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Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
MILITARY CONSTRUCTION, VETERANS AFFAIRS AND
RELATED AGENCIES

COMMERCE, JUSTICE, SCIENCE AND RELATED
AGENCIES

LEGISLATIVE BRANCH

COMMITTEE ON NATURAL
RESOURCES
SUBCOMMITTEES:
NATIONAL PARKS, FORESTS AND PUBLIC LANDS

WATER, OCEANS AND WILDLIFE

INDIGENOUS PEOPLES OF THE UNITED STATES

**Testimony of U.S. Congressman Ed Case in Support of SB17, Relating to Tour Aircraft,
and SB1403, Relating to Helicopters.**

Chair Lee, Vice Chair Inouye and members of the Committee:

First, thank you for highlighting and pursuing a critical issue that increasingly risks the safety and disrupts the daily lives of residents and visitors in all corners of our Hawai'i: the virtually unregulated operations of commercial tour helicopters and small aircraft. On their behalf, I fully support both SB17 and SB1403, which target key areas in our effort to reclaim our skies and ensure the safe and peaceful operation of air tours throughout the state consistent with the public good.

COVID-19 has obscured these effects over the last year but make no mistake that the air tour operators fully intend to resume and expand the pre-COVID status quo as soon as possible, as we already see happening with resumption of operations. That status quo saw widespread and worsening safety concerns, including in 2019 alone three fatal accidents with twenty-one lives lost. The same is true with on-the-ground community disruption, with operators refusing to adopt or comply with any reasonable restrictions on time, place and manner of operations to address such disruption, even refusing or subverting reasonable efforts to track operations in order to specify and confirm complaints and areas of concern.

Clearly, self-regulation has not worked and will never work and, despite all attempts to pretend that they are responsive to community concerns, air tour operators will continue to make every attempt to avoid any reasonable restrictions and to dismiss public concerns. Only substantial regulation at all of the federal, state and local levels of government will achieve a reclamation of public skies for operations that are safe and non-disruptive.

The tour operators will no doubt tell you, in so many words, that the state and county governments are powerless to actually do anything, that their operations can't be regulated at the state and county level. First, this plays nicely into their overall goal of avoiding any reasonable regulation, since the federal government has generally let them do what they want. But second, it

is not true, as there is a zone of permissible state and county government regulation even under existing federal law, and this zone should be utilized to the maximum extent possible.

SB17 and SB1403 both propose reasonable regulations that one would hope would be self-adopted by the industry but in that absence should be pursued. They set forth very basic requirement that air tour operations in state airports be subject to a basic permit with basic safety and community disruption and reporting requirements. If operators are serious about addressing safety and community disruption concerns, they should have no problem with such requirements.

On the proposed requirement that all commercial air tours install an automatic dependent surveillance-broadcast (ADS-B) system, the requirement should also be to operate it fully with all specific identifying information throughout the flight. At present some operators carry and operate ADS-B while others do not. But even among those that carry and operate ADS-B, they frequently do not transmit the specific registration information of the specific aircraft. This makes it impossible for the public to identify the specific company operating the aircraft in real time in order to report violations and register complaints, as the first question asked is what specific company and aircraft. The requirement should include transmission of this specific information.

On the federal level, I recently reintroduced H.R. 389, the Safe and Quiet Skies Act, in Congress to require the Federal Aviation Administration to take specific steps to improve safety and reduce community disruption. My measure would also expand the zone of permissible state and county regulation of commercial air tour operations toward the same goals. make these flights safer and reduce the noise from these flights. Attached to my testimony are a letter to my colleagues on the Safe and Quiet Skies Act, a section-by-section summary of the bill, and the text of the bill itself. I would greatly appreciate this Committee's and the Legislature's support of my bill and look forward to working with you and a very concerned public toward reasserting public control of our skies.

Thank you again.

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January 4, 2021

**Cosponsor Safe And Quiet Skies Act To Require Federal Aviation Administration To
Address Growing Safety And Noise/Community Disruption Concerns From Commercial
Helicopters And Small Aircraft**

116th Congress Cosponsors: Ed Case, Zoe Lofgren, Jerrold Nadler, Joe Neguse, Brad Sherman

Dear Colleague:

Concerns continue to grow rapidly throughout the country over accelerating safety and noise/community disruption concerns from ever-increasing and expanding aircraft operations. These are particularly acute with commercial helicopter and small aircraft operations for tour and other recreational purposes.

In 2019 alone, there were 17 sightseeing tour flight and skydiving accidents nationwide with 37 deaths from six of those crashes. In my Hawai'i alone, we saw three dead in the crash of a commercial air tour helicopter into a residential neighborhood, eleven more dead in the crash of a commercial skydiving plane, and then seven more dead in a commercial air tour helicopter crash in a remote mountain region. Many other areas of the country have been equally impacted, especially those with high commercial usage, more dense populations, valuable natural resources, significant defense installations and other factors.

These tragedies and impacts are occurring amidst and because of a rapid increase in commercial helicopter and small plane overflights including residential, commercial and industrial neighborhoods, cemeteries and memorials, land and marine parks and other recreation areas, and sensitive military installations. They have disrupted whole communities with excessive noise and other impacts, destroyed the peace and sanctity of special places, increased risk to not only passengers but those on the ground and weakened security and management of defense operations.

The Federal Aviation Administration (FAA) currently has virtually exclusive jurisdiction over these aircraft operations. Following these recent tragedies, the National Transportation Safety Board (NTSB), which is responsible for investigating accidents but not for direct safety regulation, strongly suggested to the FAA that safety-related regulation of commercial tour

helicopters and small aircraft skydiving operations is generally insufficient and cited to a number of specific recommendations arising from prior crashes that the FAA had declined to implement.

Regarding ground disruption and risk, the FAA takes the position that its responsibility is strictly operational safety and national airspace efficiency (meaning maximum usage) and does not extend to ground disruption and other negative impacts. The FAA further takes the position that state and local jurisdictions have virtually no regulatory authority to protect their communities, citizens, spaces and properties from safety and community disruption consequences.

As a result, the operators, aside from strict takeoff and approach, avoidance of established flight paths and other limited circumstances, are virtually free to fly wherever, whenever and as often as they want. And they do, with little to no self-regulation.

This situation is unacceptable for both safety and community impact concerns. If you and your communities and constituents suffer from these risks and impacts and share these concerns, I ask for your cosponsorship of my Safe and Quiet Skies Act in the 117th Congress.

This bill would first require the FAA to implement the NTSB's recommended enhanced safety regulations. It would also prohibit flights over federal property that requires privacy, dignity and respect, to include military installations, national cemeteries and national parks, wildlife refuges and wilderness. It would further require the use of standard equipment to monitor the location of flights, apply the "sterile cockpit rule" to tour flights (meaning in part that the pilot could not also be the tour guide), prohibit flights lower than 1,500 feet over actual ground, and limit decibel levels to those commonly applied to operations in residential areas.

Additionally, the bill would allow states, localities and tribes to impose stricter regulations on tour flights in their jurisdictions with required public engagement. A copy of my bill and section-by-section summary are attached.

Thank you for your consideration. Please contact Kainan Miranda at Kainan.Miranda@mail.house.gov if you have any questions or would like to cosponsor the Safe and Quiet Skies Act.

Sincerely,

Ed Case

Ed Case
Member of Congress

Safe and Quiet Skies Act Section-by-Section Summary

Section 1 - Short Title

- Safe and Quiet Skies Act

Section 2 – Requirements for Commercial Air Tour Flights

- Prohibits tour flights over military installations, national cemeteries, national wilderness areas, national parks, and national wildlife refuges.
 - Current law has no prohibitions on where tours can fly.
 - Military installations can have flight restrictions imposed based on national security concerns, but this is not uniformly applied or enforced.
 - Current law requires air tour management plans over national parks, but only the Grand Canyon National Park has one.
- Requires Automatic Dependent Surveillance-Broadcast (ADS-B) out equipment on all tour aircraft and to be utilized for the entirety of tour flights. ADS-B is a system for broadcasting and receiving aircraft identification, position, altitude, heading, and speed data derived from on-board navigation systems such as a Global Positioning System (GPS) receiver.
 - Current regulation requires air ADS-B out capability for certain aircraft by 2020 and varies on when the equipment must be in use (usually based on proximity to certain airports).
- Applies the “sterile cockpit rule” to tour flights, which requires that pilots only focus on safely operating the aircraft and would define tour-giving and narrating as outside of the duties required for safe operation.
 - The rule currently applies to commercial airlines, but not tour flights.
- Requires that tour flights always fly above 1,500 feet altitude over actual ground with very limited exceptions for emergencies.
 - Currently, there is a wide variety of regulations on the altitude requirement for tour flights and a significant amount of discretion given to the FAA to allow for deviation from altitude requirements.
- Requires tour flights over occupied areas (including residential, commercial and recreational areas) to be no louder than 55 dbA, the same level of noise commonly allowed for residential areas.
 - Current regulations outline higher noise limit requirements for FAA certification of an aircraft with multiple methods of measurement.

Section 3 – Delegated Authority to State and Local Regulators

- Allows states and localities to impose requirements (in addition to the minimum national requirements of Section 2) on tour flights.
 - FAA takes the position that under current law the scope of a state or locality's ability to impose restrictions on tour flights is very limited.

Section 4 – Public Engagement Throughout Federal and State Regulatory Process

- Requires that all regulations under this act, including updating any Air Tours Common Procedure Manual, includes public engagement.
 - Currently, FAA does not require public comment or engagement on updates to the Air Tours Common Procedures Manual, which is the current de facto regulation for tour flights.

Section 5 – Penalties

- Requires FAA to impose penalties on tour flights that violate this act including revoking certifications and permits to operate tour flights.

Section 6 – Conforming Edits

- Makes edits to current law to implement this act.
- Includes edits to ensure native tribes have the same authority as states and localities under Section 3 of this act.

Section 7 – NTSB Recommendations

- Requires FAA to implement National Transportation Safety Board (NTSB) recommendations regarding Part 135 regulations, which most tour flights fly under.
- Requires all tour flights to fly under Part 135 regulations and prohibits tour flights from flying under less restrictive Part 91 regulations.

Section 8 – Definitions

- Defines terms in the act
- Includes skydiving operations (“intentional parachuting”) under the definition of “commercial air tour.”

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To impose safety requirements on commercial air tour flights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASE introduced the following bill; which was referred to the Committee on _____

A BILL

To impose safety requirements on commercial air tour flights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe and Quiet Skies
5 Act of 2021”.

1 **SEC. 2. REQUIREMENTS FOR COMMERCIAL AIR TOUR**
2 **FLIGHTS.**

3 (a) PROHIBITION OF OVERFLIGHTS.—Notwith-
4 standing any other provision of law, a commercial air tour
5 may not operate within a half mile of the following:

6 (1) A military installation.

7 (2) A national cemetery.

8 (3) A unit of the National Wilderness Preserva-
9 tion System.

10 (4) A unit of the National Park System.

11 (5) A unit of the National Wildlife Refuge Sys-
12 tem.

13 (b) USE OF AUTOMATIC DEPENDENT SURVEIL-
14 LANCE-BROADCAST (ADS-B) OUT EQUIPMENT.—The
15 Administrator of the Federal Aviation Administration
16 shall revise section 91.227 of title 14, Code of Federal
17 Regulations, to require the use of ADS-B Out (as such
18 term is defined in such section) during the entire oper-
19 ation of a commercial air tour.

20 (c) STERILE COCKPIT RULE.—The Administrator
21 shall issue such regulations as are necessary to—

22 (1) impose the requirements of section 121.542
23 of title 14, Code of Federal Regulations, on a com-
24 mercial air tour and a pilot of a commercial air tour
25 (including a commercial air tour that does not hold

1 a certificate under part 121 of title 14, Code of Fed-
2 eral Regulations);

3 (2) define tour-giving and providing an oral
4 narration of the air tour as duties that are not re-
5 quired for the safe operation of the aircraft for a
6 commercial air tour (including a commercial air tour
7 that does not hold a certificate under part 121 of
8 title 14, Code of Federal Regulations); and

9 (3) define a critical phase of flight for a com-
10 mercial air tour (including a commercial air tour
11 that does not hold a certificate under part 121 of
12 title 14, Code of Federal Regulations) to include all
13 ground operations involving taxi, takeoff, and land-
14 ing, and all other flight operations regardless of alti-
15 tude of operation.

16 (d) MINIMUM ALTITUDES.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, a commercial air tour may not op-
19 erate at an altitude of less than 1,500 feet.

20 (2) EXCEPTIONS.—

21 (A) SAFE HARBOR.—An operator of a
22 commercial air tour may fly below the altitude
23 described in paragraph (1) for reasons of safety
24 if unpredictable circumstances occur.

1 (B) FAA REQUIREMENTS.—The Adminis-
2 trator may permit an operator of a commercial
3 air tour to operate below the altitude described
4 in paragraph (1) for flight operations for take-
5 off and landing.

6 (3) RULE OF CONSTRUCTION.—If a reasonable
7 individual would believe a commercial air tour could
8 not safely fly at a minimum altitude of 1,500 feet
9 for the duration of the flight given the conditions at
10 takeoff, the safe harbor described in paragraph
11 (2)(A) shall not apply.

12 (e) OCCUPIED AREAS.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, a commercial air tour may not op-
15 erate within half a mile of an occupied area unless
16 the aircraft has noise suppression technology that
17 brings noise to the lesser of—

18 (A) a maximum level of 55 dbA as meas-
19 ured from such occupied area; and

20 (B) a maximum level required in such oc-
21 cupied area by a requirement imposed pursuant
22 to section 3(a) of this Act or section 40128(e)
23 of title 49, United States Code.

24 (2) REGULATIONS.—The Administrator shall
25 revise subparts F and H of part 36 of title 14, Code

1 of Federal Regulations, and related appendices, to
2 reduce noise limits in accordance with paragraph
3 (1).

4 **SEC. 3. DELEGATED AUTHORITY TO STATE AND LOCAL**
5 **REGULATORS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, a State or locality may impose additional re-
8 quirements on commercial air tours (but may not waive
9 any requirements described in this Act or in the amend-
10 ments made by this Act), including—

11 (1) banning such tours;

12 (2) imposing day and time flight restrictions;

13 (3) regulating the total number of flights per
14 day;

15 (4) regulating route requirements over occupied
16 areas;

17 (5) prohibiting flights over State or local parks,
18 ocean recreation, cemeteries, and other areas of
19 State interest; and

20 (6) requiring commercial air tours to operate at
21 lower decibels for purposes of noise requirements.

22 (b) FAA EXCEPTIONS.—The Administrator may in-
23 validate a requirement imposed pursuant to subsection (a)
24 if required for flight operations for takeoff and landing.

1 **SEC. 4. PUBLIC ENGAGEMENT THROUGHOUT FEDERAL**
2 **AND STATE REGULATORY PROCESS.**

3 During the promulgation of any regulation required
4 by this Act or the drafting and update of the Air Tours
5 Common Procedural Manuals, the requirements of the Ad-
6 ministrative Procedure Act shall apply.

7 **SEC. 5. PENALTIES.**

8 The Administrator shall impose penalties for viola-
9 tions of this Act or the amendments made by this Act,
10 including revoking any certifications or permits issued to
11 operate a commercial air tour.

12 **SEC. 6. CONFORMING AMENDMENTS.**

13 Section 40128 of title 49, United States Code, is
14 amended—

15 (1) by striking “a national park or” in each
16 place in which it appears;

17 (2) by striking “park or” in each place in which
18 it appears;

19 (3) in subsection (a)(1)(C), by striking “or vol-
20 untary agreement under subsection (b)(7)”;

21 (4) by striking subsection (a)(2) and inserting
22 the following:

23 “(2) APPLICATION FOR OPERATING AUTHOR-
24 ITY.—Before commencing commercial air tour oper-
25 ations over tribal lands, a commercial air tour oper-

1 ator shall apply to the Administrator for authority
2 to conduct the operations over the tribal lands.”;

3 (5) by striking subsection (a)(3);

4 (6) by redesignating paragraph (4) of sub-
5 section (a) as paragraph (3);

6 (7) by striking subsection (a)(5);

7 (8) in subsection (b)(1)(A)—

8 (A) by striking “over the park” and insert-
9 ing “over the lands”; and

10 (B) by striking “paragraph (4)” and in-
11 sserting “paragraph (3)”;

12 (9) by striking subsection (b)(1)(C);

13 (10) by striking subsection (b)(3);

14 (11) by redesignating paragraphs (4) through
15 (6) of subsection (b) as paragraphs (3) through (5),
16 respectively;

17 (12) by striking subsection (b)(7);

18 (13) by striking subsection (c)(2)(B);

19 (14) by redesignating subparagraphs (C)
20 through (I) of subsection (c)(2) as subparagraphs
21 (B) through (H), respectively;

22 (15) in subsection (c)(3)(B), by striking “at
23 the” in each place in which it appears;

24 (16) in subsection (d)(1)—

1 (A) by striking “over a national park
2 under interim operating authority granted
3 under subsection (c) or”; and

4 (B) by striking “or voluntary agreement”;
5 (17) by striking subsection (e);

6 (18) by striking subsection (f) and inserting the
7 following:

8 “(e) TRIBAL AUTHORITY.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, a tribal entity may impose addi-
11 tional requirements on commercial air tours (but
12 may not waive any requirements described in the
13 Safe and Quiet Skies Act of 2021 or in the amend-
14 ments made by the Safe and Quiet Skies Act of
15 2021), including—

16 “(A) banning such tours;

17 “(B) imposing day and time flight restric-
18 tions;

19 “(C) regulating the total number of flights
20 per day;

21 “(D) regulating route requirements over
22 occupied areas;

23 “(E) prohibiting flights over tribal parks,
24 ocean recreation, cemeteries, and other areas of
25 tribal interest; and

1 “(F) requiring commercial air tours to op-
2 erate at lower decibels for purposes of noise re-
3 quirements.

4 “(2) FAA EXCEPTIONS.—The Administrator of
5 the Federal Aviation Administration may invalidate
6 a regulation imposed pursuant to paragraph (1) if
7 required for flight operations for takeoff and land-
8 ing.

9 “(3) TRIBAL ENTITY.—In this subsection, the
10 term ‘tribal entity’ means—

11 “(A) a tribal organization (as such term is
12 defined in section 4 of the Indian Self-Deter-
13 mination and Education Assistance Act of 1975
14 (25 U.S.C. 5304));

15 “(B) a tribally designated housing entity
16 (as such term is defined in section 4 of the Na-
17 tive American Housing Assistance and Self-De-
18 termination Act of 1996 (25 U.S.C. 4103)); or

19 “(C) an Indian-owned business or a tribal
20 enterprise (as such terms are defined in section
21 3 of the Native American Business Develop-
22 ment, Trade Promotion, and Tourism Act of
23 2000 (25 U.S.C. 4302)).”;

24 (19) in subsection (g)(1), by striking “over a
25 national park” and inserting “over tribal lands”;

1 (20) in subsection (g)(2), by striking “over a
2 national park” and inserting “over tribal lands”;

3 (21) by striking subsection (g)(4);

4 (22) by redesignating paragraphs (5) through
5 (8) of subsection (g) as paragraphs (4) through (7),
6 respectively; and

7 (23) by redesignating subsection (g) as sub-
8 section (f).

9 **SEC. 7. NTSB RECOMMENDATIONS.**

10 (a) IN GENERAL.—The Administrator shall imple-
11 ment all recommendations concerning operators under
12 part 135 of title 14, Code of Federal Regulations, that—

13 (1) were issued by the National Transportation
14 Safety Board; and

15 (2) are considered by the Board to be open un-
16 acceptable response.

17 (b) PART 135 REGULATION.—The Administrator—

18 (1) shall require all commercial air tours to op-
19 erate pursuant to part 135 of title 14, Code of Fed-
20 eral Regulations; and

21 (2) may not permit a commercial air tour to op-
22 erate pursuant to part 91 of title 14, Code of Fed-
23 eral Regulations.

24 **SEC. 8. DEFINITIONS.**

25 In this Act, the following definitions apply:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (2) ALTITUDE.—The term “altitude” means
5 the distance above ground level between an aircraft
6 and the highest obstacle that is within 2 miles of the
7 location over which such aircraft is flying at any
8 time.

9 (3) COMMERCIAL AIR TOUR.—The term “com-
10 mercial air tour” means any flight conducted for
11 compensation or hire in a powered aircraft where a
12 purpose of the flight is sightseeing or intentional
13 parachuting. If the operator of a flight asserts that
14 the flight is not a commercial air tour, factors that
15 can be considered by the Administrator in making a
16 determination of whether the flight is a commercial
17 air tour include—

18 (A) whether there was a holding out to the
19 public of willingness to conduct a sightseeing or
20 intentional parachuting flight for compensation
21 or hire;

22 (B) whether a narrative was provided that
23 referred to areas or points of interest on the
24 surface;

25 (C) the area of operation;

1 (D) the frequency of flights;

2 (E) the route of flight;

3 (F) the inclusion of sightseeing or inten-
4 tional parachuting flights as part of any travel
5 arrangement package; or

6 (G) whether the flight in question would or
7 would not have been canceled based on poor vis-
8 ibility of the surface.

9 (4) DBA.—The term “dbA” means the A-
10 weighted sound level or unit of measurement de-
11 scribing the total sound level of all noises as meas-
12 ured with a sound level meter using the A weighting
13 network.

14 (5) OCCUPIED AREA.—The term “occupied
15 area” means land area that is used by people, in-
16 cluding residential areas, commercial areas, and rec-
17 reational areas.

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**

**Tuesday, February 9, 2021
3:05 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 1403
RELATING TO TOUR AIRCRAFT**

Senate Bill 1403 proposes to require commercial helicopter owners and operators to retain and make available records containing basic helicopter flight information. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department, through its Divisions of State Parks (State Parks), and Forestry and Wildlife (DOFAW), manages large areas of state land 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. State Parks is also being impacted by low flying helicopter air tours in such locations as Diamond Head State Monument on O'ahu.

We are also aware of safety issues, including the proliferation of unauthorized drone usage in areas also frequented by helicopters. In some cases, these air tours may have safety implications as well as noise implications which in turn impact the visitor experience for those at these select locations.

The Department supports the Legislature's concern related to helicopter noise, frequency, and altitude and by requiring basic details of helicopter flights this information will help both DOFAW and State Parks in research data for future input into a resolution of this area of concern.

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-1403

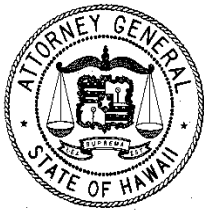
Submitted on: 2/8/2021 12:33:39 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Curt Cottrell	Testifying for DLNR	Comments	No

Comments:

I would like to provide oral testimony for DLNR. Please allow me Zoom access. Thank you!



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

LATE

ON THE FOLLOWING MEASURE:

S.B. 1403, RELATING TO HELICOPTERS.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, February 9, 2021

TIME: 3:05 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Duane M. Kokesch
Deputy Attorney General, at 587-2982)

Chair Lee and Members of the Committee:

The Department of the Attorney General provides the following comments on this measure.

The purpose of this bill is to add to chapter 261, Hawaii Revised Statutes, a new section that requires owners or operators of a helicopter subject to the chapter to maintain records to be made available to the Department of Transportation or to the public upon request and which include details of each flight the helicopter made for commercial purposes during the preceding calendar month. We believe that these record requirements would be subject to challenge under the Supremacy Clause of the U.S. Constitution.

Article VI, Clause 2, of the U.S. Constitution indicates that the federal constitution and federal laws made pursuant thereto are the supreme law of the land and contrary laws of a state may not stand. If the state law falls within or involves the "use of airspace," Congress has explicitly preempted it. 49 U.S.C. § 40103(a)(1)(1994).

A preemption also exists when federal law so thoroughly occupies a legislative field "as to make reasonable the inference that Congress left no room for the States to supplement it." *Cipollone*, 505 U.S. at 516, 112 S. Ct. 2608 (citing *Fidelity Fed. Sav. & Loan Ass'n v. de la Cuesta*, 458 U.S. 141, 153, 102 S. Ct. 3014, 73 L. Ed. 2d 664 (1982)). This "field preemption" occurs when Congress indicates in some manner an

intent to occupy a given field to the exclusion of state law. *Cipollone*, 505 U.S. at 516, 112 S. Ct. 2608.

Congress created the FAA to frame rules for the safe and efficient use of the nation's airspace. *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624, 93 S. Ct. 1854, 36 L. Ed. 2d 547 (1973). The FAA created a "uniform and exclusive system of federal regulation" in the field of air safety. 411 U.S. at 639. Congress intended to occupy the entire field of air safety, so field preemption applies to the area of air safety. *Goodspeed Airport LLC v. E. Haddam Inland Wetlands & Watercourses Comm'n*, 634 F.3d 206 (2d Cir. 2011). A state law likely falls within the scope of the preemption if it sufficiently interferes with a federal regulation. *Gade v. Nat'l Solid Wastes Mgmt. Ass'n*. 505 U.S. 88, 112 S. Ct. 2374, 120 L. Ed. 2d 73 (1992).

The United States Court of Appeals for the Ninth Circuit, which includes the State of Hawaii, has determined that Congress intended to occupy the field of "aviation safety." *Montalvo v. Spirit Airlines*, 508 F.3d 464 (9th Cir.2007). And when it comes to the regulation of airspace, there is "a history of significant federal presence." *Skysign Int'l, Inc. v. Honolulu*, 276 F.3d 1109, 1117 (9th Cir.2002).

Therefore, beginning with explicit preemption, 49 U.S.C. § 40103, the FAA has authority by statute to regulate the "use of airspace," including the flight of aircraft, safe altitudes, navigation and protection of aircraft, protection of individuals on the ground, efficient use of airspace, and prevention of collisions. In addition, the FAA through regulations establishes noise requirements for helicopters and operating rules for air tour operators specifically in Hawaii, including floatation devices for air tour operators. 14 C.F.R. pt. 36, app. H., and 14 C.F.R. pt. 136, app. A.

Section 2 on page 2, line 8, to page 3, line 4, requires the owner or operator of a helicopter subject to chapter 261 to maintain records available to the Department of Transportation or the public that include specific flight information. We believe that these record requirements would be subject to a preemption challenge.

We respectfully ask the Committee to hold this bill.

DAVID Y. IGE
GOVERNOR



LATE

TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 9, 2021
3:05 P.M.
State Capitol, Via Videoconference

S.B. 1403
RELATING TO HELICOPTERS

Senate Committee on Transportation

The Department of Transportation (DOT) **appreciates the intent** of this bill which is aimed to improve helicopter safety by requiring helicopter operators to report flight operation data.

While flight data may assist in helicopter safety, DOT cannot single out helicopter operations and force this single entity to provide flight information. This is a violation of Federal Grant Assurances No. 22.

Thank you for the opportunity to provide testimony.

(Attached Federal Grant Assurances)



**FAA
Airports**

Grant Assurances Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

- 3. Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

- 1. General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- q. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- r. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- t. Copeland Anti kickback Act - 18 U.S.C. 874.1
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

Executive Order 11246 - Equal Employment Opportunity¹
Executive Order 11990 - Protection of Wetlands
Executive Order 11998 – Flood Plain Management
Executive Order 12372 - Intergovernmental Review of Federal Programs
Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New
Building Construction¹
Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150 - Airport noise compatibility planning.
- d. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- i. 49 CFR Part 20 - New restrictions on lobbying.
- j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.^{1 2}
- m. 49 CFR Part 26 – Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
- n. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.¹
- o. 49 CFR Part 29 – Government wide debarment and suspension (nonprocurement) and government wide requirements for drug-free workplace (grants).
- p. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.

- q. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.¹

Office of Management and Budget Circulars

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

2. Responsibility and Authority of the Sponsor.

- a. **Public Agency Sponsor:** It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. **Private Sponsor:** It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure

that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.

- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.
8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.
10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.
11. **Pavement Preventive Maintenance.** With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport,

it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

- 12. Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.
- 13. Accounting System, Audit, and Record Keeping Requirements.**
 - a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
 - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.
- 14. Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
- 15. Veteran's Preference.** It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam

era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

- 16. Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.
- 17. Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
- 18. Planning Projects.** In carrying out planning projects:
 - a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
 - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
 - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
 - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
 - e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
 - f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
 - g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
 - h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of

this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation. It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non tenants and signatory carriers and non signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights. It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure. It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the

airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:

- 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections. It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports

available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft. It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities. It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such

purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and (4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

- 30. Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or

(b) the period during which the sponsor retains ownership or possession of the property.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue

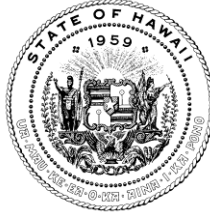
from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.
32. **Engineering and Design Services.** It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement **prescribed** for or by the sponsor of the airport.
 33. **Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.
 34. **Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ (the latest approved version as of this grant offer) and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
 35. **Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.
 36. **Access By Intercity Buses.** The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to

have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

- 37. Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).
- 38. Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
- 39. Competitive Access.**
- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
 - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

DAVID Y. IGE
GOVERNOR OF
HAWAII



LATE

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

**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**

**Tuesday, February 9, 2021
3:05 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 1403
RELATING TO TOUR AIRCRAFT**

Senate Bill 1403 proposes to require commercial helicopter owners and operators to retain and make available records containing basic helicopter flight information. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department, through its Divisions of State Parks (State Parks), and Forestry and Wildlife (DOFAW), manages large areas of state land 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. State Parks is also being impacted by low flying helicopter air tours in such locations as Diamond Head State Monument on O'ahu.

We are also aware of safety issues, including the proliferation of unauthorized drone usage in areas also frequented by helicopters. In some cases, these air tours may have safety implications as well as noise implications which in turn impact the visitor experience for those at these select locations.

The Department supports the Legislature's concern related to helicopter noise, frequency, and altitude and by requiring basic details of helicopter flights this information will help both DOFAW and State Parks in research data for future input into a resolution of this area of concern.

Thank you for the opportunity to comment on this measure.



February 8, 2021

Re: SB 1403 RELATING TO TOUR AIRCRAFT

Comments by Quentin Koch, President, Blue Hawaiian Helicopters

Aloha!

Blue Hawaiian Helicopters supports promoting the highest aviation safety standards that can protect our passengers, our pilots and our communities. As the premier air tour company in Hawaii flying on the most islands, Blue Hawaiian Helicopters remains committed to continuing to raise the bar for the helicopter air tour industry.

Our aircraft are equipped with technologies and equipment like Helicopter Terrain Awareness and Warning Systems (HTAWS), automatic dependent surveillance-broadcast (ADS-B), aircraft floats and upgraded with the newest GARMIN glass-cockpit avionics to exceed the federal regulatory requirements for helicopter air tour safety. To further that commitment, Blue Hawaiian Helicopters is the only air tour operator in Hawaii to be a member of the Tour Operators Program of Safety, as well as to also have a Voluntary FAA Safety Management System (SMS) implementation program and an accepted and approved Voluntary FAA Aviation Safety Action Program (ASAP). We hire the best pilots in their field, requiring the highest pilot-hour minimum hiring requirements, and invest our pilots' continued advanced safety training by providing them with the only state-of-the art flight simulator training available for Hawaii air tour pilots. Our mechanics keep our aircraft safe and operational, and set the bar by continuing to be awarded each year since 1997 the FAA "Certificate of Excellence, Diamond Award."

We welcome this discussion on helicopter air tour safety in Hawaii, and appreciate the opportunity to continue to work with the legislature on this critical issue.

SB-1403

Submitted on: 2/6/2021 10:22:48 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Support	No

Comments:

The crash in Kailua was scary to this resident. I support this bill.

SB-1403

Submitted on: 2/6/2021 10:25:15 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Kau'i Losalio	Individual	Support	No

Comments:

Only the FAA can truly regulate air traffic, but we can't make recommendations to the FAA because meaningful data on helicopter tours isn't collected by the state. Therefore, I am in support of this bill, I am in support of requiring commercial helicopter tours to report records of flights in our area.

SB-1403

Submitted on: 2/6/2021 10:37:03 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James E Raymond	Individual	Support	No

Comments:

Please save our neighborhoods.

SB-1403

Submitted on: 2/6/2021 10:39:07 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy K. Tang	Individual	Support	No

Comments:

I live in Waimalu, in the valley below Royal Summit and New Town Estates. Obnoxiously loud aircraft, from both private helicopters, Sesna type small planes and military convoys of helicopters, seem to have a permanent flight path, right over our neighborhood.

While my family and our neighbors don't appreciate the noise, we can make allowances for the occasional aircraft, during the day, or emergency medical emergencies in the evening, but this is EVERY DAY AND EVERY NIGHT.

There have been helicopters flying over us at 5am and as late as 11pm and sometimes, later. This is ridiculous. Some of the helicopters fly at such a low altitude, the whole house, vibrates. In the evenings, there are times when my neighbors and I have counted at least 2-3 helicopters, every hour, from around dinner at 5:30pm straight through to 9:50pm. That is WAY too much and very inconsiderate. These flight patterns must be addressed and changed.

I've written to Sam Kong about this very subject, with the assumption that it must be military helicopters flying over us, assuming that there would be no reason for private helicopters to fly over our neighborhood, until I saw 3 or 4, while out in my backyard. They flew so low, coming over the ridge from Pearl Ridge Estates, the sound replicates the sound made by the larger, military helicopters. This must stop.

SB-1403

Submitted on: 2/6/2021 10:45:29 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce L Hultgren	Individual	Support	No

Comments:

Dear Legislators,

Please support this bill. We need greater regulation of the helicopter tours in general, and over populated Kailua in particular. They are a source of a great deal of noise pollution. There are helicopters that fly well below the legal limits, particularly near the beach.

The helicopters are distracting to pedestrains, bicyclists and drivers They are also dangerous apart from that. As you are all aware, there was a tragic fatal accident onto a busy street in Kailua last year.. That no one on the ground was killed was a miracle. This was very close to two schools and could easily have been a far worse tragedy. Why was that helicopter anywhere in that area?

I would favor a total ban of helicopter flights over the Windward side of Oahu. A very small number of businesses and tourists benefit from this. The great majority of citizens merely suffer the side effects. If this bill will move us in that direction, I believe you should all totally support it.

Respectfully,

Bruce Hultgren

Kailua

SB-1403

Submitted on: 2/6/2021 11:08:24 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Ferguson	Individual	Support	No

Comments:

I would like the bill to pass.

I live on 20th Ave in Kaimuki and when the hilicopters fly over it shakes my entire house.This have been happening more often lately early morning and late at night. I wakes me up each time.

Why can't they be routed to fly over the ocean if front of Diamond head insterad of behind Diamond head

Thank you,

Jerry Ferguson

SB-1403

Submitted on: 2/6/2021 12:05:15 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

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

Comments:

Throughout the day and at all hours of night there are loud helicopters flying over our neighborhood. I lived here for 43 years and haven't heard so much noise. There's no schedule, it happens randomly and sometimes even happens AFTER 11:00pm!! One night it'll be on the hour 7:00pm, 8:00pm, 9:00pm, 10:00pm and 11:21pm; then another night it'll be 7:03pm, 7:21pm, 7:51pm, 9:06pm, 10:26pm... it's just infuriating.

SB-1403

Submitted on: 2/6/2021 12:17:28 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Risa Kuroda	Individual	Support	No

Comments:

Multiple daily low-flying helicopter activity over residential Kahala enough to shake jalosie windows. All hours of the day. Commercial helicopters and low flying military aircraft create environmental noise and sleep disturbance adding to stresses in already tumultuous year.

SB-1403

Submitted on: 2/6/2021 1:05:14 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Gordon	Individual	Support	No

Comments:

Please Support SB 1403

With the recent helicopter crashes in Oahu and Kauai, and 18 civilian helicopter crashes on Hawaii Island since 2015, and the continued frequency of flights and related noise disturbances by helicopter tours, I agree that helicopter tours (1) Record and retain monthly reports that contain basic helicopter flight information; and (2) Make the records available to Hawaii DOT and the public upon request.

Please Support SB 1403 and forward to the Legislature.

Thanks

Mark Gordon

Waikoloa HI.

SB-1403

Submitted on: 2/6/2021 1:49:22 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
STEVEN J PROCTOR	Individual	Support	No

Comments:

I and my wife, Margo R. Bare, support this bill. Creating a self-reporting system will aid in compliance with federal and local regulations, by creating a means of confirming compliance or non-compliance in terms of permissible areas to fly, OR putting the operators at risk of penalties for failure to properly self-report.

SB-1403

Submitted on: 2/6/2021 2:10:16 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Frazer	Testifying for Frazer-Frantz Ohana	Support	No

Comments:

Aloha Senators,

My family strongly supports SB1403. Like other residents of Kailua, we have been heavily impacted by helicopter overflights, The record keeping required by this bill is not onerous, but it will at least cause operators to think twice about overflying densely populated neighborhoods.

Mahalo for your attention to his important quality-of-life issue, and for your unselfish service to the people of Hawaii.

Sincerely,

SB-1403

Submitted on: 2/6/2021 2:25:54 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Byron Hendrix	Individual	Comments	No

Comments:

Aloha,

It is my understanding ALL flights over cities must file a flight plan. This seems like enough. However, if you are saying "the flights are not being reported" what makes you think these records will be kept and verified?

If flights don't have to file a flight plan for flights over cities in Hawaii, how do other cities require a flight plan? Is that what this bill is going to do? Require Flight Plans? Maybe this should be checked out a little more.

Aloha

SB-1403

Submitted on: 2/6/2021 2:33:11 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I am writing in strong support of SB1403 to collect and report flight record data to the FAA so they can better regulate helicopter tours in our state. I humbly ask that you pass this measure.

Mahalo for your consideration.

Lynn Robinson-Onderko, Ewa Beach

SB-1403

Submitted on: 2/6/2021 7:19:16 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua DeMello	Individual	Support	No

Comments:

If the helicopter crash in Kailua taught us anything, it's that flying over our neighborhoods isn't safe. We we're lucky that the pilot was good and set ifdown in the street. Bit imagine if he went down in a field of kids at recess? Or through the roof a house where Kupuna were napping? This bill is needed to collect data on where these helicopters go so that the legislature can quantify the potential threat and provide the appropriate recommendations to the FAA to mitigate that threat.

Please consider supporting this bill.

SB-1403

Submitted on: 2/6/2021 8:07:00 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Support	No

Comments:

Aloha legislators,

O'ahu and Kauai have had helicopter crashes--one in the middle of a neighborhood--and Hawai'i Island has had 18 civilian helicopter crashes in five years. And helicopters continue to harrass residents with noisy flyovers. The least they can do is (1) Record and retain monthly reports that contain basic helicopter flight information; and (2) Make the records available to Hawaii DOT and the public upon request.

mahalo,

Cory

SB-1403

Submitted on: 2/7/2021 1:28:08 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra C. Castell	Individual	Support	No

Comments:

I support requiring commercial helicopter tours to report records of flights in our area.

Sandra Castell , 'Ewa Beach

SB-1403

Submitted on: 2/7/2021 9:49:47 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
nicole harbottle	Individual	Support	No

Comments:

I support requiring commercial helicopter tours to report records of flights in our area.
Mahalo!

SB-1403

Submitted on: 2/7/2021 11:13:07 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Aitken	Individual	Support	No

Comments:

Data is crucial to local agencies in dealing with helicopters in our State. I am concerned that we do everything we can to protect our citizens, not only in the air, but on the ground. Please support!

SB-1403

Submitted on: 2/7/2021 12:09:44 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Albert E Beeman	Individual	Support	No

Comments:

During a normal Tourist season helicopters fly over our condo in Hilo all day long. The older open tail rotor units make even more noise.

Please require the operators to log the make and model of each helicopter flight.

The helicopter noise spreads for miles below each helicopter ruining our peace and quiet for the sake of a few joyriding Visitors, this is not fair to our community!

To: Hawaii State Senate Committee on Transportation
Hearing Date/Time: Tuesday, February 9, 2021 (3:05 pm)
Place: Hawaii State Capitol, Rm. 224
Re: Testimony in support of SB1403 (relating to helicopters)

Aloha Senator Chris Lee (Chair), Senator Lorraine R. Inouye (Vice Chair), and
Committee Members,

I am grateful for this opportunity to testify in **strong support of SB1403 (relating to helicopters)**.

I live in Kailua, and typically enjoy walks in the vicinity, less so currently, given the covid pandemic. I also hike in the hills above Waimanalo. In these locations, enjoyment, and at times, safety is imperiled by helicopters carrying tourists (numbers markedly decreased now, to my delight).

In some spots in the hills, helicopters used to roar by approximately every twenty minutes at peak, making it impossible to enjoy the birdsong and lack of human noises that are important escapes for all of us. Access to peaceful outdoor settings are important for mental health.

I live only a few blocks from Kailua Beach, and there have been times when helicopters have passed much too low over my house, making me feel like I am in an episode of Mash. This is worrisome, given the April 2019 helicopter crash only a few blocks from my home.

In conclusion, the helicopter companies are not recording any information about flights available to the public, meaning that it is impossible to monitor the pilots, who are too low. These flights are much too frequent, which is great for a small number of people making money, but a major problem for much of Kailua, and likely, many other areas of the island. The frequency of flights does not appear in the bill, but would be a helpful addition, if this is possible without encroaching on FAA regulations.

In conclusion, **I urge the passage of SB1403.**

Thank you for the opportunity to testify.

Sincerely

Susan J. Wurtzburg

Susan J. Wurtzburg Ph.D.

SB-1403

Submitted on: 2/7/2021 7:22:01 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I'm writing in support of SB1403. I am a lifelong resident of Hawai'i and have first hand experience of helicopters flying over my home and disrupting my peace and quiet. The process for them to get reprimanded has been hard to do so. This bill supports having a process for helicopters to be tracked and held accountable for their actions within our communities.

Please support this bill.

me ke aloha 'Ä• ina,

SB-1403

Submitted on: 2/7/2021 8:39:11 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Support	No

Comments:

Thank you for supporting this measure in the interest of community peace and safety.

SB-1403

Submitted on: 2/8/2021 6:09:28 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

I'd like to keep track of helicopters over my house. If there is no control then I'm sure when tourists come back full swing it will be busy again.

SB-1403

Submitted on: 2/8/2021 7:14:31 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Individual	Support	No

Comments:

Support

SB-1403

Submitted on: 2/8/2021 7:26:50 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laa Poepoe	Individual	Support	No

Comments:

la'a poepoe, molokai resident submitting written testimony on SB1403. I will support this bill as a means towards a greater intent of reducing the noise degradation in our remote and pristine areas, and the life-safety risk of frequent fly-overs by commercial tour and military helicopters. since the 2011 blue hawaiian crash near kilohana elementary, i have recorded multiple tour flights a day, operating in adverse weather similar to that day, taking a path directly over our neighborhood. my hope is that this bill is not used as a permitting check-box, but as substance for the argument of reducing the risk and nuisance of helicopters.

SB-1403

Submitted on: 2/8/2021 7:56:08 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Nicolow	Individual	Support	No

Comments:

My son witnessed the crash on Oneawa St. in Kailua. Residential areas should be better protected from recreational fly overs.

SB-1403

Submitted on: 2/8/2021 9:04:39 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Brown	Individual	Support	No

Comments:

Testimony in support of Hawaii State - Senate Bill 1403 for 2021 Legislature Session

*I am Dan Brown – I live in Kailua on Oahu and I fully support SB 1403 to require Tour Helicopter Company operations to maintain records of their flight operations. Requiring flight operation documentation will allow community members, DOT safety officials and legislative offices to monitor the industries activities. Furthermore, making this documentation available to the general public will provide transparency into their operations – providing better insight and dialogue on their activities as they impact the residents of Hawaii. We have experienced numerous serious tour helicopter crashes in recent years - the three most recent being the egregious crash of a Novictor tour helicopter on Oneawa Street in Kailua, the Paradise tour helicopter crash on Kuai, and a second Novictor tour helicopter crash on the Kaneohe Sand Bar. **The passengers and the citizens who live below these tour helicopter operators are not safe!** Their operations need to be monitored and this bill will provide the framework for that to occur. It is our Kuleana as citizens to monitor tour helicopter operators and ensure their operations are safe – self regulation is clearly not working. I strongly support SB 1403 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).*

SB-1403

Submitted on: 2/8/2021 9:48:28 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanne Herbert	Individual	Support	No

Comments:

Aloha kakou,

Tour helicopters are often operating on routes and altitudes in a non-transparent manner. We need to give the public and local and state officials a way to review and assess the routes and heights of helicopter tours, and to identify which specific helicopters and companies are transgressors. I've seen, time and time again, tour helicopters flying below stated height limits and too close to homes and buildings. In my apartment building, near Kapiolani Park, I've seen and heard hundreds of tour helicopters over fly my building at astonishingly low altitudes. I've also seen them buzz over private properties, low to the ground, and buzz the top of Diamond Head crater with just a few feet to spare. Without this bill, the tour operators will continue to flout laws and the safety of residents.

Mahalo,

Jeanne Herbert

SB-1403

Submitted on: 2/8/2021 11:01:33 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lewis Glenn	Individual	Support	No

Comments:

As a resident of Kailua, I support SB1403. Just yesterday in the early evening a tourist helicopter flew the length of Kailua Beach at about 200 feet above the water and 50 yards off shore. The tranquility of the beach, a major draw for residents and tourists that visit the beach, was disturbed, and unnecessarily so. Should the helicopter have encountered mechanical difficulties, those on the beach would have been put in jeopardy. This was an affront to the quiet enjoyment of our beach by unregulated helicopter flights. It seems that commercial interests can do as they wish without regulations in place. For the FAA to establish limits on such use, data must be collected and analyzed. At this time, apparently, flight plans do not have to be filed or retained. SB1403 would correct this deficit and allow the FAA to have data by which reasonable limits could be set on aircraft that fly over the beach and neighborhoods. – We should not forget that a helicopter crashed in a Kailua neighborhood a year or so ago, resulting in, I believe, three deaths. It could have been more deaths as the helicopter fell from the sky during morning rush hour. It is time to get this right for the safety and tranquility of Kailua residents and visitors

SB-1403

Submitted on: 2/8/2021 11:09:04 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Forest Frizzell	Individual	Support	No

Comments:

I stand in support of this bill

SB-1403

Submitted on: 2/8/2021 11:50:27 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahina Poepoe	Individual	Support	No

Comments:

Aloha Transportation Committee Members! I am writing in strong support of SB1403, relating to Helicopters. Please pass this Bill.

There have been at least 18 civilian helicopter crashes in Hawaii since 2015, causing 8 fatalities.

In 2011, A tour helicopter crashed into the Mountains in East Molokai killing all 5 passengers and crew onboard. This crash occurred near the Kilohana Elementary School. The entire crash was heard very loudly at the school, frightening students and teachers who were present at the time.

On Molokai, there have been reports and photos on social media of tour helicopters landing in remote and pristine areas without permits, and allowing passengers to disembark and picnic on the shoreline and in conservation zones areas of the remote north coast of Molokai.

Commercial tour helicopters also affect the quality of life for residents and kalo farmers in Halawa Valley on Molokai. On some days these helicopters are constant and the vibrations through the valley are incessantly loud and without relief.

I support this bill because it will require the public disclosure of pertinent and basic information needed to better understand this industry as we move forward with discussing and setting additional and practical guidelines and regulations with the intent to improve transparency, safety, and quality of life.

I would like to propose an amendment for your consideration: please consider including in 261(B)(5) the following or similar language as a criteria required in the reporting:

“Whether the helicopter made any landings apart from a return landing at the place of flight origin.”

Mahalo, Mahina Poepoe

Molokai Resident

SB-1403

Submitted on: 2/8/2021 2:24:23 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

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

Comments:

Mahalo for allowing me to provide testimony in support of SB1403.

After many aggravating phone calls to various government agencies to voice my concerns about the commercial tour helicopter industry, it has become clear that no one is in control of these operators. In fact, the Hawaii government has given the tour helicopter industry carte blanche authority to monitor/control themselves through the Hawaii Helicopter Association (HHA)—which has no authority over individual operators who have a choice to participate, or not, in HHA. There are currently no meaningful consequences for infractions.

Please pass SB1403 to require commercial helicopter owners and operators to retain and make available records containing basic helicopter flight information. How can this not already be a mandate!?

Mahalo,

Deb Laeha

SB-1403

Submitted on: 2/8/2021 2:26:43 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles 'Chuck' Spence	Individual	Support	No

Comments:

Please pass SB1403 so that we can fully track helicopter activity at a local level. We have complained to the FAA about voluminous amounts of helicopter traffic directly over our property at dangerously low elevation. The FAA takes no action nor advises who the offensive pilots are.

These are mainly tourist helicopters that disrupt us from early morning until early evening. Please help us to control this incessant and dangerous intrusion into our lives. We only want them to fly over the ocean or uninhabited public sections of the island and not over our homes. We can't correct this problem unless we know who the offenders are and this bill will help that cause.

Thank you! Mahalo nui loa!

SB-1403

Submitted on: 2/8/2021 2:48:56 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daryl Soares	Individual	Support	No

Comments:

Requiring commercial helicopter owners/operators to retain and make records public about flight information would go a long way in regulating Air Tour companies that assign their "quality of life" standards to Hawaii Island residents. They continue to lobby for no regulations and operate pretty much as they please with no set routes or enforceable height restrictions. Tour operators fly over residential homes relentlessly, many experience over 100 flights daily with no recourse. Tour operators tell residents "they have the right to fly over your home as many times as they like." They state: "we are doing nothing illegal."

LATE

SB-1403

Submitted on: 2/8/2021 4:11:08 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathi Saks	Individual	Support	No

Comments:

As a person living at the top of Maunalani Heights I hear both commercial and military helicopter traffic quite often. They occassionaly "buzz" right above the house. There should be a record of this and I find no sincere and honest reason why this does not happen or why anyone would NOT want this Bill to become law. I support Bill 1403 and ask you to do the same. If we are a government by the people, let the people choose to create law for the helicopter companies to comply with.

Mahalo

LATE

**Bruce Lum
99-546 Iwaiwa Street
Aiea, Hawaii 96701**

January 08, 2021

THE SENATE THIRTY-FIRST LEGISLATURE - REGULAR SESSION OF 2021
COMMITTEE ON TRANSPORTATION
Senator Chris Lee, Chair

Re. Support for S.B. No. 1403

Aloha Chair Lee. Vice-Chair Inouye and committee members,

I am in strong support of S.B. No. 1403 described as follows:

Helicopters; Commercial Flights; Records; DOT
Description:

Requires commercial helicopter owners and operators to retain and make available records containing basic helicopter flight information.

The tour helicopter industry exacts a heavy noise and safety toll on our state's residential communities, scenic points of interest, park lands, coastal sea scapes and mountain vistas. I welcome every measure by government to ensure that commercial enterprises shoulder their responsibility to operate considerately, conscientiously, and with the highest safety standards. I am in full support of the this bill's stated purpose:

Accordingly, the purpose of this Act is to require commercial helicopter owners and operators to:

(1) Record and retain monthly reports that contain basic helicopter flight information; and

(2) Make the records available to the department of transportation and the public upon request.

SB 1403 will correct a far too long free-ride, as it were, where the Hawaii tour helicopter industry has profited exceedingly from operating with indifference to the expectations of their host communities where their tour businesses operates from and the air space their flights traverse at will. I hope the air tour industry will accept the fact that it is time to be the good corporate citizen to set right what has been truly unfair at the expense of public disruption and sacrifice.

I have lived in my Aiea home for over 58 years. For the first 45 years the aircraft flying directly over my house amounted to a handful of military helicopters and occasional

emergency aircraft. I bought my home in an area that I new I had to live with the impacts from commercial air traffic from the Honolulu International Airport, and Hickham AFB, Pearl Harbor, Tripler Army Hospital, Camp HM Smith, Wheeler AAF and Schofield Barracks. The trade-off was that the price range for living in my area was affordable compared to the quieter (at the time) areas around Honolulu's core. However, I never imagined the current situation and the significant noise impacts and crashes by the current tour helicopter industry.

Over the last 13 years, the commercial aircraft and helicopter count has steadily increased to a pre-COVID19 high of 20/hr from 6:45a to 7:45p every day. That means 260 total aircraft fly over my house daily, and from just one of 3 daily tour flight paths passing over or near my home. My estimate of an average number of tour aircraft over my house is 300 to 320 per day, every day.

The primary issues I have with tour aircraft are:

1. bone jarring noise
2. safety

The biggest contributor of noise invasion comes from low altitude flying, helicopter hovering and looping over-head. My primary safety concern is the constant, frequent and persistent tour aircraft presence over Pearl Harbor and the residential and business areas from Aiea to Pearl City.

Before I retired in 2008, I did not experience the small aircraft nuisance near my home during daytime hours of the work week, and I put up with the frequent and indifferent military helicopter traffic that flew low and loud during all hours of the early morning and night.

I retired in 2008 assuming that I would live out my life relaxing, and enjoying the peace and quiet of my home and I could listen to my favorite music, tv programs, talking with my wife and playing my guitar. I also looked forward to simply enjoying the view, the sun, surf, ocean, beach and the sounds of people laughing and enjoying each other's easy conversations when visiting my favorite beach park every day.

The shocker now is that whether at home or at the beach park, my expectation of "quiet relaxation" has become impossible, because of the ever present, intrusive noise from tour helicopters.

All day and night my home, is bombarded by low flying tour helicopters that fly and hover below the minimum 800 foot altitude that they are supposed to be at. Here are the ways it is destroying my retirement bliss:

1. Conversations with my wife often get drowned out by the helicopter din and we got very irritable with each other for not hearing what was said or waiting until the din died down. Now it always seems that when we have some interesting or an important thing to talk about, we are drowned out by tour helicopters. As seniors, with a typical level of hearing loss, it is annoying and quite disruptive for us when

we can not hear ourselves or one another over the helicopter noise.

2. OurTV controller's pause and rewind buttons are truly being worn out, because of over use, as we try to compensate for not being able to uninterruptedly hear our favorite TV news or TV programs through out the day and night. This noise intrusion has serious impact on lost time due to the stop-and-start routine we have been forced to endure when listening to our TV, radio or talking on the phone. We can not rewind the radio or our phone conversations to salvage what we missed hearing when being drowned out by tour helicopter noise.

Mahalo for hearing this measure and strongly encourage this committee to pass HB 1403 out of thls committee for adoption.

Advocating for the quiet skies and the safety of Hawaii's neighborhoods.

Respectfully and appreciatively,

A handwritten signature in black ink, reading "Bruce Lum". The signature is written in a cursive, flowing style with a long horizontal flourish extending to the right.

Bruce Lum

LATE

SB-1403

Submitted on: 2/8/2021 9:06:21 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	No

Comments:

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

This testimony is offered in full support of Senate Bill 1403, Relating to Helicopters. SB 1403 requires commercial and tour helicopter operators to maintain detailed monthly records of each flight to be made available to the State Department of Transportation and the Public upon request, and requires said records to be maintained for a period of ten (10) years.

Clearly commercial and tour helicopter records should be maintained for at least ten (10) years given the extent of time required to investigate and define the causes and magnitude of harm of helicopter crashes, as well as associated lawsuits, penalties and plaintiff compensation in the event of fatalities and/or extensive damage to public or private property.

Recommendation: The identifying aircraft number on each helicopter, commonly known as the tail number and more accurately as the aircraft N-number per the FAA Registry, must be included with each flight report maintained for each aircraft operated.

Conclusively, Senate Bill 1403 is a sound first step toward accurate agency information and enforcement.

Respectfully,

Michelle S. Matson

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

LATE

SB-1403

Submitted on: 2/8/2021 9:52:10 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
sam hickman	Individual	Support	No

Comments:

Why don't you please stop Magnum Helicopters from ruining our lives in Mililani? Please. The real estate agents should also divulge when a house is in the direct flight path of Magnum Tour helicopters. We bought one and have suffered for years. The company fly's low over Mililani Elementary/ High School towards Walmart and towards the airport all day long, about 30 times a day so about 8,900 times a year over the residents houses causing an abundance of noise pollution. Magnum helicopters makes good money but they have ruined Mililani for those in their flight path. The FAA won't do anything, tourist oriented companies can do what they want. Meanwhile, we are paying almost a million dollars for a house with noise pollution and not being told about this, would you like to pay a million dollars and not be told? Are you going to stop Magnum Helicopters? Are you going to tell anyone? We have lost over 100k in realtor fees and have to move due to Magnum Helicopters.

LATE

SB-1403

Submitted on: 2/8/2021 10:34:30 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Individual	Support	No

Comments:

Keep neighborhoods safe and peaceful. Support.