

JAN 21 2022

A BILL FOR AN ACT

RELATING TO AIRCRAFT NOISE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the department of
2 transportation requires tour aircraft operators to adhere to the
3 "Fly Neighborly Program" or its equivalent as a condition of
4 permit approval, which includes noise abatement procedures and
5 complaint response procedures. However, the legislature further
6 finds that the department of transportation currently does not
7 enforce these rules for aircraft noise abatement that disrupts
8 normal living conditions of many island residents.

9 The legislature finds that in the past three years alone,
10 residents of Hawaii island, Molokai, and Maui have publicly
11 reported dozens of low-flying tour helicopters over their homes
12 each day, with as many as seventy to eighty during peak periods.
13 Formal Federal Aviation Administration employee Captain Bill
14 Hawkins explained in a 2021 Maui News article that "cognitive
15 degeneration, hearing loss, increased stress or a larger carbon
16 footprint are consequences of low-flying aircrafts or aircrafts
17 that take longer routes to land". Further, a 1999 report by the



1 National Resources Council states that helicopter noise can lead
2 to sleep-deprivation and can cause cardiovascular and
3 gastrointestinal problems, as well as reduced learning abilities
4 among children.

5 For these reasons, the Legislature finds that the
6 department of transportation "Fly Neighborly Program" is
7 designed to improve and restore the health, welfare, and quality
8 of life of the island residents, and to sustain the general
9 public's valued experience of natural and recreational resources
10 through reducing the level of noise pollution created by tour
11 aircrafts.

12 The purpose of this Act is to require the department of
13 transportation to promulgate rules, standards, and enforcement
14 for noise abatement as a condition of the tour aircraft
15 operators permit.

16 SECTION 2. Section 261-12, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) Tour aircraft operations. Any other law to the
19 contrary notwithstanding, no tour aircraft operation shall be
20 permitted in any airport under the State's control without
21 having a permit. The director shall adopt rules to regulate



1 tour aircraft operations by permit, which shall include but not
2 be limited to:

- 3 (1) Identification of the types of aircraft to be
4 utilized;
- 5 (2) The number of operations daily for each type of
6 aircraft used and the days and hours of operation;
- 7 (3) Verification that the applicant is in compliance with
8 all state statutes, including but not limited to this
9 section;
- 10 (4) Verification that the applicant has the Federal
11 Aviation Administration certificate 121 or 135;
- 12 (5) A written assessment by the department of the impact
13 to the surrounding area and to the subject state
14 airport;
- 15 (6) Procedures, standards, and enforcement for mandatory
16 noise abatement conditions including:
 - 17 (A) Identification of noise sensitive areas, and
18 specific feet measurement surrounding these areas
19 that constitute restricted or reduced vicinity;



- 1 (B) Specific noise abatement procedures with
- 2 notations of what is considered unacceptable
- 3 procedures;
- 4 (C) Specific procedures to measure and monitor noise
- 5 from the ground; and
- 6 (D) Specific procedures to address complaints;
- 7 [~~6~~] (7) Revocation of a permit based on the failure to
- 8 comply with the information provided by the applicant
- 9 and the terms and conditions set forth by the
- 10 department in the permit; and any false statement or
- 11 misrepresentation made by the applicant;
- 12 [~~7~~] (8) Establishment of penalties for revocation and
- 13 suspension of a permit for failure to comply with
- 14 permit conditions;
- 15 [~~8~~] (9) Annual renewal of permits; and
- 16 [~~9~~] (10) Any change of operations under the existing
- 17 permit to be approved by the director.

18 No permit shall be authorized unless accompanied by a
19 Hawaii sectional aeronautical chart marked to indicate routes
20 and altitudes to be used in conducting aerial tours and noise



1 abatement procedures to be employed in the vicinity of
2 identified noise sensitive areas.

3 For the purposes of this subsection, "tour aircraft
4 operations" means any business operation that offers aircraft
5 for hire by passengers for the purpose of aerial observation of
6 landmarks and other manmade or natural sites within an island of
7 the State and for the purpose of transporting passengers for
8 tourist-related activities."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: Jan Acasis



S.B. NO. 2838

Report Title:

Department of Transportation; Noise Abatement; Aircraft Operators Permit

Description:

Requires the Department of Transportation to specify rules, procedures, standards, and enforcement for mandatory noise abatement as part of the Tour Aircraft Operators Permit.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

