
HOUSE CONCURRENT RESOLUTION

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.

1 WHEREAS, the volume and extent of tour helicopter and small
2 aircraft operations throughout Hawaii's skies have rapidly
3 increased in the past decade; and
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5 WHEREAS, with such increases, the safety risks to
6 helicopter and small aircraft passengers, and to the Hawaii
7 residents and visitors over which the helicopters and small
8 aircraft fly daily, have rapidly increased; and
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10 WHEREAS, tour helicopters and small aircraft in Hawaii's
11 skies, through noise, vibration, and visual impacts, have
12 increasingly disrupted residential, business, and industrial
13 communities; state and national parks, such as Hawaii Volcanoes
14 National Park and Haleakala National Park; defense areas, such
15 as Joint Base Pearl Harbor-Hickam; cemeteries and areas of
16 solemnity, such as the National Memorial Cemetery of the Pacific
17 and Pearl Harbor National Memorial; and areas of critical
18 infrastructure; and
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20 WHEREAS, the National Transportation Safety Board, which is
21 the federal agency responsible for investigating aircraft
22 collisions and for making recommendations on improving the
23 safety of aircraft operations, found that Hawaii tour helicopter
24 and small aircraft operations accounted for nine of the
25 nationwide fifty-four accidents that prompted investigations by
26 the board over the last five years; and



1 WHEREAS, within a ten-month period alone, twenty-three
2 lives were lost through the following tour helicopter and small
3 aircraft collisions in the State:
4

5 (1) On April 29, 2019, a tour helicopter crashed into a
6 residential neighborhood in Kailua, Oahu, killing
7 three people;
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9 (2) On June 21, 2019, a commercial small aircraft crashed
10 at Mokuleia, Oahu, killing eleven people;
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12 (3) On December 27, 2019, a tour helicopter crashed on
13 Kauai, killing seven people; and
14

15 (4) On February 22, 2020, a commercial small aircraft
16 crashed at Mokuleia, Oahu, killing two people; and
17

18 WHEREAS, over the past decade, tour helicopters and small
19 aircraft have been involved in several other incidents that,
20 while not fatal, nevertheless constituted severe risks to the
21 passengers, residents, and visitors on the ground; and
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23 WHEREAS, these disruptions and crashes are largely the
24 result of a lack of effective federal regulations and a lack of
25 self-regulation in the tour helicopter and small aircraft
26 industry; and
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28 WHEREAS, effective regulations to eliminate or mitigate
29 ground disruptions would place restrictions on the time, routes,
30 altitude, and frequency of helicopter and small aircraft
31 operations; and
32

33 WHEREAS, communities would be safer and would face fewer
34 disruptions from tour helicopter and small aircraft operations
35 if existing federal acts and regulations, including the
36 following, were used to their full extent:
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38 (1) The National Park Air Tour Management Act of 2000, as
39 amended, which requires operators conducting
40 commercial air tours over national parks to operate
41 pursuant to an air tour management plan issued by the
42 Federal Aviation Administration and National Park



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1 Service, or in lieu of such a plan, pursuant to a
2 voluntary agreement with the agencies;

3
4 (2) The Airport Noise and Capacity Act of 1990, which
5 establishes the Federal Aviation Administration's
6 authority over airport owners' noise restrictions; and
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8 (3) Title 14 Code of Federal Regulations part 50, which
9 regulates the Federal Aviation Administration's
10 airport noise compatibility planning programs; and
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12 WHEREAS, the United States Court of Appeals for the
13 District of Columbia Circuit, in the case of In Re: Public
14 Employees for Environmental Responsibility and Hawaii Coalition
15 Malama Pono in May 2020, ordered the Federal Aviation
16 Administration and National Park Service to bring all required
17 national parks into compliance with the National Park Air Tour
18 Management Act of 2000, including Hawaii Volcanoes National Park
19 and Haleakala National Park, within two years; and
20

21 WHEREAS, the Federal Aviation Administration largely
22 asserts that it has exclusive jurisdiction over regulating the
23 nation's airspace and aircraft operations, which means that the
24 Federal Aviation Administration, not the State, has the sole
25 power and responsibility to establish and enforce restrictions
26 that would prevent tour helicopter and small aircraft operations
27 from disrupting communities; and
28

29 WHEREAS, although the National Transportation Safety Board
30 has made various safety recommendations to the Federal Aviation
31 Administration that would apply to tour helicopter and small
32 aircraft operations, the board is still waiting for an
33 acceptable response from the Federal Aviation Administration on
34 a number of the recommendations; and
35

36 WHEREAS, following the April 29, 2019, crash in Kailua, the
37 Chair of the National Transportation Safety Board stated that
38 "each crash underscores the urgency of improving the safety of
39 charter flights by implementing existing [board] safety
40 recommendations", and called for small aircraft flight safety
41 improvements; and



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1 WHEREAS, the Federal Aviation Administration is currently
2 in the process of archiving the Hawaii Air Tour Common
3 Procedures Manual and replacing it with a new regulatory process
4 for determining when and how tour flights can deviate below
5 fifteen hundred feet in altitude, which they are otherwise
6 required to be above; and
7

8 WHEREAS, the Federal Aviation Administration, Hawaii
9 Department of Transportation, some Hawaii tour helicopter
10 companies, and other interested stakeholders have formed the
11 Hawaii Air Noise and Safety Task Force with the stated intent of
12 addressing increasing safety and community disruption concerns,
13 but are not fully engaging and responding to public concerns in
14 determining regulatory or voluntary changes in operations; and
15

16 WHEREAS, an increasing number of elected officials and
17 community organizations have expressed growing concern with
18 safety risks and community disruption arising from tour
19 helicopter and small aircraft operations; and
20

21 WHEREAS, Ed Case, Representative for the First
22 Congressional District of Hawaii, has introduced legislation in
23 the United States House of Representatives, H.R. 389, with a
24 short title of the "Safe and Quiet Skies Act"; and
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26 WHEREAS, if enacted, H.R. 389 would, in pertinent part:

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- 28 (1) Prohibit commercial air tours from operating over or
29 within a half mile of especially sensitive locations;
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 - 31 (2) Require the Federal Aviation Administration to require
32 the use of automatic dependent surveillance-broadcast
33 out equipment during the entire operation of a
34 commercial air tour;
35
 - 36 (3) Require the Federal Aviation Administration to
37 prohibit pilots from undertaking any activities other
38 than flying the aircraft, including monitoring video
39 equipment or narrating, during the operation of a
40 commercial air tour;



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- 1 (4) Impose minimum altitude requirements and noise
2 restrictions on commercial air tours;
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- 4 (5) Authorize state and local jurisdictions to impose
5 additional requirements on commercial air tours;
6
- 7 (6) Require the Federal Aviation Administration to
8 implement any recommendations issued by the National
9 Transportation Safety Board concerning operators of
10 commercial aircraft on which the Federal Aviation
11 Administration has not provided an acceptable response
12 to the board; and
13
- 14 (7) Require the Federal Aviation Administration to subject
15 commercial air tour operators to certain regulations
16 relating to commercial aircraft operators, instead of
17 regulations relating to non-commercial aircraft
18 operators; and
19

20 WHEREAS, on January 31, 2020, the United States Senate
21 Committee on Commerce, Science, and Transportation released a
22 report entitled, "Whistleblower Allegations of Misconduct at the
23 FAA Flight Standards District Office in Honolulu, Hawaii",
24 outlining multiple whistleblower claims of inadequate safety
25 regulation of tour helicopters, specifically including those
26 involved in the fatal crashes in Kailua on April 29, 2019, and
27 on Kauai on December 27, 2019; and
28

29 WHEREAS, the Council of the City and County of Honolulu and
30 nineteen of Oahu's neighborhood boards have taken official
31 actions to urge the federal government to act to address the
32 disruptions and dangers posed by tour helicopter and small
33 aircraft operations; and
34

35 WHEREAS, the lack of effective federal regulations and the
36 lack of effective self-regulation by the tour helicopter and
37 small aircraft industry pose a significant and growing threat to
38 the safety, health, and well-being of the nation and the State;
39 now, therefore,
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41 BE IT RESOLVED by the House of Representatives of the
42 Thirty-first Legislature of the State of Hawaii, Regular Session



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1 of 2021, the Senate concurring, that the United States Congress,
2 Federal Aviation Administration, and Hawaii Department of
3 Transportation are urged to take every action necessary to
4 address rapidly increasing safety risks and community disruption
5 resulting from insufficient regulation of rapidly increasing
6 operations of tour helicopters and small aircraft throughout
7 Hawaii skies; and

8
9 BE IT FURTHER RESOLVED that the United State Congress is
10 urged to promptly enact the proposed Safe and Quiet Skies Act;
11 and

12
13 BE IT FURTHER RESOLVED that the Hawaii Department of
14 Transportation and Federal Aviation Administration are urged to
15 pursue existing remedies to limit community disruption through
16 the Airport Noise and Capacity Act of 1990 and title 14 Code of
17 Federal Regulations part 150; and

18
19 BE IT FURTHER RESOLVED that the Federal Aviation
20 Administration is urged to:

- 21
- 22 (1) Implement any recommendations issued by the National
23 Transportation Safety Board concerning operators of
24 commercial aircraft on which the Federal Aviation
25 Administration has not provided an acceptable response
26 to the board;
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 - 28 (2) Fully implement, in concert with the National Park
29 Service, the requirements of the National Park Air
30 Tour Management Act of 2000 with respect to all
31 applicable Hawaii parks and other relevant areas as
32 required by the United States Court of Appeals for the
33 District of Columbia Circuit; and
 - 34
 - 35 (3) Immediately and fully investigate whistleblowers'
36 claims with respect to the Honolulu Flight Standards
37 District Office's implementation of safety
38 requirements; and
 - 39

40 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety
41 Task Force is urged to immediately respond substantively to
42 public safety and community disruption concerns with clear



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1 changes to operations to reduce time, place, and manner of
2 operations; and
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4 BE IT FURTHER RESOLVED that federal, state, and county
5 elected and administration officials are urged to pursue these
6 actions, the enactment of legislation to authorize state and
7 local governments to regulate helicopter and small aircraft
8 operations, and all other actions that will enhance safety and
9 prevent community disruption by Hawaii tour helicopter and small
10 aircraft operations; and
11

12 BE IT FURTHER RESOLVED that certified copies of this
13 Concurrent Resolution be transmitted to the Speaker of the House
14 of the United States House of Representatives; Majority Leader
15 of the United States Senate; members of Hawaii's Congressional
16 delegation; Administrator of the Federal Aviation
17 Administration; Manager of the Honolulu Flight Standards
18 District Office of the Federal Aviation Administration; Chair of
19 the National Transportation Safety Board; Director of the
20 National Park Service; Hawaii Director of Transportation; Mayor
21 of each county; Chair of each neighborhood board; and Co-chairs
22 of the Hawaii Air Noise and Safety Task Force.
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OFFERED BY:



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