
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
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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 making recommendations on improving the safety of
23 aircraft operations, found that Hawaii tour helicopter and small
24 aircraft operations accounted for nine of the nationwide fifty-
25 four accidents that prompted investigations by the board over
26 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:

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- 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
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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



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



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, 117th
24 Congress (First Session 2021) with a short title of the "Safe
25 and Quiet Skies Act"; and

26
27 WHEREAS, if enacted, H.R. 389 would, in pertinent part:

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



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

34 WHEREAS, the lack of effective federal regulations and the
35 lack of effective self-regulation by the tour helicopter and
36 small aircraft industry pose a significant and growing threat to
37 the safety, health, and well-being of the nation and the State;
38 now, therefore,
39

40 BE IT RESOLVED by the House of Representatives of the
41 Thirty-first Legislature of the State of Hawaii, Regular Session
42 of 2021, that the United States Congress, Federal Aviation



1 Administration, and Hawaii Department of Transportation are
2 urged to take every action necessary to address rapidly
3 increasing safety risks and community disruption resulting from
4 insufficient regulation of rapidly increasing operations of tour
5 helicopters and small aircraft throughout Hawaii skies; and

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

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

16
17 BE IT FURTHER RESOLVED that the Federal Aviation
18 Administration is urged to:

- 19
20 (1) Implement any recommendations issued by the National
21 Transportation Safety Board concerning operators of
22 commercial aircraft on which the Federal Aviation
23 Administration has not provided an acceptable response
24 to the Board;
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26 (2) Fully implement, in concert with the National Park
27 Service, the requirements of the National Park Air
28 Tour Management Act of 2000 with respect to all
29 applicable Hawaii parks and other relevant areas as
30 required by the United States Court of Appeals for the
31 District of Columbia Circuit; and
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33 (3) Immediately and fully investigate whistleblowers'
34 claims with respect to the Honolulu Flight Standards
35 District Office's implementation of safety
36 requirements; and
37

38 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety
39 Task Force is urged to immediately respond substantively to
40 public safety and community disruption concerns with clear
41 changes to operations to reduce time, place, and manner of
42 operations; and



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

8
9 BE IT FURTHER RESOLVED that certified copies of this
10 Resolution be transmitted to the Speaker of the House of the
11 United States House of Representatives; Majority Leader of the
12 United States Senate; members of Hawaii's congressional
13 delegation; United States Secretary of Transportation;
14 Administrator of the Federal Aviation Administration; Manager of
15 the Honolulu Flight Standards District Office of the Federal
16 Aviation Administration; Chair of the National Transportation
17 Safety Board; Director of the National Park Service; Governor;
18 Hawaii Director of Transportation; mayor of each county; chair
19 of each neighborhood board; and co-chairs of the Hawaii Air
20 Noise and Safety Task Force.

