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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 residents in the  
2 State must endure the excessive noise that helicopter tours and  
3 small aircrafts generate. Federal legislation, such as the  
4 National Parks Air, Tour Management Act of 2000, established  
5 rules that tour operators must follow when flying over national  
6 parks like Volcanoes National Park, Pearl Harbor National  
7 Memorial, and Haleakala National Park. Therefore, it is in the  
8 interest of the State to monitor and ensure that federal  
9 regulations are being followed and that the State has the option  
10 not to renew a tour aircraft operation permit for any company  
11 that repeatedly deviates from flight plans over sensitive areas.

12           The legislature further finds that the Federal Aviation  
13 Administration, department of transportation, some Hawaii tour  
14 helicopter companies, and other interested stakeholders have  
15 formed an unofficial Hawaii air noise and safety task force with  
16 the stated intent of addressing increasing safety and community  
17 disruption concerns, but has been criticized for not fully



1 engaging and responding to public concerns in determining  
2 regulatory or voluntary changes in operations. An increasing  
3 number of elected officials and community organizations have  
4 expressed increasing concern with safety risks and community  
5 disruption arising from tour helicopter and small aircraft  
6 operations.

7 The purpose of this Act is to:

- 8 (1) Formally establish the air noise and safety task force  
9 within the department of transportation; and  
10 (2) Require tour aircraft operators to file appropriate  
11 reports and disclosures so that the State can monitor  
12 their compliance with federal regulations.

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

16 "§261- Air noise and safety task force. (a) There is  
17 established an air noise and safety task force within the  
18 department of transportation.

19 (b) The task force shall:

- 20 (1) Identify key noise and safety issues that are facing  
21 Hawaii communities relating to aircrafts;



- 1        (2) Address increasing safety and community disruption
- 2        concerns;
- 3        (3) Explore and recommend changes needed to be made to any
- 4        laws and business practices to protect the public from
- 5        the inherent dangers presented by aircrafts;
- 6        (4) Engage with and respond to public concerns in
- 7        determining regulatory or voluntary changes in
- 8        aircraft operations; and
- 9        (5) Recommend a mandatory minimum general liability
- 10       coverage amount for tour aircraft operators to be
- 11       considered for enactment during the 2023 regular
- 12       session of the legislature.
- 13       (c) The members of the task force shall include:
- 14       (1) The chairs of the senate and house of representatives
- 15       standing committees with jurisdiction over
- 16       transportation, who shall serve as the co-chairs of
- 17       the task force; and
- 18       (2) The director of transportation or their designee.
- 19       (d) The co-chairs of the task force shall invite the
- 20       following persons to join the task force:



- 1        (1) A representative from the Federal Aviation  
2            Administration;
- 3        (2) At least one representative from the helicopter  
4            industry;
- 5        (3) At least one representative from the small aircraft  
6            industry; and
- 7        (4) Representatives from communities impacted by aircraft  
8            noise.
- 9        (e) The members of the task force shall serve without  
10       compensation and for two-year terms, but shall be reimbursed for  
11       expenses, including travel expenses, necessary for the  
12       performance of their duties.
- 13       (f) The task force shall submit a report of its findings  
14       and recommendations, including any proposed legislation, to the  
15       legislature no later than twenty days prior to the convening of  
16       each regular session."

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

19       "(b) Tour aircraft operations. Any other law to the  
20       contrary notwithstanding, no tour aircraft operation shall be  
21       permitted in any airport under the State's control without



1 having a permit. The director shall adopt rules to regulate  
2 tour aircraft operations by permit, which shall include but not  
3 be limited to:

- 4 (1) Identification of the types of aircraft to be  
5 utilized;
- 6 (2) The number of operations daily for each type of  
7 aircraft used and the days and hours of operation;
- 8 (3) Verification that the applicant is in compliance with  
9 all state statutes, including but not limited to this  
10 section;
- 11 (4) Verification that the applicant has the Federal  
12 Aviation Administration certificate 121 or 135;
- 13 (5) A written assessment by the department of the impact  
14 to the surrounding area and to the subject state  
15 airport;
- 16 (6) Revocation of a permit based on the failure to comply  
17 with the information provided by the applicant and the  
18 terms and conditions set forth by the department in  
19 the permit, and any false statement or  
20 misrepresentation made by the applicant;



1 (7) Establishment of penalties for revocation and  
2 suspension of a permit for failure to comply with  
3 permit conditions;

4 (8) Submission of monthly written reports to the  
5 department, which shall be made available to the  
6 public, of each tour operation that occurred during  
7 the duration of the preceding month, including:

8 (A) The date and time that the aircraft took off and  
9 landed;

10 (B) The number of individuals aboard the aircraft  
11 during the operation;

12 (C) The flight path from takeoff through landing; and

13 (D) A disclosure if the aircraft deviated from its  
14 intended flight plan.

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 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

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



**Report Title:**

Tour Aircraft Operations; Task Force; Records

**Description:**

Establishes the Air Noise and Safety Task Force. Requires the Director of Transportation to adopt rules to require tour aircraft operators to report details of each flight taken by the tour aircraft operation on a monthly basis. (SD2)

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

