

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1101**

ED CASE  
1 ST DISTRICT, Hawai'i

April 20, 2023

Members of the Hawai'i State House Committee on  
Consumer Protection and Commerce  
The Honorable Jackson Sayama, Vice Chair

RE: Senate Concurrent Resolution 73 Requesting The Department Of Transportation To Conduct An Assessment Report To Evaluate The Feasibility And Practicality Of Implementing Higher Levels Of Commercial Liability Insurance For The General Aviation Industry And Helicopter Operations At Airports in the State

Mahalo for holding this hearing today to focus us all clearly on fully addressing the safety and community disruption impacts of general aviation, but especially of commercial tour helicopters and small aircraft, operating virtually without regulation in the skies of our state.

I am in strong support of Senate Concurrent Resolution 73, which calls on the Hawai'i State Department of Transportation (DOT) to conduct an assessment on whether higher levels of commercial general liability insurance should be mandated for general aviation operators including small aircraft and helicopters. Clearly, for an industry that has resulted in multiple incidents and deaths over the last decade alone, and that has disrupted whole communities routinely, adequate liability insurance would both require and incentivize far safer practices, as well as prevent low-cost-of-entry fly-by-night operators that are so much of the problem.

I understand that the Federal Aviation Administration (FAA), which regulates federal air space, does not generally require liability insurance for general aviation operations including tour helicopter and small aircraft, that Hawai'i is one of only twelve states that mandates general aviation operators carry some form of liability insurance, and that whatever insurance is required of tour helicopter and small aircraft operations is miniscule as compared to the demonstrated safety risks and consequences of these operations. Appropriate required levels of liability (and property damage) insurance, in addition to assuring that only responsible and solvent operators conduct operations, lead insurance companies to require their insureds to pay more heed to best practices and adopt stricter safety standards.

For broader context, I offer this summary of recent complaints and issues (focusing on O'ahu, though the same complaints persist on other islands) that I shared with our constituents last August:

1. Severe safety concerns with operations, for both passengers and crew and people and property on the ground, continue with ongoing crashes. The National Transportation Safety Board (NTSB), which is responsible for identifying the

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cause of crashes and for making recommendations to improve safety but has no direct regulatory authority, has increased its statements of concern and frustration

with the failure of the FAA to fully focus on safety-related regulations and improvements.

2. The operators continue to fly over communities and other populated areas even where an easy out-to-sea and less disruptive route is available. On O'ahu, this is especially true (and obvious from any review of a live online app like Flightradar 24) of communities like Hawai'i Kai, Waimānalo, Kailua, Kāne'ōhe, the North Shore and around Pearl Harbor.
3. The operators continue to violate the basic requirement of a minimum altitude above actual ground level (not sea level), especially in higher communities like Central O'ahu.
4. Some operators continue to refuse to turn on their ADS-B, meaning that they cannot be tracked in real time and there is no link from a complaint back to a specific aircraft and company.
5. The operators continue to violate the agreed airspace limitations around Pearl Harbor and its historic sites like the Arizona Memorial, disrupting the security and sanctity of these sites
6. The operators continue to fly or hover over and circle other special and solemn sites like the National Memorial Cemetery of the Pacific at Punchbowl. In one recent occurrence, a veteran's burial was completely disrupted by a tour helicopter hovering and circling overhead. When my office complained to the FAA on behalf of the family, we were told that next time a family should alert the FAA in advance to ask helicopters not to fly over during the ceremony. That burden should not be on visitors and families at Punchbowl; aircraft, especially commercial tour helicopters, should not fly over or around Punchbowl at all.
7. The operators have increasingly violated what has been at least some understanding that they would cease operations before 8am and after 5 or 6pm to at least avoid disturbing communities in the earlier part of the morning and later part of the afternoon into the evening. To review these complaints, I checked out some recent days last August on my own Flightradar 24 and found the following: August 5, 6:25pm, two still flying (N357MH and N506CD, N357MH was still flying at 7:28pm); August 15, 6:31pm (N506CD again); August 18, 6:52pm (unidentified because specific identifier switched off but Robinson R22 used by tour operators); August 19, 6:14pm (N740RH); August 21, 6:01pm (N746RH); August 22, 6:12pm (N746RH again); August 23, 6:03pm (N741RH and N328SS); August 24, 7:56am (N948WB), 6:05pm (N740RH and N328SS again, N745RH, N808A); August 26, 7:56am,

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- (N217DK, N556MH); August 27, 7:52am (N357MH); and August 28, 7:15am (N217DK) and 6:58pm (unidentified Robinson R44).
8. The operators have continued to operate along their flight routes by circling and hovering over specific locations as opposed to pursuing a straight line. As they know, this not only increases and focuses disruption in specific areas, but substantially increases the noise emanating from the aircraft during turns, changes in altitude or other maneuvering.
  9. The operators have continued to fail to self-impose any common volume of flights limitations or route diversity so that some communities suffer dozens and dozens of overflights daily.

As a result of such widespread citizen concerns, as reflected in resolutions approved in neighborhood boards across O'ahu, county councils (the Honolulu City Council approved Resolution 19-188 on September 4, 2019, entitled "Urging The Federal Aviation Administration To More Effectively Regulate Air Helicopters and Small Commercial Aircraft Operations"), the Hawai'i State Legislature last session passed Senate Bill 3272 (now Act 311). This new law (1) requires operators to file reports of their flight paths and other details of their operations to allow for appropriate monitoring of their operations, compliance with regulations and tracking of citizen complaints to specific operators and flights, and (2) formally establishes the Hawai'i Air Tour Noise and Safety Task Force as a matter of state law (with funding assistance from the federal government).

This seemingly straightforward proposal has met with great resistance from the air tour operators, who urged Governor Ige to veto the measure. Many concerned citizens, though, weighed in urging its enactment. I also sent a letter of support [here](#). The Governor agreed with the community and signed the measure.

As your Committee considers SCR 73, I have joined all three of my colleagues in our Hawai'i Congressional delegation to introduce the Air Tour and Skydiving Safety Improvement Act [here](#), which will require new safety measures for aircraft tours. I previously re-introduced my own Safe and Quiet Skies Act [here](#), to require the FAA to take steps to make these flights safer and reduce their ground impacts. It would be very helpful to our efforts to secure the enactment of these measure for the Hawai'i State Legislature to have continued to express its own concerns and intent to remedy these growing concerns through final adoption of this resolution and otherwise.

Please feel free to contact me and my office to discuss this and any further efforts to ensure that residents and visitors can enjoy Hawai'i without excessive intrusion from tours in our skies and that the safety of these tours and our communities is paramount.

Thank you again. I look forward to continuing to work together for our shared constituencies.

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*Ed Case*

Congressman Ed Case  
(Hawai'i-First District)



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Re: Support for SCR73

REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT AN ASSESSMENT REPORT TO EVALUATE THE FEASIBILITY AND PRACTICALITY OF IMPLEMENTING HIGHER LEVELS OF COMMERCIAL GENERAL LIABILITY INSURANCE FOR THE GENERAL AVIATION INDUSTRY AND HELICOPTER OPERATIONS AT AIRPORTS IN THE STATE.

Aloha Chair Nakashima, Vice Chair Sayama, and members of the committee!

We are writing to support Senate Concurrent Resolution 73. These measures request the Department of Transportation to assess implementation of higher levels of commercial general liability insurance for the general aviation industry and helicopter operations at airports in the state.

Blue Hawaiian has the highest commitment to safety. Our aircraft are equipped with technologies and equipment like Helicopter Terrain Awareness and Warning Systems (HTAWS), automatic dependent surveillance-broadcast (ADS-B), aircraft floats and upgraded with the newest GARMIN glass-cockpit avionics to exceed the federal regulatory requirements for helicopter air tour safety. To further our safety commitment, Blue Hawaiian Helicopters is the only air tour operator in Hawaii to be a member of the Tour Operators Program of Safety, as well as to also have a Voluntary FAA Safety Management System (SMS) implementation program and an accepted and approved Voluntary FAA Aviation Safety Action Program (ASAP).

We have consistently urged the legislature to increase the aviation insurance coverage minimums as a mechanism to promote the adoption of safety measures by the aviation industry. Hawaii airports require commercial general liability insurance coverage in the amount of \$1 million combined single limit and \$2 million in the aggregate, whereas preliminary research indicates that airports like McCarran Airport in Las Vegas and Phoenix have minimum requirements of \$10 million.

We seek to serve as a resource to policymakers, including the legislature.

Thank you for the opportunity to testify.