

JAN 21 2022

A BILL FOR AN ACT

RELATING TO THE GOOD NEIGHBOR HELICOPTER ACT.

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

1 SECTION 1. The legislature finds that an increasing number
2 of helicopter tours at low altitudes over residential and
3 agricultural communities on all major islands has become a
4 public nuisance that negatively impacts residents' physical and
5 mental health. A 2019 article in the Honolulu Civil Beat noted
6 that several Big Island neighborhoods experience an average of
7 fifteen to twenty helicopter flyovers each day, and up to eighty
8 per day at peak periods, with mayor Harry Kim stating, "Their
9 lifestyle is being infringed upon." According to a 2021 article
10 in the Maui News, a Waihee Valley resident recorded as many as
11 twenty helicopters an hour, an East Molokai resident observed
12 seventy helicopters every day, and former Federal Aviation
13 Administration employee Captain Bill Hawkins explained that
14 "cognitive degeneration, hearing loss, increased stress or a
15 larger carbon footprint are consequences of low-flying aircraft
16 or aircraft that take longer routes to land." Further, a 1999
17 report by the National Resources Council states that helicopter



1 noise can lead to sleep-deprivation and can cause cardiovascular
2 and gastrointestinal problems, as well as reduced learning
3 abilities among children.

4 The legislature further finds that Hawaii has had a sixty-
5 seven per cent increase in helicopter tours in the past decade,
6 with tens of thousands of flights annually. The National Park
7 Service survey of Hawaii Volcanoes National Park found that
8 helicopter noise is audible in ninety-eight per cent of the
9 park's wilderness area, which can disturb wildlife and park
10 visitors. Pursuant to a lawsuit filed by Hawaii Island
11 Coalition Malama Pono, a non-profit whose purpose is to return
12 "serenity to Hawaii free from tour helicopter noise nuisance
13 pollution and safety from helicopter crashes", the U.S. Court of
14 Appeals in 2020 ordered the Federal Aviation Administration and
15 the National Park Service to comply with the National Park Air
16 Tour Management Act of 2000, as amended, to require the Federal
17 Aviation Administration and the National Park Service to develop
18 air tour management plans, or enter into voluntary agreements
19 with air tour operators, to limit the noise nuisance of
20 helicopter tours over twenty-four national parks, including two
21 in Hawaii.



1 The legislature further finds that regenerative tourism is
2 an integral part of the Hawaii 2050 Sustainability Plan; Act
3 146, Session Laws of Hawaii (2019), provides the legal guideline
4 for all major state and county agencies and activities to
5 support destination management and increase collaboration in
6 responding to negative tourism impacts on Hawaii's
7 communities. Every helicopter is equipped with technology that
8 records its elevation and exact flight path, which enables the
9 State to enforce certain restrictions, without impeding or
10 supplanting the authority of the Federal Aviation Administration
11 or hindering individual aviation rights. Accordingly, the
12 purpose of this Act, which shall be referred to as the Good
13 Neighbor Helicopter Act, is to reduce helicopter noise pollution
14 by levying a tiered surcharge on certain helicopters that fly
15 below a specified altitude range within a certain radius of
16 residential and occupied agricultural and commercial areas.

17 SECTION 2. Chapter 235, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§235- Helicopter surcharge; exemptions. (a) There
21 shall be levied, assessed, and collected the following surcharge



1 on every helicopter that flies below the altitude of two
2 thousand feet above ground level if the helicopter is within a
3 mile radius of any residential area or occupied
4 agricultural or commercial area:

5 (1) \$ _____ per quarter mile for any distance flown at
6 an altitude of less than 2,499 feet above ground
7 level;

8 (2) \$ _____ per quarter mile for any distance flown at
9 an altitude between 2,500 - 3,499 feet above ground
10 level; and

11 (3) \$ _____ per quarter mile for any distance flown at
12 an altitude between 3,500 - 5,000 feet above ground
13 level.

14 This surcharge shall apply regardless of whether the
15 helicopter is transporting passengers and shall include
16 pilotless and remotely operated helicopters.

17 (b) The surcharge imposed by this section shall not apply
18 to:

19 (1) Military or emergency response helicopters;

20 (2) Interstate helicopter flights; or



1 (3) Any helicopter that emits exterior noise below fifty-
2 five decibels when flying five hundred feet above
3 ground level.

4 (c) Nothing in this section shall be construed to:

5 (1) Limit, regulate, or restrict helicopter flight paths;

6 (2) Tax the sale of helicopters or helicopter services; or

7 (3) Tax the gross receipts collected from the operation of
8 helicopter commerce or transportation services."

9 SECTION 3. The department of transportation shall
10 coordinate and cooperate with the department of taxation to
11 adopt administrative rules, develop forms for reporting, and
12 enforce the provisions of this Act.

13 SECTION 4. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 5. New statutory material is underscored.

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1 SECTION 6. This Act shall take effect on July 1, 2022.

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INTRODUCED BY:

Jana Acasio



S.B. NO. 2839

Report Title:

Good Neighbor Helicopter Act; Surcharge; Residential Area;
Occupied Agricultural or Commercial Area; Exemptions

Description:

Levies a tiered surcharge on certain helicopters that fly below altitudes less than two thousand feet above ground level if within a certain radius of a residential area or occupied agricultural or commercial area, regardless of whether the helicopter is transporting passengers. Grants certain exemptions.

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

