



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 13, 2025
10:15 A.M.
State Capitol, Room 325

H.B. 810 HD1
RELATING TO NOISE POLLUTION

House Committee on Energy & Environmental Protection

The Department of Transportation (DOT) provides comments on this measure, which seeks to amend Chapter 342F, Hawaii Revised Statutes, to classify helicopters as a public nuisance due to noise pollution.

The DOT notes that this measure falls under federal preemption, as the regulation of aircraft noise is primarily governed by the Federal Aviation Administration (FAA).

FAA holds exclusive authority over airspace including aircraft noise standards. U.S. Constitution Article VI, Sec. 2. Section 1108 (a) of the Federal Aviation Act, as amended provides that "The United States Government has exclusive sovereignty of airspace of the United States."

Some states have filed for exemptions to this authority but have been unsuccessful challenging the federal preemption. FAA Advisory Circular 36-1H (Nov. 15, 2001, revised Mar. 25, 2012) clearly preempts state-level actions. The State of California and New York attempted to preempt FAA authority with no success.

The Noise Control Act of 1972 requires the FAA to specifically coordinate its adoption of regulations with the recommendations of the U.S. Environmental Protection Agency (EPA).

Residents wishing to report helicopter noise concerns should file a formal request through the FAA's noise complaint portal at <https://www.faa.gov/noise/inquiries>. FAA will investigate each concern and provide a written assessment.

The industry and State want to hear community concerns and work towards finding a balance. Unfortunately, H.B. 810 HD1 directly conflicts with federal preemption of aviation space and the regulation of aircraft noise is the exclusive right of the Federal Government.

Thank you for the opportunity to provide comments on this measure.



February 10, 2025

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

HB810HD1: RELATING TO NOISE POLLUTION.

Committee Hearing Date: February 13, 2025 10:15AM

Aloha Chair Lowen, Vice Chair Perruso, and Committee Members,

Jack Harter Helicopters opposes HB810 that would make changes to Hawaii Revised Statute 342-F.

Vertical Aviation International (VAI) submitted testimony at a previous hearing in opposition to HB810. We fully concur with their testimony in that HB810,

“... conflicts with established federal law and could invite unnecessary litigation. The Federal Aviation Administration (FAA) holds exclusive authority over airspace including aircraft noise standards. Accordingly, states lack the legal authority to impose noise thresholds for aircraft operations or to impose penalties for noise or any other flight-related violations. Federal statutes such as 49 U.S.C. §§ 47521 and 41713, as well as FAA Advisory Circular 36-1H (Nov. 15, 2001, revised Mar. 25, 2012), clearly preempt such state-level actions.

“HB810 mirrors previous legislative efforts, including Hawaii’s HB1201 (2023) and New York’s SB7493-A (2022), both of which were ultimately unsuccessful due to conflicts with federal preemption principles. These bills sought to enable legal actions against individuals generating unreasonable helicopter noise. The Hawaii legislature did not move HB1201 while SB7493-A was vetoed by the New York governor. In both cases, it was recognized that Federal law assigns the regulation of aircraft and airspace solely to the FAA, and case law reinforces federal preemption of this domain.

“While we recognize the intent of HB810 to address noise concerns, the proposed legislation introduces significant legal and logistical challenges that are impractical and unlawful. VAI remains committed to collaborating with Hawaii operators, legislators, and community members to address these issues in a lawful and effective manner.”

Thank you for considering our testimony and we urge your committee to **oppose passage of HB810 HD1.**

Casey Riemer
Special Project Manager