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DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
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April 10, 2025
10:00 A.M.
State Capitol, Room 430

S.C.R. 180 S.D.1
REQUESTING THE DEPARTMENT OF TRANSPORTATION TO SHARE
INFORMATION ON THE SAFETY AND PERFORMANCE OF COMMERCIAL TOUR
OPERATORS TO HELP RESIDENTS AND VISITORS MAKE INFORMED DECISIONS

House Committee on Transportation

The Department of Transportation (HDOT) respectfully opposes S.C.R. 180 S.D.1 requiring that the HDOT to prepare an annual report on tour operators that is currently submitted to the Federal Aviation Administration (FAA). While the State of Hawaii supports efforts to ensure that all tour companies operate safely, HDOT does not have jurisdiction over tour operators and does not collect this information. FAA has oversight over issuing permits to tour operators which requires flight paths, insurance coverage and general maintenance program compliance as regulated and inspected by the FAA. Further, HDOT is currently working on a public online dashboard that will include information about helicopter operations among other information that will be public posted.

Thank you for the opportunity to provide testimony.



April 8, 2025

COMMITTEE ON TRANSPORTATION

Rep. Darius K. Kila, Chair
Rep. Tina Nakada Grandinetti, Vice Chair

SCR 180/SR150 DOT; Aviation Safety; Reports

Committee Hearing Date: April 10, 2025 10:00 AM

Aloha Chair Kila, Vice Chair Grandinetti, and Committee Members,

As a pioneer of helicopter flight operations, the originator of helicopter tours on Kauai, and a recognized leader in the area of safe helicopter operations, Jack Harter Helicopters (JHH) expresses serious concerns regarding SCR180/SR150. We echo the well written comments from our trade association Vertical Aviation International.

The resolution directs the Hawaii Department of Transportation (HDOT) to compile and publish data on air tour operators, including beneficial ownership details, insurance coverage, pilot training hours, and aircraft equipment specifications. However, HDOT lacks the legal authority to require operators to provide this information, as confirmed in recent litigation (Helicopter Association International v. State of Hawai'i, 2024 WL 3509769 (D. Haw. July 22, 2024)). The Federal Aviation Administration (FAA) has exclusive jurisdiction over aviation safety and operations, including any associated data reporting and operator disclosures. Any state-level mandate for additional reporting is federally preempted.

Furthermore, although the resolution does not specify how HDOT is to obtain the specified information, the clear implication is that HDOT could demand such data from operators. But as discussed above, that proposition is legally flawed, and any such demands would be federally preempted. Additionally, requiring operators to publicly post that information at their places of business would also constitute an unlawful state-imposed disclosure requirement, further conflicting with federal authority.

In summary, this resolution, while well-intended, exceeds state jurisdiction and imposes legally unenforceable obligations on both HDOT and the aviation industry. Safety in air tour operations is best addressed through the FAA, which already establishes and enforces rigorous standards nationwide. We urge the Legislature to recognize federal preemption in this matter and to oppose the adoption of this concurrent resolution. JHH remains committed to collaborating with the Hawai'i State Legislature to explore solutions that align with FAA policies while addressing stakeholder concerns. We welcome further discussion on this matter.

Mahalo,

Casey Riemer
Special Project Manager



House Committee on Transportation
Hawaii State Legislature
Thursday, April 10, 2025

RE: Opposition to Senate Concurrent Resolution 180

As the leading representative of the vertical flight industry, Vertical Aviation International (VAI) expresses serious concerns regarding SCR180. VAI represents over 1,100 companies and more than 16,000 professionals across 65+ countries. Each year, our members safely operate more than 3,700 helicopters and remotely piloted aircraft, logging approximately 2.9 million flight hours. While we share the goal of enhancing aviation safety, this resolution raises legal and practical issues due to conflicts with federal aviation oversight.

SCR180 calls on the Hawaii Department of Transportation (HDOT) to publish data on air tour operators, including ownership details, insurance coverage, pilot training hours, and aircraft equipment specifications. However, the Federal Aviation Administration (FAA) has exclusive jurisdiction over aviation safety standards, including data reporting and operator disclosures.

The resolution calls for HDOT to establish a scoring system, letter grades, and a "Safest Commercial Air Tour Operator" ranking. Safety compliance and oversight are strictly under FAA jurisdiction. Creating a state-level rating system could be construed as an attempt to regulate aviation safety, which is preempted by federal law—specifically 49 U.S.C. § 41713 (Airline Deregulation Act) and 49 U.S.C. § 40103 (FAA's exclusive authority over airspace and safety).

The resolution also requires public disclosure of complaint data and safety-related incidents for each operator. However, aviation safety reporting is already managed by the FAA and National Transportation Safety Board (NTSB). Independent state-level interpretations of such data could create inconsistencies, violating 49 U.S.C. § 44701 (FAA's safety oversight authority).

Beyond legal concerns, the SCR180 risk misleading safety perceptions by relying on operator-submitted data and labeling non-participating companies as "Safety Unknown." This could unfairly harm reputations, create anti-competitive effects, and potentially violate federal aviation nondiscrimination laws.

Overall, SCR180 conflicts with FAA jurisdiction, risk regulatory overreach, and could mislead the public rather than enhance safety transparency. We respectfully urge the Legislature to consider these legal and practical implications and oppose the resolution.

VAI remains committed to collaborating with the Hawaii State Legislature to explore solutions that align with FAA policies while addressing stakeholder concerns. We welcome further discussion on this matter.

Sincerely,
Katia Veraza, Assistant Director of Government Affairs – VAI



House Committee on Transportation
April 10, 2025

Re: Support SCR 180 SD1: REQUESTING THE DEPARTMENT OF TRANSPORTATION TO SHARE INFORMATION ON THE SAFETY AND PERFORMANCE OF COMMERCIAL TOUR OPERATORS TO HELP RESIDENTS AND VISITORS MAKE INFORMED DECISIONS.

Aloha Chair Kila, Vice Chair Grandinetti, and members of the committee,

We are writing to support SCR 180 which is requesting the Department of Transportation to share information on the safety and performance of commercial tour operators to help residents and visitors make informed decisions.

Blue Hawaiian continues to support safety in the industry, and we firmly believe that requiring that information about each air tour operator's safety-related equipment and policies is the right thing to do for the customer and community.

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 that 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 believe that increased transparency requirements will promote increased adoption of technology, equipment, and programs that increase safety.

We look forward to engaging with policy leaders and wish to be a resource to the legislature.

Thank you for the opportunity to testify in support of this measure.

SCR-180-SD-1

Submitted on: 4/9/2025 2:47:20 PM

Testimony for TRN on 4/10/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.