

---

---

## HOUSE 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  
4

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  
9

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  
19

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



# H.R. NO. 68

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;
- 8
- 9           (2) On June 21, 2019, a commercial small aircraft crashed  
10 at Mokuleia, Oahu, killing eleven people;
- 11
- 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  
22

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  
27

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:  
37

- 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



## H.R. NO. 68

1 Federal Aviation Administration and National Park  
2 Service, or in lieu of such a plan, pursuant to a  
3 voluntary agreement with the agencies;  
4

5 (2) The Airport Noise and Capacity Act of 1990, which  
6 establishes the Federal Aviation Administration's  
7 authority over airport owners' noise restrictions; and  
8

9 (3) Title 14 Code of Federal Regulations part 50, which  
10 regulates the Federal Aviation Administration's  
11 airport noise compatibility planning programs; and  
12

13 WHEREAS, the United States Court of Appeals for the  
14 District of Columbia Circuit, in the case of In Re: Public  
15 Employees for Environmental Responsibility and Hawaii Coalition  
16 Malama Pono in May 2020, ordered the Federal Aviation  
17 Administration and National Park Service to bring all required  
18 national parks into compliance with the National Park Air Tour  
19 Management Act of 2000, including Hawaii Volcanoes National Park  
20 and Haleakala National Park, within two years; and  
21

22 WHEREAS, the Federal Aviation Administration largely  
23 asserts that it has exclusive jurisdiction over regulating the  
24 nation's airspace and aircraft operations, which means that the  
25 Federal Aviation Administration, not the State, has the sole  
26 power and responsibility to establish and enforce restrictions  
27 that would prevent tour helicopter and small aircraft operations  
28 from disrupting communities; and  
29

30 WHEREAS, although the National Transportation Safety Board  
31 has made various safety recommendations to the Federal Aviation  
32 Administration that would apply to tour helicopter and small  
33 aircraft operations, the board is still waiting for an  
34 acceptable response from the Federal Aviation Administration on  
35 a number of the recommendations; and  
36

37 WHEREAS, following the April 29, 2019, crash in Kailua, the  
38 Chair of the National Transportation Safety Board stated that  
39 "each crash underscores the urgency of improving the safety of  
40 charter flights by implementing existing [board] safety



## H.R. NO. 68

1 recommendations", and called for small aircraft flight safety  
2 improvements; and

3

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

10

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

18

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

23

24 WHEREAS, Ed Case, Representative for the First  
25 Congressional District of Hawaii, has introduced legislation in  
26 the United States House of Representatives, H.R. 389, with a  
27 short title of the "Safe and Quiet Skies Act"; and

28

29 WHEREAS, if enacted, H.R. 389 would, in pertinent part:

30

31 (1) Prohibit commercial air tours from operating over or  
32 within a half mile of especially sensitive locations;

33

34 (2) Require the Federal Aviation Administration to require  
35 the use of automatic dependent surveillance-broadcast  
36 out equipment during the entire operation of a  
37 commercial air tour;

38

39 (3) Require the Federal Aviation Administration to  
40 prohibit pilots from undertaking any activities other  
41 than flying the aircraft, including monitoring video



## H.R. NO. 68

1 equipment or narrating, during the operation of a  
2 commercial air tour;

- 3
- 4 (4) Impose minimum altitude requirements and noise  
5 restrictions on commercial air tours;
- 6
- 7 (5) Authorize state and local jurisdictions to impose  
8 additional requirements on commercial air tours;
- 9
- 10 (6) Require the Federal Aviation Administration to  
11 implement any recommendations issued by the National  
12 Transportation Safety Board concerning operators of  
13 commercial aircraft on which the Federal Aviation  
14 Administration has not provided an acceptable response  
15 to the board; and
- 16
- 17 (7) Require the Federal Aviation Administration to subject  
18 commercial air tour operators to certain regulations  
19 relating to commercial aircraft operators, instead of  
20 regulations relating to non-commercial aircraft  
21 operators; and
- 22

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

31

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

37

38 WHEREAS, the lack of effective federal regulations and the  
39 lack of effective self-regulation by the tour helicopter and  
40 small aircraft industry pose a significant and growing threat to



## H.R. NO. 68

1 the safety, health, and well-being of the nation and the State;  
2 now, therefore,

3  
4 BE IT RESOLVED by the House of Representatives of the  
5 Thirty-first Legislature of the State of Hawaii, Regular Session  
6 of 2021, that the United States Congress, Federal Aviation  
7 Administration, and Hawaii Department of Transportation are  
8 urged to take every action necessary to address rapidly  
9 increasing safety risks and community disruption resulting from  
10 insufficient regulation of rapidly increasing operations of tour  
11 helicopters and small aircraft throughout Hawaii skies; and  
12

13 BE IT FURTHER RESOLVED that the United State Congress is  
14 urged to promptly enact the proposed Safe and Quiet Skies Act;  
15 and  
16

17 BE IT FURTHER RESOLVED that the Hawaii Department of  
18 Transportation and Federal Aviation Administration are urged to  
19 pursue existing remedies to limit community disruption through  
20 the Airport Noise and Capacity Act of 1990 and title 14 Code of  
21 Federal Regulations part 150; and  
22

23 BE IT FURTHER RESOLVED that the Federal Aviation  
24 Administration is urged to:

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



# H.R. NO. 68

1 District Office's implementation of safety  
2 requirements; and  
3

4 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety  
5 Task Force is urged to immediately respond substantively to  
6 public safety and community disruption concerns with clear  
7 changes to operations to reduce time, place, and manner of  
8 operations; and  
9

10 BE IT FURTHER RESOLVED that federal, state, and county  
11 elected and administration officials are urged to pursue these  
12 actions, the enactment of legislation to authorize state and  
13 local governments to regulate helicopter and small aircraft  
14 operations, and all other actions that will enhance safety and  
15 prevent community disruption by Hawaii tour helicopter and small  
16 aircraft operations; and  
17

18 BE IT FURTHER RESOLVED that certified copies of this  
19 Resolution be transmitted to the Speaker of the House of the  
20 United States House of Representatives; Majority Leader of the  
21 United States Senate; members of Hawaii's Congressional  
22 delegation; Administrator of the Federal Aviation  
23 Administration; Manager of the Honolulu Flight Standards  
24 District Office of the Federal Aviation Administration; Chair of  
25 the National Transportation Safety Board; Director of the  
26 National Park Service; Hawaii Director of Transportation; Mayor  
27 of each county; Chair of each neighborhood board; and Co-chairs  
28 of the Hawaii Air Noise and Safety Task Force.  
29  
30  
31

OFFERED BY:



MAR 09 2021

