

JAN 26 2022

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. The legislature finds that tour helicopters and  
2 small aircraft operations constitute a significant risk to  
3 passengers and residents on the ground. Over the past five  
4 years, tour helicopters and small aircraft operations in Hawaii  
5 accounted for nearly seventeen per cent of the nation-wide  
6 accidents that prompted investigation by the National  
7 Transportation Safety Board. In one ten-month period spanning  
8 2019 to 2020, twenty-three lives were lost in four separate tour  
9 helicopter or small aircraft accidents on Oahu and Kauai.  
10 Therefore, it is important that tour operators carry insurance  
11 in sufficient amounts to cover potential losses in the event of  
12 an accident.

13           The legislature also finds that residents in the State must  
14 endure the excessive noise that helicopter tours generate.  
15 Federal legislation, such as the National Parks Air Tour  
16 Management Act of 2000, established rules that tour operators  
17 must follow when flying over national parks like Volcanoes



1 National Park, Pearl Harbor National Memorial, and Haleakala  
2 National Park. Therefore, it is in the interest of the State to  
3 monitor and ensure that federal regulations are being followed  
4 and that the State has the option not to renew a tour aircraft  
5 operation permit for any company that repeatedly deviates from  
6 flight plans over sensitive areas.

7 The legislature further finds that the Federal Aviation  
8 Administration, Hawaii department of transportation, some Hawaii  
9 tour helicopter companies, and other interested stakeholders  
10 have formed an unofficial Hawaii air noise and safety task force  
11 with the stated intent of addressing increasing safety and  
12 community disruption concerns, but has been criticized for not  
13 fully engaging and responding to public concerns in determining  
14 regulatory or voluntary changes in operations. An increasing  
15 number of elected officials and community organizations have  
16 expressed increasing concern with safety risks and community  
17 disruption arising from tour helicopter and small aircraft  
18 operations.

19 The purpose of this Act is to:

20 (1) Formally establish the helicopter noise and safety  
21 task force in the department of transportation; and



1           (2) Require tour aircraft operators to carry and maintain  
2           sufficient insurance amounts, as well as file  
3           appropriate reports and disclosures so that the State  
4           can monitor compliance with federal regulations.

5           SECTION 2. Chapter 261, Hawaii Revised Statutes, is  
6           amended by adding a new section to be appropriately designated  
7           and to read as follows:

8           "§261- Helicopter noise and safety task force. (a)

9           There is established a helicopter noise and safety task force in  
10          the department of transportation.

11          (b) The task force shall:

12          (1) Identify key noise and safety issues facing Hawaii  
13          relating to helicopters;

14          (2) Address increasing safety and community disruption  
15          concerns;

16          (3) Explore and recommend changes needed to law and  
17          business practices to protect the public from the  
18          inherent dangers presented by helicopters; and

19          (4) Engage with and respond to public concerns in  
20          determining regulatory or voluntary changes in  
21          helicopter operations.



- 1        (c) The members of the task force shall include:
- 2        (1) The chairs of the Senate and House of Representatives  
3        standing committees with jurisdiction over  
4        transportation, who shall serve as the co-chairs of  
5        the task force; and
- 6        (2) The director of transportation or their designee.
- 7        (d) The co-chairs of the task force shall invite the  
8        following persons to join the task force:
- 9        (1) A representative from the Federal Aviation  
10       Administration; and
- 11       (2) At least one representative from the helicopter  
12       industry.
- 13       (e) The co-chairs of the task force may invite other  
14       interested parties and members of the public who live in areas  
15       impacted by helicopter noise to join the task force.
- 16       (f) The members of the task force shall serve without  
17       compensation but shall be reimbursed for expenses, including  
18       travel expenses, necessary for the performance of their duties.
- 19       (g) The task force shall submit a report of its findings  
20       and recommendations, including any proposed legislation, to the



1 legislature no later than twenty days prior to the convening of  
2 each regular session."

3 SECTION 3. Section 261-12, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) Tour aircraft operations. Any other law to the  
6 contrary notwithstanding, no tour aircraft operation shall be  
7 permitted in any airport under the State's control without  
8 having a permit. The director shall adopt rules to regulate  
9 tour aircraft operations by permit, which shall include but not  
10 be limited to:

- 11 (1) Identification of the types of aircraft to be  
12 utilized;
- 13 (2) The number of operations daily for each type of  
14 aircraft used and the days and hours of operation;
- 15 (3) Verification that the applicant is in compliance with  
16 all state statutes, including but not limited to this  
17 section;
- 18 (4) Verification that the applicant has the Federal  
19 Aviation Administration certificate 121 or 135;



- 1           (5) A written assessment by the department of the impact  
2                   to the surrounding area and to the subject state  
3                   airport;
- 4           (6) Revocation of a permit based on the failure to comply  
5                   with the information provided by the applicant and the  
6                   terms and conditions set forth by the department in  
7                   the permit; and any false statement or  
8                   misrepresentation made by the applicant;
- 9           (7) Establishment of penalties for revocation and  
10                   suspension of a permit for failure to comply with  
11                   permit conditions;
- 12           (8) Verification that the applicant has commercial general  
13                   liability insurance coverage of not less than  
14                   \$10,000,000 arising from any one accident or other  
15                   cause that covers but is not limited to bodily injury  
16                   and death and contractual liability;
- 17           (9) Requirement that each applicant applying to renew a  
18                   permit shall provide to the department a written  
19                   report, which shall be made available to the public,  
20                   of each tour operation that occurred during the  
21                   duration of the expiring permit, including:



- 1            (A) The date and time that the aircraft took off and  
2            landed;
- 3            (B) The number of individuals aboard the aircraft  
4            during the operation;
- 5            (C) The flight path from takeoff through landing; and  
6            (D) A disclosure if the aircraft deviated from its  
7            intended flight plan;
- 8            [~~8~~] (10) Annual renewal of permits; and
- 9            [~~9~~] (11) Any change of operations under the existing  
10           permit to be approved by the director.

11           No permit shall be authorized unless accompanied by a  
12 Hawaii sectional aeronautical chart marked to indicate routes  
13 and altitudes to be used in conducting aerial tours and noise  
14 abatement procedures to be employed in the vicinity of  
15 identified noise sensitive areas.

16           For the purposes of this subsection, "tour aircraft  
17 operations" means any business operation that offers aircraft  
18 for hire by passengers for the purpose of aerial observation of  
19 landmarks and other manmade or natural sites within an island of  
20 the State and for the purpose of transporting passengers for  
21 tourist-related activities."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a series of loops and a long horizontal stroke, positioned above a horizontal line.



# S.B. NO. 3272

**Report Title:**

Helicopters; Tour Aircraft Operations; Insurance; Records

**Description:**

Establishes the helicopter noise and safety task force. Requires the Director of Transportation to adopt rules to require tour aircraft operators to have commercial general liability insurance coverage of at least \$10,000,000 and to report details of each flight taken by the tour aircraft operation in order to renew a tour aircraft operation permit.

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

