

**Senate Committee on Transportation Hearing  
Tuesday, March 23, 2021  
3:00 PM VideoConference  
Room 224**

**SENATE CONCURRENT RESOLUTION 158 / SENATE RESOLUTION 123  
Testimony in Strong Support with Recommendations from the  
O'ahu Tour Helicopter Safety and Noise Inter-Action Group**

Aloha Chair Lee, Vice Chair Inouye and Transportation Committee Members:

Excessive aircraft noise compromises the health and well-being of the Hawaii 's people, and statutory remedies are long overdue for the safety protection and quality of life relief to thousands of suffering citizens in Hawai'i, particularly on O'ahu and Hawai'i Island as well as Kaua'i and Maui.

Tour helicopters have been increasingly inundating and impacting established communities with incessant noise invasion. The crescendo of island-wide community complaints across the State over the past four years has demonstrated this. Despite this public outcry, tour helicopter operators have been unwilling to change their flight paths to prevent the significant negative effects of helicopter noise within and around these impacted communities.

Further, tour helicopters are an inherent safety risk to Hawaii's island communities, natural habitats and coastal defense areas. The following commercial helicopter crashes and emergencies have occurred in Hawai'i since September 2018:

- September 18, 2018- Novictor Robinson-44 crash in Wahiawa, O'ahu;
- October 22, 2018- Novictor Robinson-44 crash at Kaneohe Bay recreational sand bar;
- February 21, 2019- K&S "Paradise" Hughes-369E crash in Waipio Valley, Hawai'i Island;
- April 16, 2019- K&S "Paradise" Hughes-369E crash in Sacred Falls State Park, Oah'u;
- April 29, 2019- Novictor Robinson-44 crash with 3 fatalities on a Kailua town street;
- May 21, 2019- Schuman "Magnum" 369D emergency landing in the 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;
- March 5, 2020 - Blue Hawaiian Eurocopter 130 crash in Puna, Hawai'i Island;

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

As the National Transportation Safety Board Chairperson has notably stated, "each crash underscores the urgency" for effective tour helicopter safety improvements.

**Protection of the Safety of Hawai'i's Communities is Paramount**

*Effective regulation and its ensured implementation will eliminate ground disruptions by tour helicopter operations that presently relentlessly disrupt Hawaii 's communities, which will be safer with far fewer disruptions if existing regulations are used and enforced to their full extent via tour helicopter management plans, airport owners' noise restrictions, and airport noise compatibility programs.*

Tour helicopter safety equipment must be required through State Department of Transportation Airports Division *ground use permits* to protect Hawai'i's people *on the ground*. This equipment

must include tour helicopter flotation devices installed *on* the aircraft, not merely personal flotation devices stored in the aircraft.

Additionally, tour helicopters must be instrument flight rated (IFR) for flying in sudden inclement weather, and equipped with certified instrumentation and IFR-certified pilots who are not merely tour guides.

Tour helicopter instrument rating certification and pilot flight instrument certification requirements are extremely important for all tour helicopter operations on each island when inclement weather conditions that cannot be avoided arise, as demonstrated by the following recent fatal tour and charter helicopter crashes:

- 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 crash into a Kaua‘i cliff face, with seven (7) fatalities including three (3) children;
- January 26, 2020 – an Island Express charter helicopter crash in Southern California, with nine (9) fatalities including three (3) children.

Clearly the “lack of effective federal regulations and the lack of effective self-regulation” by tour helicopter operators “pose a significant and growing threat to the safety, health and well-being” of the people of Hawai‘i nei, and “the State Department of Transportation (Airports Division) must “take every action necessary to address rapidly increasing safety risks and community disruption resulting from insufficient regulation” of tour helicopter operations throughout the State of Hawai‘i.

Further the lack of enforcement of existing Hawai‘i-specific regulations per FAR 14 CFR Part 136, Appendix A, also contributes to the “significant and growing threat to the safety, health and well-being” of the people of Hawai‘i, including the requirements to maintain at least 1,500 feet in altitude above and at least 1,500 feet in distance from any land form, structure or person; and to attach flotation safety devices to the tour aircraft - because all tour helicopters fly over water in Hawai‘i.

Notably, tour helicopters on O‘ahu are required to fly over water from the State airport to Diamond Head, where their operators then elect to fly over and around Diamond Head - with daily visitors atop the crater’s 760-foot summit, leaving only a few hundred feet between the tour chopper and the people below.

Further, Diamond Head is a National Natural Landmark and State Historic Monument, and its Crater Park should be protected from tour helicopter safety and noise impacts just as required for Hawai‘i’s National Parks. Similarly, Mt. Olomana above Kailua is a State Monument, and its surrounding parkland and community should be protected in the same way.

We strongly agree that the Hawaii Air Noise and Safety Task Force *must* “immediately respond substantively to public safety and community disruption concerns with clear changes to operations” to reduce noise and safety impacts to the communities on the ground; and that federal, state and county elected officials and administrators pursue actions “that will enhance the safety and prevent community disruption by Hawaii tour helicopter and small aircraft operations.”

In addition to the above underscored additions for both House Concurrent Resolution 81 and its companion House Resolution 68, we recommend that the certified copies be additionally transmitted to the FAA Western Region Administrator, the Honolulu Airports Air Traffic Control (ATC) Chief Manager, and the Chairperson and Members of the Honolulu City Council.

**LATE**

**SR-123**

Submitted on: 3/22/2021 4:13:35 PM

Testimony for TRS on 3/23/2021 3:00:00 PM

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

Comments:

As a retired military helicopter pilot, I fully support this resolution.