Code 49 § 40103 - Sovereignty and use of airspace. As such, the FAA holds the regulatory authority to control the use of navigable airspace and regulate all operations in that airspace in the interest of safety and efficiency. Allowing the FAA to uphold this mandate is crucial to the effective and free use of airspace across the country and should not be preempted by state or local legislation. Simply put, the State does not have the authority to enact SB 3154 as written and the bill is in clear violation of the Supremacy Clause, Article VI of the U.S. Constitution.

The proposed restrictions by the State are much broader than the contemplated restrictions that the Supreme Court has previously stricken down. We urge the State to find more appropriate avenues to address their concerns that doesn't including overlooking the Constitution.

**AIRCRAFT OWNERS AND PILOTS ASSOCIATION**

### **Hawaii Air Tour Task Force**

AOPA acknowledges the concerns Senator Kahele highlights in SB 3154 but suggests that these topics be properly evaluated within the newly formed Air Tour Task Force. This group was developed to “address safety and noise issues related to rotor and fixed-wing aerial tours in the state of Hawaii. Community involvement, public outreach, and transparency will be prioritized in all recommendations from the task force to industry and regulators”. This group is made up of subject matter experts and technical advisors from industry and individuals that represent the interest of the State and the Federal Government. AOPA asks that the state look to the task force to properly evaluate the next steps regarding concerns that have come up in SB 3154.

### **Summary**

We understand the intent of SB 3154, but it is clear the bill as written violates the United States Constitution, specifically the Supremacy Clause of Article VI. The FAA maintains regulatory authority of airspace and access to airspace. Attempting to enact laws that circumvent the FAA’s authority is quite simply unlawful. There are several avenues available to address the concerns outlined in SB 3154 but allowing this bill to move forward in the legislative process is not one of them. AOPA looks forward to the State finding a positive, lawful solution which does not include SB 3154 continuing through the legislature as written.

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

Respectfully,



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

**SENATE COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT AND TOURISM**

Senator Glenn Wakai, Chair

Senator Brian T. Taniguchi, Vice Chair

**SENATE COMMITTEE ON TRANSPORTATION**

Senator Lorraine R. Inouye, Chair

Senator Breene Harimoto, Vice Chair

**JOINT COMMITTEE HEARING**

Monday, February 3, 2020

1:16 PM

Senate Conference Room 225

**LATE**

**SENATE BILL 3154  
TESTIMONY IN STRONG SUPPORT**

Aloha Co-Chair Wakai, Co-Chair Inouye and Committee Members:

Senate Bill 3154, Relating to Tour Aircraft, amends HRS Section 261-12 to accomplish vital requirements to protect the safety, lives and welfare of Hawaii 's citizens on the ground by providing that no tour aircraft operation shall be permitted at any State airport without having a permit and that such permits must require verification that each tour aircraft is equipped with the following:

Federal Aviation Administration Approved Flotation Equipment

Tour aircraft in Hawaii operate over water when departing and approaching their designated airports. To help ensure safety and survival in the event of an emergency over water, aircraft flotation pontoons and personal flotation devices are required by Federal Aviation Regulation (FAR) 14 Code of Federal Regulations (CFR) Part 136, appendix A specific to Hawai'i.

Automatic Dependent Surveillance-Broadcast (ADS-B) System

The Federal Aviation Administration has mandated use of the ADS-B system during operation of tour aircraft by January 1, 2020, and tour aircraft must continue to carry active transponders with ADS-B.

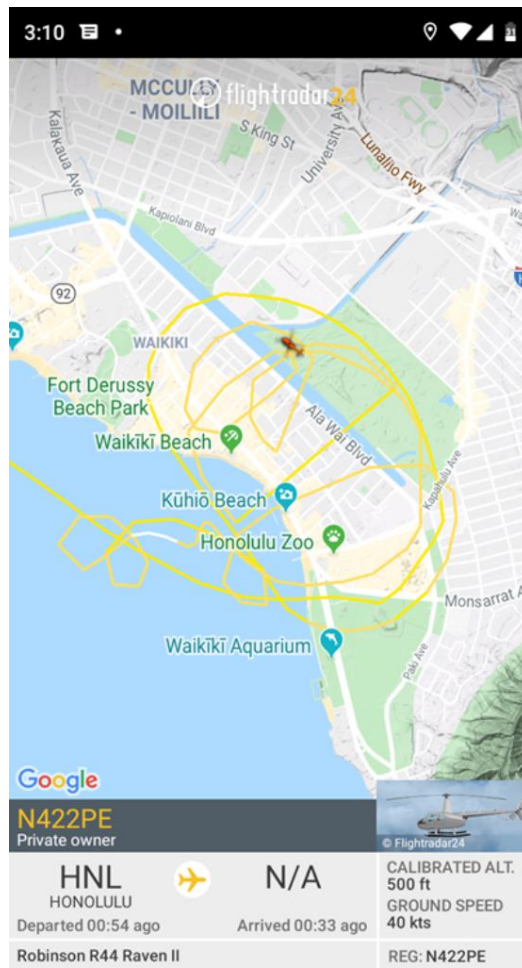
ADS-B-out transmits information specific to altitude, airspeed, and location derived through GPS from the equipped aircraft to ground stations to enable real-time aircraft identification in order to achieve more comprehensive air traffic management. ADS-B-in transmits traffic and weather information from ADS-B ground stations to the tour aircraft to help ensure situational awareness of tour aircraft operators.

If implemented earlier, these requirements could have changed the tragic outcomes of Hawaii's recent multi-fatality tour helicopter crashes.

Additionally, SB 3154 significantly requires all tour aircraft operators to comply with the National Transportation Safety Board (NTSB) safety recommendations for tour aircraft. Clearly the FAA has been grossly remiss in Hawaii by skirting vital NTSB recommendations for increased safety in the air together with essential public safety on the ground. The State of Hawaii must uphold its public duty to protect both its citizens and visitors on the ground, and the well-researched determinations of the federal NTSB provide the proven path to follow.

Further, SB 3154 stipulates that no tour aircraft operator shall operate an aircraft within (blank) feet of a residential property. This is somewhat limiting, as entire communities comprised of residential neighborhoods, schools and parks; State parks, public recreation areas and open spaces; cemeteries and sacred places; natural reserves, protected species habitats and shoreline beaches are severely impacted by the increasing multitude of low-flying tour helicopter overflights - eight and more hours every day of every week.

The Hawaii air tour industry's presently unbridled practice of flying anywhere, in any way at any time desired, does not merely significantly impact the quality of life for Hawaii's residents. This artificially "self-regulated" practice has now become a dangerous public safety threat to those on the ground under the low-flying tour aircraft flight-paths and within their crash zones that could suddenly evolve at any given time over land, as happened in April 2019, when a Novictor Helicopters tour helicopter crashed in downtown Kailua on O'ahu causing three (3) fatalities; and in December 2019, when a Safari Helicopters tour helicopter crashed into a Kaua'i cliff face causing seven (7) fatalities.



FR24 Screen Shot

January 19, 2020

Therefore, to best ensure the safety of all on the ground, any Hawaii tour aircraft flights operating for recreational entertainment of their passengers under permits by the State should be required to fly one mile offshore – i.e., 5,280 feet - in order to protect the safety and lives of the Hawaii's citizens and visitors on the ground.

**Ha breath Of Life Evening Show. \* Free Dinner buffet.**

**HELICOPTER RIDE** From **\$99<sup>99</sup>**

**45 Minutes Waterfall Special**

Explore the hidden waterfalls (Sacred fall), rainforest, Valley, & cruising thru Diamond Head extinct volcano, famous place movie making, like Jurassic Park, Magnum PI, Hawaii Five-0, beautiful beaches, Pearl Harbor, Arizona Memorial, Battle Ships Rows, Missouri, Punchbowl, Dole Plantation, Hanauma Bay, Kaneohe Bay....

**30 mins. = \$ 138.**  
**45 mins. = \$ 179.**  
**60 mins. = \$ 217.**

Waikiki Tour Brochure

Left screenshot: Map showing Diamond Head State Monument and surrounding areas. Flight data: CALIBRATED ALT. 952 ft, GROUND SPEED 86 kts, REG. N/A.

Right screenshot: Map showing Waikiki and surrounding areas. Flight data: CALIBRATED ALT. 975 ft, GROUND SPEED 77 kts, REG. N/A.

Map showing National Memorial Cemetery of the Pacific and surrounding areas. Flight data: CALIBRATED ALT. 867 ft, GROUND SPEED 23 kts, REG. N/A.

Map showing Pearl Harbor Historic Sites Visitor Center and surrounding areas. Flight data: HNL HONOLULU, HNL HONOLULU, CALIBRATED ALT. 378 ft, GROUND SPEED 84 kts, REG. N110K.

Map showing Pearl Harbor Historic Sites Visitor Center and surrounding areas. Flight data: CALIBRATED ALT. 500 ft, GROUND SPEED 90 kts, REG. N/A.

Also included in SB 3154 under HRS Section 261-12 addressing permitted tour aircraft operations, is the existing requirement that “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.”

As evidenced by the sectional aeronautical charts of record provided to the State Airports Division by the subject tour aircraft operators, such sectional charts are loosely hand-sketched with proposed routes that allow tour aircraft operators to fly however, wherever and whenever they choose, as consistently proven via screen shots transmitted from Flight Radar 24, the public real-time aircraft tracking system. Therefore the required charts remain useless and baseless until they can be clearly defined with tour aircraft flight routes confirmed to protect the public safety of both Hawaii’s citizens and visitors on the ground.

Finally, a fact that cannot be ignored is that tour helicopter operators in Hawaii are allowed to use visual flight rules (VFR) in overcast conditions and fly absent instrument certification requirements. Thus to ensure far safer emergency response performance to protect Hawaii’s citizens and visitors on the ground, State permits should require tour aircraft operators to equip their helicopters with certified instrument flight technology and abide by instrument flight rules (IFR) with pilots certified for this technology. Therefore, together with vital safety flotation device requirements and ADS-B surveillance tracking and public disclosure requirements for State airport tour helicopter permittees, the following also should be included in SB 3154:

"§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, the commercial and tour helicopter crashes and emergencies in Hawai’i alone flash a clear message that significant safety action must be implemented by the State for both the protection and survival of those on the ground:

- September, 2018 – Novictor Robinson-44 crash in Wahiawa, O’ahu;
- October, 2018- Novictor Robinson-44 crash at Kaneohe Bay recreational sand bar;
- February, 2019- K&S “Paradise” Hughes-369E crash in Waipio Valley, Hawai’i Island;
- April, 2019- K&S “Paradise” Hughes-369E in Sacred Falls State Park, Oah’u;
- April, 2019- Novictor Robinson-44 crash with 3 fatalities on a Kailua town street;
- May, 2019- Schuman “Magnum” Hughes-369D emergency landing in Diamond Head National Natural Landmark/State Historic Monument crater park with 3,300 daily visitors;
- December, 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 incontrovertible reasons why flotation devices must be ensured as required *specific to Hawai’i* under FAR 14 CFR Part 136, appendix A; why the 1-mile offshore rule must be implemented; and why tour helicopters must have ADS-B automatic surveillance equipment and be certified to operate under IFR. **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 Crash Site Video

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

“NTSB releases new video of helicopter crash site”

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>

“Discussing tragedy with children”

**Thank you for considering the above support for SB 3154 and related additions 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

**SB-3154**

Submitted on: 1/31/2020 7:56:08 PM

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

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

Comments:

I would respectfully like to testify in support of SB 3154.

In light of the recent, ever-increasing deadly helicopter crashes, the Hawaii tour helicopter industry needs **immediate intervention & oversight** to adopt any and all safety recommendations by the NSTB.

The industry has proved it cannot self regulate and needs immediate oversight to potentially divert catastrophic consequences over a heavily populated residential community which they routinely fly over.

SB 3154 is the first step.

As for the virtually constant noise footprint (overflights) and disruption of residential homes, schools, hospitals, cemeteries, and sensitive military installations, it seems necessary to have all air tour operations **immediately cease** flying these routes and be re-routed to a minimum 1 mile offshore.

In addition, air tour helicopters should be equipped and have activated at all times ADS-B systems for accountability. This would have drastically reduced rescue/recovery time in the Kauai crash.

As residents of Hawaii, we do not accept the disruption and risk.

Mahalo

**LATE**

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**Tour Aircraft SB 3154**

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Mon, Feb 3, 2020

To: Chair Lorraine Inouye and Committee, Transportation Committee  
and Chair Glen Wakai and Committee, Energy, Economic Development and Tourism;  
I wish to strongly support passage of SB 3154, in it's entirety, including requirements for flotation equipment,  
surveillance broadcast systems and avoidance of residential property.

Thank you,  
L.Blissard  
East Honolulu

**LATE**

I fully support SB 3154 to require Tour Helicopter Company operations to obtain a permit to operate within the state Hawaii and that said companies be required to have flotation devices for the safety of passengers and the Automatic Dependent Surveillance-Broadcast (ADS-B) installed on each helicopter. We have experienced numerous serious tour helicopter crashes in recent years - the two most recent being the egregious crash of a Novictor tour helicopter on Oneawa Street in Kailua and the Safari tour helicopter crash on Kuai. The recent FAA scandal where a Novictor tour helicopter crash landed in Wahiawa and the subsequent attempt to cover it up is highly irresponsible. Their operations need to be moved offshore by one mile to ensure the safety of Oahu's citizens - requiring flotation devices and the ADS-B will enable the operators to safely operate away from current unsafe inland routes and safely operate offshore. I also fully support stopping all tour helicopters from operating over or near residential properties. I live on the ridge between Kailua and Waimanalo above Enchanted Lake and experience 8-12 helicopters per hour from 8am until 6pm every day of the week to include all holidays. The noise and rotor vibration are extremely distracting and cause speech disturbance on many occasions. Moving their operations away from residential areas would be extremely beneficial to my and my community's mental health. It is our Kuleana as citizens to stand up to these tour helicopter operators and ensure their operations are safe - self regulation is clearly not working. I strongly support SB 3154 and other legislative actions to ensure our neighborhoods are safe from air tour operations and to look out for passenger safety as well. Respectfully submitted by Dan Brown, Kailua Hawaii (member of Oahu Tour Helicopter Safety and Noise Inter-Action Group and active Kailua Neighborhood Board participant)

38 / 5-0

2 crashes PH + Kailua Bay

Push of operations - noise - away from our neighbors

**LATE**

SB3154

I absolutely support SB3154 and each of its following points:

- 1) For Tour Helicopters that continually fly over and near the water...It is pure common sense, rational, safety minded, and prudent to require all civilian customers and crew to wear life vests during flight and have FAA approved flotation pontoons permanently fixed to all said Commercial Tourist aircraft.
- 2) As of January 1, 2020...FAA Regulations Require...All aircraft operating in an ATC such as Honolulu be required to have onboard the new ADS-B Surveillance Equipment. It's already Federally Required. It must also be required for Permitted Tour Helicopters to operate in the State of Hawaii.
- 3) It goes without saying...it's absolutely Imperative that the Tour Helicopter Industry achieve Full Compliance with NTSB Safety Recommendations. Why is the helicopter industry exempt from NTSB recommendations, when they make absolute sense and hold up to intelligent scrutiny. Non compliance is beligerant and foolhardy. NTSB is the National Transportation Safety Board. If the Tour Helicopters can get away with ignoring the Federal Safety Board...what good is the Board if they have no Authority to enforce?It's a laughing stock!
- 4) No Helicopters near Residents. Not long ago The People of Hawaii Nei lived without helicopters flying LOW and LOUD over their homes, schools, markets, parks, cemeteries, and sacred places everyday. Those days are gone, for the profits of a few. These few helicopter "entrepreneurs" soiled, disrupted, invaded, and destroyed the life we once knew without them chattering over our heads...and they never even asked. I support NO Helicopter operations near residents. They should be a mile offshore.

Respectfully submitted by Keith Caywood (Member of Oahu Tour helicopter Safety & Noise Inter-Action Group & Participant of Kaimuki Neighborhood Borad).