

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 Committee on  
TRANSPORTATION**

**Wednesday, March 11, 2020  
1:15 PM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE CONCURRENT RESOLUTION 11/SENATE RESOLUTION 12  
REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE  
NATIONAL TRANSPORTATION SAFETY BOARD TO ADOPT AND ENFORCE  
REGULATIONS FOR INCREASED SAFETY STANDARDS FOR HELICOPTERS AND  
SMALL AIRCRAFT THAT CHARGE FEES FOR CARRYING PASSENGERS ON  
RECREATIONAL FLIGHTS**

Senate Concurrent Resolution 11/Senate Resolution 12 requests the United States Congress to authorize the National Transportation Safety Board to adopt and enforce regulations for increased safety standards for helicopters and small aircraft that charge fees for carrying passengers on recreational flights. **The Department of Land and Natural Resources (Department) supports these measures and offers the following comments.**

The Department, through its Divisions of State Parks, and Forestry and Wildlife, manages large areas of the State which are subject to constant overflights by tour helicopters and small aircraft, 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 operations are also frequently supported by helicopter transport of staff and equipment to remote areas. The Department believes that the creation and enforcement of regulations for increased safety standards for helicopters and small aircraft in Hawai'i would enhance safety and provide higher quality visitor experiences.

Thank you for the opportunity to comment on these measures.

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

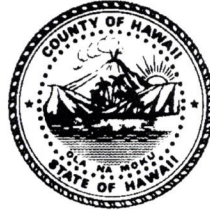
**ROBERT K. MASUDA**  
FIRST DEPUTY

**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

Harry Kim  
Mayor

**LATE**



Roy Takemoto  
Managing Director

Barbara J. Kossow  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740  
(808) 323-4444 • Fax (808) 323-4440

March 10, 2020

Senator Lorraine R. Inouye, Chair  
Senator Breene Harimoto, Vice Chair  
Committee on Transportation

Dear Chair Inouye, Vice Chair Harimoto, and Committee Members:

**RE: SCR 11/SR 12 Requesting the United States Congress to Authorize the National Transportation Safety Board to Adopt and Enforce Regulations for Increased Safety Standards for Helicopters and Small Aircraft that Charge Fees for Carrying Passengers on Recreational Flights**

SCR 11 and SR 12 call on Congress to authorize the National Transportation Safety Board (NTSB) to "adopt and enforce regulations for increased safety standards for helicopters and small aircraft that charge fees for carrying passengers on recreational flights." I fully support such an initiative, and ask for your favorable vote.

A few months ago, the crash of a tour helicopter on a residential street in Kailua, Oahu, took the lives of people on board the aircraft. That was tragic enough, but the situation could easily have been far worse for people on the ground. Add a recognition of the number of flights that routinely travel over populated areas on all the islands, and it is easy to imagine substituting Kailua-Kona for Kailua, Oahu, or any other residential community in our State.

Action should be taken before there is more unnecessary grief and sorrow that could be avoided through better regulation. Since the State and counties are barred from providing the oversight required, and the Federal Aviation Administration has failed to accept NTSB recommendations, the path forward suggested in SR 12 and SCR 11 makes great sense.

Respectfully Submitted,

Harry Kim  
MAYOR

**SCR-11**

Submitted on: 3/10/2020 7:15:05 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
bob ernst	Testifying for HICoP	Support	No

Comments:

# THE SENATE

THE THIRTIETH LEGISLATURE

REGULAR SESSION OF 2020

[COMMITTEE ON TRANSPORTATION](#)

Senator Lorraine R. Inouye, Chair

Senator Breene Harimoto, Vice Chair

## NOTICE OF HEARING

DATE: Wednesday, March 11, 2020

TIME: 1:15 PM  
Conference Room 225

PLACE: State Capitol

415 South Beretania Street

SCR 11

REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE NATIONAL TRANSPORTATION SAFETY BOARD TO ADOPT AND ENFORCE REGULATIONS FOR INCREASED SAFETY STANDARDS FOR HELICOPTERS AND SMALL

AIRCRAFT THAT CHARGE FEES FOR CARRYING PASSENGERS ON RECREATIONAL FLIGHTS.

SCR 12/13

URGING THE FEDERAL AVIATION ADMINISTRATION TO TAKE ACTION REGARDING COMMERCIAL HELICOPTER TOUR OPERATIONS IN HAWAII.

**HICOP TESTIMONY STRONGLY IN SUPPORT ON SCR 11, SCR12, SCR13**

Aloha Chair Inouye, Vice Chair Harimoto and Committee Members English, Fevella and Shimabukuro,

As you all well know the FAA has totally abdicated all duties and responsibilities regarding tour copter operations in the State of Hawaii, the most tour copter impacted State in the Nation, with the Island of Hawaii the most tour copter impacted County in the Nation. ( FAA/NPS Annual Reports)

Furthermore FSDOHawaii has been accused of collusion/corruption by FAA Whistle-blowers. HICoP observes everyday that FSDOHawaii fails to oversee the tour copter operations.

The FAA has failed to implement many safety measures that the NTSB urged the FAA to implement, and if The FAA had followed the NTSB suggestions, lives would have been saved in Hawaii tour copter crashes, of which you all well know there have been far too many tour copter crashes and also tour copter crash fatalities.

**Amendment Suggestion:** These resolutions when approved are to be sent to the Hawaii Congressional Delegation, Senators Schatz and Hirono and Representatives Gabbard and Case along with a request that Hawaii CODEL see to it that the contents of these resolutions be implemented either by legislation and/or administration. ( Such as New York CODEL/Schumer did for Long Island with FAA Rule 14 CFR Part 93, where no copters transit over Long Island. )

You all have heard testimony in the past on other bills heard by your committee and know well the need for the State of Hawaii to take responsibility of the tour copter operations, which already exist in the Hawaii required Hawaii Tour Aircraft Permit.

This committee heard and passed unanimously SB 2649 and the Senate unanimously passed and sent to the House SB 2649 SD1. HICoP Mahalos you all for approving unanimously SB 2649.

HICoP thanks you all for representing your constituents/voters/taxpayers and asks you to continue this good government representation by approving these resolutions and also adding the suggested amendment.

Mahalo,

Bob Ernst

Fore the HICoP Board

**SCR-11**

Submitted on: 3/10/2020 11:25:57 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

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

Comments:

The Windward Coalition Executive Board strongly supports the passage of SCR11.

**LATE**

**SCR-11**

Submitted on: 3/11/2020 12:14:30 AM  
Testimony for TRS on 3/11/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce	Testifying for Oâ€™ahu Tour Helicopter Safety and Noise Inter-Action Gro	Support	No

Comments:

My name is Bruce Lum and I am in full support of SCR No. 11, 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.

The FAA has been quiet and unresponsive to the NTSB recommendations following the two fatal crashes of April 29, 2019 and June 21, 2019 that claimed 14 lives. Something must be done to correct this recent increase in recreational aircraft accidents. Nothing significant or corrective has been implemented by the FAA. This neglect by the FAA has led me to support the core impetus of SCR No. 11 in, **Requesting the United States Congress is respectfully requested to authorize the NTSB to adopt and enforce regulations for increased safety standards for helicopters and small aircraft that charge fees for carrying passengers on recreational flights.**

I strongly urge this honorable committee to adopt and pass SCR No. 11 in the interest of ensuring the safety of all people flying in small commercial aircraft for recreational purposes.

Mahalo for your kind attention,

Bruce Lum  
O’ahu Tour Helicopter Safety and Noise Inter-Action Group member.

January 31, 2020

Michael Ferreira  
927049 Elele St  
Kapolei, HI. 96707

SCR 11

SCR 11 REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE NATIONAL TRANSPORTATION SAFETY BOARD TO ADOPT AND ENFORCE REGULATIONS FOR INCREASED SAFETY STANDARDS FOR HELICOPTERS AND SMALL AIRCRAFT THAT CHARGE FEES FOR CARRYING PASSENGERS ON RECREATIONAL FLIGHTS.

Being a former pilot there are protocol that is put in place for the safety of the general public. Maintenance on the aircraft and accountability, the training of the pilots and also at a higher level if they are flying the public is important. Instrument Flight Rules is an advanced skill set that all pilots flying the public should have at their disposal to counter the fast changing weather and other phenomena that exists in Hawaii.

Restricting airspace so that people on the ground are not annoyed continually by a noise footprint nor having to worry about an airframe falling from the sky on to their homes, businesses or schools is a huge piece of mind that could be easily accommodated by tour operators.

Michael Ferreira  
808-679-5370



## Senate Committee on Transportation

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

Wednesday, March 11, 2020  
Conference Room 225  
1:15 PM

### Senate Concurrent Resolution 11 Senate Resolution 12

REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE  
THE NATIONAL TRANSPORTATION SAFETY BOARD TO  
ADOPT AND ENFORCE REGULATIONS FOR INCREASED SAFETY STANDARDS  
FOR HELICOPTERS AND SMALL AIRCRAFT THAT CHARGE FEES  
FOR CARRYING PASSENGERS ON RECREATIONAL FLIGHTS.

### Testimony

Aloha Chair Inouye, Vice Chair Harimoto and Committee Members:

#### Senate Concurrent Resolution 11 is Strongly Supported.

- The local FAA is MIA.
- The NTSB is responsive, efficient and accurate.

**Enforcement** of tour aircraft regulations is glaringly absent.

**Close oversight** of tour chopper operators, increased minimum flight altitudes and distances, protective flight paths, flight instrument implementation (ADS-B and IFR) and required safety equipment must be achieved. All Hawaii tour chopper operators fly over water, and into clouds during sudden weather changes. Established flight paths 1 mile offshore are needed to protect the public safety, health and welfare of communities, neighborhoods, and residents on the ground.

Please also incorporate the following into SCR 11:

- **Kaua'i Tour Helicopter Crash**

The third fatal crash in 2019 was on Kauai's Na Pali Coast with seven (7) fatalities, including three (3) children, on December 26, 2019, where no instrument flight guidance was implemented.

<https://www.hawaiinewsnow.com/2020/01/15/ntsb-issues-preliminary-report-kauai-tour-helicopter-crash-that-killed/>

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

(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

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

*Section 1. Applicability.* This appendix prescribes operating rules for airplane and helicopter visual flight rules air tour flights conducted in the State of Hawaii under 14 CFR parts 91, 121, and 135. This appendix does not apply to:

- (a) Operations conducted under 14 CFR part 121 in airplanes with a passenger seating configuration of more than 30 seats or a payload capacity of more than 7,500 pounds.
- (b) Flights conducted in gliders or hot air balloons.

*Section 2. Definitions.* For the purposes of this appendix:

“Air tour” means any sightseeing flight conducted under visual flight rules in an airplane or helicopter for compensation or hire.

“Air tour operator” means any person who conducts an air tour.

*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.

*Section 4. Helicopter performance plan.* Each operator must complete a performance plan before each helicopter air tour flight. The performance plan must be based on the information in the Rotorcraft Flight Manual (RFM), considering the maximum density altitude for which the operation is planned for the flight to determine the following:

- (a) Maximum gross weight and center of gravity (CG) limitations for hovering in ground effect;
- (b) Maximum gross weight and CG limitations for hovering out of ground effect; and,
- (c) Maximum combination of weight, altitude, and temperature for which height-velocity information in the RFM is valid.

The pilot in command (PIC) must comply with the performance plan.

*Section 5. Helicopter Operating Limitations.* Except for approach to and transition from a hover, and except for the purpose of takeoff and landing, the PIC shall operate the helicopter at a combination of height and forward speed (including hover) that would permit a safe landing in event of engine power loss, in accordance with the height-speed envelope for that helicopter under current weight and aircraft altitude.

*Section 6. Minimum flight altitudes.* Except when necessary for takeoff and landing, or operating in compliance with an air traffic control clearance, or as otherwise authorized by the Administrator, no person may conduct an air tour in Hawaii:

- (a) Below an altitude of 1,500 feet above the surface over all areas of the State of Hawaii, and,
- (b) Closer than 1,500 feet to any person or property; or,
- (c) Below any altitude prescribed by federal statute or regulation.

*Section 7. Passenger briefing.* Before takeoff, each PIC of an air tour flight of Hawaii with a flight segment beyond the ocean shore of any island shall ensure that each passenger has been briefed on the following, in addition to requirements set forth in 14 CFR 91.107, 121.571, or 135.117:

- (a) Water ditching procedures;
- (b) Use of required flotation equipment; and
- (c) Emergency egress from the aircraft in event of a water landing.

[Doc. No. FAA-1998-4521, 72 FR 6914, Feb. 13, 2007]

Please note that to be consistent with SCR 12 and SR 13, the above minimum altitude and distance should be requested to be increased to 2500 feet.

Sincerely,  
Michelle S. Matson

O'ahu Tour Helicopter Safety and Noise Inter-Action Group

**SCR-11**

Submitted on: 3/9/2020 11:33:50 PM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Debra Laeha	Individual	Support	No

Comments:

The tour helicopter industry has been allowed to operate virtually unregulated for years. The volume of these tour helicopters has now reached a tipping point. Since the FAA has not been effective in establishing regulations to protect the Community, we need the National Transportation Safety Board to have the authority to help adopt, enforce and monitor the regulations for increased safety standards for tour helicopters.

PLEASE pass this resolution!

**SCR-11**

Submitted on: 3/9/2020 11:52:46 PM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Laeha	Individual	Support	No

Comments:

Helicopters fly when they want, where they want, whenever they want and as often as they want. No enforcement allows them this discretion. This legislation finally speaks to enforcement since the FAA does not enforce any of the regulations affecting helicopter tours. Clearly a lot of legislators are getting campaign contributions to continue the status quo. I'm sick of these helicopter tour operators being exempt from paying GET and doing whatever they want. We need to have better enforcement of laws and this legislation is one attempt to do this.

Other city ordinances have passed which restricted aerial advertising to preserve the natural beauty of Hawaii. Why can't we have legislation to restrict the number, frequency, time of day and day of week these helicopters are allowed to fly? Start by requiring DOT to issue permits to operate. These permits should cost significant sums of money. These permits should require reporting of flight times, frequency, number of passengers, altitudes, emergency landings, accidents etc. The permits should restrict the time of day, frequency, day of week, number of flights. Violators should be penalized.

The exemption for GET should be re-examined and these tour operators should be paying their fair share of GET (the tax on doing business in Hawaii). The tour operators pollute our skies, pose significant safety threats (killed several people already), disrupt the peace and tranquility of homes and sacred places all across the islands. The FAA does nothing. Legislators can and should restrict tour operators while on the ground.

**SCR-11**

Submitted on: 3/10/2020 10:35:40 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryon Lee	Individual	Support	No

Comments:

I would like to submit my **strong support of SCR11**.

The **FAA and Honolulu FSDO have failed the public and abdicated its duties and responsibilities** to take any action or to implement any safety recommendations or regulation enforcement relating to the non-essential helicopter & air tour industry's operations and recent history of deadly crashes and low altitude, dangerous overflights of residential homes, hospitals, schools, and cemeteries.

**SCR11** NTSB's oversight in collaboration with the Senate's unanimous approval of House **SB 2649 SD1** will address critical safety and operational regulations that have been **un-enforced for so long** hopefully preventing future tragedies of air tour passengers and residents on the ground below them.

**LATE**

**SCR-11**

Submitted on: 3/11/2020 12:48:13 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharlene Chun Lum	Individual	Support	No

Comments:

I support SCR11 requesting the United States Congress to authorize the NTSB to adopt and enforce regulations for increased safety standards for helicopters and small aircraft that charge fees for carrying passengers on recreational flights.

Members of the NTSB come to Hawaii each time there has been another tragic accident. After careful study of the incidents considering many factors and taking many months, they make recommendations to the FAA, however, the FAA has failed to implement the recommendations. This lack of action by the FAA is the impetus for this SCR 11.

By giving NTSB more authority regarding adoption and enforcement of the suggested recommendations, safer practices should result, saving lives.

Mahalo for supporting SCR 11.

**LATE**

**SCR-11**

Submitted on: 3/11/2020 9:43:04 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rayne	Individual	Support	No

Comments:

**LATE**

**SCR-11**

Submitted on: 3/11/2020 10:49:06 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bronsten Kossow	Individual	Oppose	No

Comments: