

ACT 311

S.B. NO. 3272

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that residents in the State must endure the excessive noise that helicopter tours and small aircraft generate. Federal legislation, such as the National Parks Air Tour Management Act of 2000, established rules that tour operators must follow when flying over national parks like Hawaii Volcanoes National Park, Pearl Harbor National Memorial, and Haleakala National Park. Therefore, it is in the interest of the State to monitor and ensure that federal regulations are being followed and that the State has the option not to renew a tour aircraft operation permit for any company that repeatedly deviates from flight plans over sensitive areas.

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

The purpose of this Act is to:

- (1) Require tour aircraft operators to file appropriate reports and disclosures so that the State can monitor compliance with federal regulations; and
- (2) Formally establish the air noise and safety task force.

SECTION 2. Section 261-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

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

- (7) Establishment of penalties for revocation and suspension of a permit for failure to comply with permit conditions;
- (8) Submission of monthly written reports to the department, which shall be made available to the public, of each tour operation that occurred during the duration of the preceding month, including:
 - (A) The date and time that the aircraft took off and landed;
 - (B) The number of individuals aboard the aircraft during the operation;
 - (C) The flight path from takeoff through landing; and
 - (D) Whether the aircraft deviated from its intended flight plan;
- [~~(8)~~] (9) Annual renewal of permits; and
- [~~(9)~~] (10) Any change of operations under the existing permit to be approved by the director.

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

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

SECTION 3. (a) There is established an air noise and safety task force in the office of planning and sustainable development for administrative purposes.

- (b) The task force shall:
 - (1) Collect and review data on tour aircraft operations submitted to the department of transportation pursuant to section 261- and any other information related to aircraft noise and safety that may be available;
 - (2) Collect and review public complaints regarding aircraft noise and safety;
 - (3) Identify key noise and safety issues facing Hawaii relating to aircraft;
 - (4) Make recommendations to address aircraft noise and safety issues to the Federal Aviation Administration, National Transportation Safety Board, and other appropriate federal agencies;
 - (5) Make recommendations to address business practices and operators of aircraft falling within state and local jurisdiction; and
 - (6) Make recommendations to address aircraft noise and safety issues to aircraft operators.
- (c) The members of the task force shall include:
 - (1) A member of the senate appointed by the president of the senate, who shall serve as a co-chair of the task force;
 - (2) A member of the house of representatives appointed by the speaker of the house of representatives, who shall serve as a co-chair of the task force;
 - (3) The director of transportation or their designee; and
 - (4) The director of planning or their designee.
- (d) The co-chairs of the task force shall invite the following persons to

join the task force:

- (1) A representative from the Federal Aviation Administration;
- (2) A representative from the National Transportation Safety Board;
- (3) At least one representative from the helicopter industry;
- (4) At least one representative from the small aircraft industry; and

- (5) Representatives from communities impacted by aircraft noise or with safety concerns.
- (e) The members of the task force shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.
- (f) The task force shall submit a preliminary report of its findings and recommendations, including any proposed legislation, to the legislature no later than December 1, 2023, and submit subsequent reports on December 1, 2024, and December 1, 2025.
- (g) The task force shall cease to exist on June 30, 2026.

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

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

(Approved July 12, 2022.)