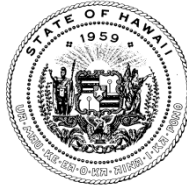


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 29, 2021
2:00 p.m.
State Capitol, Teleconference

H.C.R. 81

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

House Committee on Consumer Protection and Commerce

The Department of Transportation **supports the intent** of the actions in this resolution to enhance safety and prevent community disruption by Hawaii tour helicopter and small aircraft operations.

Thank you for the opportunity to provide testimony.

House Committee on Consumer Protection and Commerce Hearing
Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
Monday, March 29, 2021
2:00 PM

HOUSE CONCURRENT RESOLUTION 81 / HOUSE RESOLUTION 68
Testimony in Strong Support with Recommendations from the
O'ahu Tour Helicopter Safety and Noise Inter-Action Group

Aloha Chair Johanson, Vice Chair Kitagawa and Committee Members:

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

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

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

- September 18, 2018- Novictor Robinson-44 crash in Wahiawa, O'ahu;
- October 22, 2018- Novictor Robinson-44 crash at Kaneohe Bay recreational sand bar;
- February 21, 2019- K&S "Paradise" Hughes-369E crash in Waipio Valley, Hawai'i Island;
- April 16, 2019- K&S "Paradise" Hughes-369E crash in Sacred Falls State Park, Oah'u;
- April 29, 2019- Novictor Robinson-44 crash with 3 fatalities on a Kailua town street;
- May 21, 2019- Schuman "Magnum" 369D emergency landing in the Diamond Head National Natural Landmark and State Historic Monument Crater Park with 3,300 daily visitors;
- December 26, 2019 - Safari Eurocopter-AS350 crash with 7 fatalities on a Kauai cliff face near the Na Pali Coast;
- March 5, 2020 - Blue Hawaiian Eurocopter 130 crash in Puna, Hawai'i Island;

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

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

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

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

Tour helicopter safety equipment must be required through State Department of Transportation Airports Division *ground use permits* to protect Hawai'i's people *on the ground*. This equipment must include tour helicopter flotation devices installed *on* the aircraft, not merely personal flotation devices stored in the aircraft.

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

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

- April 29, 2019 – a Novictor Helicopters tour helicopter crashed in downtown Kailua on O'ahu, with three (3) fatalities;
- December 26, 2019 – a Safari Helicopters tour helicopter crash into a Kaua'i cliff face, with seven (7) fatalities including three (3) children;
- January 26, 2020 – an Island Express charter helicopter crash in Southern California, with nine (9) fatalities including three (3) children.

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

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

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

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

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

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

TESTIMONY OF LARRY S VERAY
TO
COMMITTEE ON CONSUMER PROTECTION & COMMERCE RELATED TO TOUR
HELICOPTERS
IN SUPPORT OF HCR81/HR68

***URGING THE UNITED STATES CONGRESS, THE FEDERAL AVIATION ADMINISTRATION,
AND THE HAWAII DEPARTMENT OF TRANSPORTATION TO TAKE ACTION NECESSARY
TO ADDRESS RAPIDLY INCREASING SAFETY RISKS AND COMMUNITY DISRUPTION***

MARCH 28, 2021

Aloha, Chair Aaron Johanson, Vice Chair Lisa Kitagawa (Committee on Consumer Protection & Commerce) and Committee members. I am Larry Veray, Chair for the Pearl City Neighborhood Board No.21. I am submitting this testimony on behalf of our Neighborhood board members and 42,000 residents in Pearl City based on our Board Resolution that was passed on September 24, 2019. We are in support of HCR81/HR68 to make our skies safe over residential areas.

Tour helicopters and other small aircraft have dramatically increased flights over Pearl City area in the past few years and these aircraft flight paths pose a severe safety risk to residential homes, schools and businesses in our area. Our board received a number of complaints from our residents reporting loud helicopter and small commercial aircraft noise. Prior to March 2020, it was apparent that helicopter flight paths extended into the commercial aircraft flight paths over Pearl City with some residents witnessing near miss collisions with crossing flight paths, I was one of them.

We are greatly concerned of potential aircraft accidents and collisions that could produce falling debris, burning aircraft parts and fuel that could fall into our neighborhood yards, streets and homes, school yards, parks and most importantly these accidents could cost loss of life and property. Pearl City is a very dense residential area that does not have a lot of open space for emergency landings. In addition, helicopter exhaust/blade noise and ever-changing flight paths from low altitude flying tour helicopters has been the major community concern reaching unacceptable noise levels, over and over again with back to back flights. These paths were over the Arizona Memorial and taking the large circular flight path over Aiea, Pearl City, Waipahu and the Pearl Harbor area.

In closing, we most strongly urge the FAA to develop stronger regulations and enforcement since commercial helicopters and fixed wing aircraft are ineffective in regulating their own operations to improve public safety and mitigate noise. All aircraft should be equipped with tracking devices to allow for the FAA to reconstruct flight data when working complaints from the community and allow for quick recovery of downed aircraft. It also makes no sense for helicopters operating over water not to have floatation devices for emergency landings over water. Bottom line: NO FLIGHT PATHS OVER RESIDENTIAL AREAS. Mahalo!

Very respectfully,

Larry S. Veray

HCR-81

Submitted on: 3/29/2021 3:55:34 AM

Testimony for CPC on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
bob ernst	hicop	Support	No

Comments:

HICOP SUPPORTS AND ASKS YOU TO VOTE TO APPROVE HOUSE House Concurrent Resolution 81 / House Resolution 68 AND House Concurrent Resolution 95 / House Resolution 90

Aloha House Judiciary and Hawaiian Affairs Committee

Aloha Chair Nakashima,

Aloha Vice Chair Maytayoshi,

Aloha House JHA Members Ichiyama, Kobayashi, LoPresti, Lowen, McKelvey, Nakamura, Takumi, Todd, Tokioka and Ward,

All these House Resolutions recognize, describe the tour copter impacts to your constituents and request the Federal and State agencies to address these issues.

HICoP further asks that the Hawaii Legislature take meaningful action and vote to implement meaningful legislation such as SB17.

Mahalo,

Bob

For the HICoP Board

HCR-81

Submitted on: 3/28/2021 1:09:04 PM

Testimony for CPC on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani Kauhane	Individual	Support	No

Comments:

I'm asking for you to please support this resolution. I live in a quiet area but before the pandemic, it wasn't quiet at all. There was constant tour helicopter traffic going up to Haleakala crater, usually starting at 7 am, sometimes earlier, one after the other. It's not right that residents should be disturbed every day when there are alternatives, like flying a different route not over homes.

I'm not against the use of helicopters but now that tourists are coming back to Hawaii, the flights have started up again and there should be better controls for safety and quality of life. Thank you.

HCR-81

Submitted on: 3/28/2021 8:29:12 PM

Testimony for CPC on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments:

I strongly support HCR81 due to the lack of effective federal regulations and the lack of effective self-regulation by the tour helicopter and small aircraft industry that pose a significant and growing threat to the safety, health, and well-being of the residents in the State of Hawai'i.