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# SENATE RESOLUTION

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URGING THE UNITED STATES CONGRESS, THE FEDERAL AVIATION  
ADMINISTRATION, AND THE HAWAII DEPARTMENT OF  
TRANSPORTATION TO TAKE EVERY ACTION NECESSARY TO ADDRESS  
RAPIDLY INCREASING SAFETY RISKS AND COMMUNITY DISRUPTION  
RESULTING FROM INSUFFICIENT REGULATION OF TOUR HELICOPTER  
AND SMALL AIRCRAFT OPERATIONS THROUGHOUT HAWAII SKIES.

1 WHEREAS, the volume and extent of tour helicopters and  
2 small aircraft operations throughout Hawaii's skies have rapidly  
3 increased in the past decade; and  
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5 WHEREAS, commensurate with this increase, the safety risks  
6 to helicopter and small aircraft passengers, and to the Hawaii  
7 residents and visitors over which the helicopters and small  
8 aircraft fly daily, have rapidly increased; and  
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10 WHEREAS, tour helicopters and small aircraft in Hawaii's  
11 skies through noise, vibrations, and visual impacts have  
12 increasingly disrupted residential, business, and industrial  
13 communities; state and national parks, such as Hawaii Volcanoes  
14 National Park and Haleakala National Park; defense areas, such  
15 as Joint Base Pearl Harbor-Hickam; cemeteries and areas of  
16 solemnity, such as the National Memorial Cemetery of the Pacific  
17 and Pearl Harbor National Memorial; and areas of critical  
18 infrastructure; and  
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20 WHEREAS, the National Transportation Safety Board (NTSB),  
21 which is the federal agency responsible for investigating  
22 aircraft collisions and for making recommendations on improving  
23 the safety of aircraft operations, found that over the last five  
24 years Hawaii tour helicopters and small aircraft operations  
25 accounted for nearly seventeen percent of the accidents nation-  
26 wide that prompted investigations by the NTSB; and  
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28 WHEREAS, within a ten-month period alone, twenty-three  
29 lives were lost in the following tour helicopter and small  
30 aircraft collisions in the State:



- (1) April 29, 2019, a tour helicopter crashed into a residential neighborhood in Kailua, Oahu, killing three people;
- (2) June 21, 2019, a commercial small aircraft crashed at Mokuleia, Oahu, killing eleven people;
- (3) December 27, 2019, a tour helicopter crashed near Hanapepe, Kauai, killing seven people; and
- (4) February 22, 2020, a commercial small aircraft crashed at Mokuleia, Oahu, killing two people; and

WHEREAS, over the past decade, tour helicopters and small aircraft have been involved in several other incidents that, while not fatal, nevertheless constituted severe risks to the passengers, and residents and visitors on the ground; and

WHEREAS, the foregoing disruptions and crashes are largely the result of a lack of effective federal regulations and a lack of self-regulation in the tour helicopter and small aircraft industry; and

WHEREAS, effective regulations to eliminate or mitigate ground disruptions would place restrictions on the time, routes, altitudes, and frequency of helicopter and small aircraft operations; and

WHEREAS, communities would be safer and would face fewer disruptions from tour helicopter and small aircraft operations if existing federal acts and regulations, including the following, were implemented to their full extent:

- (1) The National Parks Air Tour Management Act of 2000, as amended, which requires operators conducting commercial air tours over national parks to operate pursuant to an air tour management plan issued by the Federal Aviation Administration (FAA) and National Park Service, or in lieu of such a plan, pursuant to a voluntary agreement with the agencies;



(2) The Airport Noise and Capacity Act of 1990, which establishes the FAA's authority over airport owners' noise restrictions; and

(3) Title 14 Code of Federal Regulations part 150, which regulates the FAA's airport noise compatibility planning programs; and

WHEREAS, in May 2020, the United States Court of Appeals for the District of Columbia Circuit, in the case of In Re: Public Employees for Environmental Responsibility and Hawaii Coalition Malama Pono, ordered the FAA and National Park Service to bring all required National Parks into compliance with the National Parks Air Tour Management Act of 2000, including Hawaii Volcanoes National Park and Haleakala National Park, within two years; and

WHEREAS, the FAA largely asserts that it has exclusive jurisdiction over regulating the nation's airspace and aircraft operations, which means that the FAA, not the State, has the sole power and responsibility to establish and enforce restrictions that would prevent tour helicopters and small aircraft operations from disrupting communities; and

WHEREAS, although the NTSB has made various safety recommendations to the FAA that would apply to tour helicopter and small aircraft operations, the NTSB is still waiting for an acceptable response from the FAA on a number of recommendations; and

WHEREAS, following the crash on April 29, 2019, in Kailua, the Chair of the NTSB stated that "each crash underscores the urgency of improving the safety of charter flights by implementing existing [board] safety recommendations," and called for small aircraft flight safety improvements; and

WHEREAS, the FAA is currently in the process of archiving the Hawaii Air Tour Common Procedures Manual and replacing it with a new regulatory process of determining when and how tour flights can deviate below 1,500 feet of altitude, which they are otherwise required to be above; and



1 WHEREAS, the FAA, Hawaii Department of Transportation, some  
2 Hawaii tour helicopter companies, and other interested  
3 stakeholders have formed the Hawaii Air Noise and Safety Task  
4 Force with the stated intent of addressing increasing safety and  
5 community disruption concerns, but are not fully engaging and  
6 responding to public concerns in determining regulatory or  
7 voluntary changes in operations; and  
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9 WHEREAS, an increasing number of elected officials and  
10 community organizations have expressed increasing concern with  
11 safety risks and community disruption arising from tour  
12 helicopter and small aircraft operations; and  
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14 WHEREAS, Ed Case, Representative for the First  
15 Congressional District of Hawaii, has introduced legislation in  
16 the United States House of Representatives, H.R. No. 389, with a  
17 short title of "Safe and Quiet Skies Act"; and  
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19 WHEREAS, if enacted, H.R. No. 389 would, in pertinent part:  
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- 21 (1) Prohibit commercial air tours from operating over or  
22 within a half mile of especially sensitive locations;  
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- 24 (2) Mandate that the FAA require the use of automatic  
25 dependent surveillance-broadcast out equipment during  
26 the entire operation of a commercial air tour;  
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- 28 (3) Require the FAA to prohibit pilots from undertaking  
29 any activities other than flying the aircraft,  
30 including monitoring video equipment or narrating,  
31 during the operation of a commercial air tour;  
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- 33 (4) Impose minimum altitude requirements and noise  
34 restrictions on commercial air tours;  
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- 36 (5) Authorize state and local jurisdictions to impose  
37 additional requirements on commercial air tours;  
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- 39 (6) Require the FAA to implement any recommendations  
40 issued by the NTSB concerning operators of commercial  
41 aircraft on which the FAA has not provided an  
42 acceptable response to the NTSB; and



(7) Require the FAA to subject commercial air tour operators to certain regulations relating to commercial aircraft operators, instead of regulations relating to non-commercial aircraft operators; and

WHEREAS, on January 31, 2020, the United States Senate Committee on Commerce, Science, and Transportation released a report entitled "Whistleblower Allegations of Misconduct at the FAA Flight Standards District Office in Honolulu, Hawaii," outlining multiple whistleblower claims of inadequate safety regulation of tour helicopters, specifically including those involved in the fatal crash in Kailua on April 29, 2019, and near Hanapepe on Kauai on December 27, 2019; and

WHEREAS, the Honolulu City Council and nineteen of Oahu's neighborhood boards have taken official actions to urge the federal government to address the disruptions and dangers posed by tour helicopters and small aircraft operations; and

WHEREAS, the lack of effective federal regulations and the lack of effective self-regulation by the tour helicopter and small aircraft industry poses a significant and growing threat to the safety, health, and well-being of the nation and the State; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, that the United States Congress, FAA, and Hawaii Department of Transportation are urged to take every action necessary to address rapidly increasing safety risks and community disruptions resulting from insufficient regulation of tour helicopter and small aircraft operations throughout Hawaii skies; and

BE IT FURTHER RESOLVED that the United States Congress is urged to promptly enact the proposed Safe and Quiet Skies Act; and

BE IT FURTHER RESOLVED that the Hawaii Department of Transportation and FAA are urged to pursue existing remedies to limit community disruption through the Airport Noise Capacity



1 Act of 1990 and title 14 Code of Federal Regulations part 150;  
2 and

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4 BE IT FURTHER RESOLVED that the FAA is urged to:

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6 (1) Implement any recommendations issued by the NTSB  
7 concerning operators of commercial aircraft on which  
8 the FAA has not provided an acceptable response to the  
9 NTSB;

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11 (2) Fully implement, in concert with the National Park  
12 Service, the requirements of the National Parks Air  
13 Tour Management Act of 2000 with respect to all  
14 applicable Hawaii parks and other relevant areas as  
15 required by the United States Court of Appeals for the  
16 District of Columbia Circuit; and

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18 (3) Immediately and fully investigate whistleblowers'  
19 claims with respect to the Honolulu Flight Standards  
20 District Office's implementation of safety  
21 requirements; and

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23 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety  
24 Task Force is urged to immediately respond substantively to  
25 public safety and community disruption concerns with clear  
26 changes to operations to reduce time, place, and manner of  
27 operations; and

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29 BE IT FURTHER RESOLVED that federal, state, and county  
30 elected and administrative officials are urged to pursue the  
31 foregoing actions, the enactment of legislation to authorize  
32 state and local governments to regulate helicopter and small  
33 aircraft operations, and all other actions that will enhance  
34 safety and prevent community disruption by Hawaii tour  
35 helicopters and small aircraft operations; and

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37 BE IT FURTHER RESOLVED that certified copies of this  
38 Resolution be transmitted to the Speaker of the United States  
39 House of Representatives, Majority Leader of the United States  
40 Senate, members of the Hawaii congressional delegation,  
41 Administrator of the Federal Aviation Administration, Western  
42 Regional Administrator of the Federal Aviation Administration,



1 Manager of the Honolulu Flight Standards District Office of the  
2 Federal Aviation Administration, Chairperson of the National  
3 Transportation Safety Board, Director of the National Parks  
4 Service, Director of Transportation, Mayor of each county,  
5 Chairpersons of each neighborhood board, and Co-chairs of the  
6 Hawaii Air Noise and Safety Task Force.

