
HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS, FEDERAL AVIATION
ADMINISTRATION, AND HAWAII DEPARTMENT OF TRANSPORTATION
TO TAKE EVERY ACTION NECESSARY TO ADDRESS RAPIDLY
INCREASING SAFETY RISKS AND COMMUNITY DISRUPTION
RESULTING FROM INSUFFICIENT REGULATION OF TOUR HELICOPTER
AND SMALL AIRCRAFT OPERATIONS THROUGHOUT HAWAII SKIES.

1 WHEREAS, the volume and extent of tour helicopter and small
2 aircraft operations throughout Hawaii's skies have rapidly
3 increased in the past decade; and
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5 WHEREAS, with such increases, the safety risks to
6 helicopter and small aircraft passengers, and to the Hawaii
7 residents and visitors that the helicopters and small aircraft
8 fly over daily, have rapidly increased; and
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10 WHEREAS, tour helicopters and small aircraft in Hawaii's
11 skies, through noise, vibration, and visual impacts, have
12 increasingly disrupted residential, business, and industrial
13 communities; state and national parks, such as Hawaii Volcanoes
14 National Park and Haleakala National Park; defense areas, such
15 as Joint Base Pearl Harbor-Hickam; cemeteries and areas of
16 solemnity, such as the National Memorial Cemetery of the Pacific
17 and Pearl Harbor National Memorial; and areas of critical
18 infrastructure; and
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20 WHEREAS, the National Transportation Safety Board (NTSB),
21 which is the federal agency responsible for investigating
22 aircraft collisions and making recommendations on improving the
23 safety of aircraft operations, found that Hawaii tour helicopter
24 and small aircraft operations accounted for nearly seventeen
25 percent of the nationwide accidents that prompted investigations
26 by the NTSB over the last five years; and
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1 WHEREAS, within a ten-month period alone, twenty-three
2 lives were lost through the following tour helicopter and small
3 aircraft collisions in the State:

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- 5 (1) On April 29, 2019, a tour helicopter crashed into a
6 residential neighborhood in Kailua, Oahu, killing
7 three people;
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- 9 (2) On June 21, 2019, a commercial small aircraft crashed
10 at Mokuleia, Oahu, killing eleven people;
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- 12 (3) On December 27, 2019, a tour helicopter crashed on
13 Kauai, killing seven people; and
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- 15 (4) On February 22, 2020, a commercial small aircraft
16 crashed at Mokuleia, Oahu, killing two people; and
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18 WHEREAS, over the past decade, tour helicopters and small
19 aircraft have been involved in several other incidents that,
20 while not fatal, nevertheless constituted severe risks to the
21 passengers, residents, and visitors on the ground; and
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23 WHEREAS, these disruptions and crashes are largely the
24 result of a lack of effective federal regulations and a lack of
25 self-regulation in the tour helicopter and small aircraft
26 industry; and
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28 WHEREAS, effective regulations to eliminate or mitigate
29 ground disruptions would place restrictions on the time, routes,
30 altitude, and frequency of helicopter and small aircraft
31 operations; and
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33 WHEREAS, communities would be safer and would face fewer
34 disruptions from tour helicopter and small aircraft operations
35 if existing federal acts and regulations, including the
36 following, were used to their full extent:
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- 38 (1) The National Park Air Tour Management Act of 2000, as
39 amended, which requires operators conducting
40 commercial air tours over national parks to operate
41 pursuant to an air tour management plan issued by the
42 Federal Aviation Administration (FAA) and National
43 Park Service, or in lieu of such a plan, pursuant to a
44 voluntary agreement with the agencies;



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2 (2) The Airport Noise and Capacity Act of 1990, which
3 establishes the FAA's authority over airport owners'
4 noise restrictions; and
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6 (3) Title 14 Code of Federal Regulations part 50, which
7 regulates the FAA's airport noise compatibility
8 planning programs; and
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10 WHEREAS, the United States Court of Appeals for the
11 District of Columbia Circuit, in the case of *In Re: Public*
12 *Employees for Environmental Responsibility and Hawaii Coalition*
13 *Malama Pono* in May 2020, ordered the FAA and National Park
14 Service to bring all required national parks into compliance
15 with the National Park Air Tour Management Act of 2000,
16 including Hawaii Volcanoes National Park and Haleakala National
17 Park, within two years; and
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19 WHEREAS, the FAA largely asserts that it has exclusive
20 jurisdiction over regulating the nation's airspace and aircraft
21 operations, which means that the FAA, not the State, has the
22 sole power and responsibility to establish and enforce
23 restrictions that would prevent tour helicopter and small
24 aircraft operations from disrupting communities; and
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26 WHEREAS, although the NTSB has made various safety
27 recommendations to the FAA that would apply to tour helicopter
28 and small aircraft operations, the board is still waiting for an
29 acceptable response from the FAA on a number of the
30 recommendations; and
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32 WHEREAS, following the April 29, 2019, crash in Kailua, the
33 Chair of the NTSB stated that "each crash underscores the
34 urgency of improving the safety of charter flights by
35 implementing existing [NTSB] safety recommendations", and called
36 for small aircraft flight safety improvements; and
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38 WHEREAS, the FAA is currently in the process of archiving
39 the Hawaii Air Tour Common Procedures Manual and replacing it
40 with a new regulatory process for determining when and how tour
41 flights can deviate below fifteen hundred feet in altitude,
42 which they are otherwise required to be above; and
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1 WHEREAS, the FAA, Hawaii Department of Transportation, some
2 Hawaii tour helicopter companies, and other interested
3 stakeholders have formed the Hawaii Air Noise and Safety Task
4 Force with the stated intent of addressing increasing safety and
5 community disruption concerns, but are not fully engaging and
6 responding to public concerns in determining regulatory or
7 voluntary changes in operations; and

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9 WHEREAS, an increasing number of elected officials and
10 community organizations have expressed growing concern with
11 safety risks and community disruption arising from tour
12 helicopter and small aircraft operations; and

13
14 WHEREAS, Ed Case, Representative for the First
15 Congressional District of Hawaii, has introduced legislation in
16 the United States House of Representatives, H.R. No. 389, 117th
17 Congress (First Session 2021) with a short title of the "Safe
18 and Quiet Skies Act"; and

19
20 WHEREAS, if enacted, H.R. No. 389 would, in pertinent part:

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22 (1) Prohibit commercial air tours from operating over or
23 within a half mile of especially sensitive locations;
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25 (2) Require the FAA to require the use of automatic
26 dependent surveillance-broadcast out equipment during
27 the entire operation of a commercial air tour;
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29 (3) Require the FAA to prohibit pilots from undertaking
30 any activities other than flying the aircraft,
31 including monitoring video equipment or narrating,
32 during the operation of a commercial air tour;
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34 (4) Impose minimum altitude requirements and noise
35 restrictions on commercial air tours;
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37 (5) Authorize state and local jurisdictions to impose
38 additional requirements on commercial air tours;
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40 (6) Require the FAA to implement any recommendations
41 issued by the NTSB concerning operators of commercial
42 aircraft on which the FAA has not provided an
43 acceptable response to the board; and
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1 (7) Require the FAA to subject commercial air tour
2 operators to certain regulations relating to
3 commercial aircraft operators, instead of regulations
4 relating to non-commercial aircraft operators; and
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6 WHEREAS, on January 31, 2020, the United States Senate
7 Committee on Commerce, Science, and Transportation released a
8 report entitled, "Whistleblower Allegations of Misconduct at the
9 FAA Flight Standards District Office in Honolulu, Hawaii",
10 outlining multiple whistleblower claims of inadequate safety
11 regulation of tour helicopters, specifically including those
12 involved in the fatal crashes in Kailua on April 29, 2019, and
13 on Kauai on December 27, 2019; and
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15 WHEREAS, the Honolulu City Council and nineteen of Oahu's
16 neighborhood boards have taken official actions to urge the
17 federal government to act to address the disruptions and dangers
18 posed by tour helicopter and small aircraft operations; and
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20 WHEREAS, the lack of effective federal regulations and the
21 lack of effective self-regulation by the tour helicopter and
22 small aircraft industry pose a significant and growing threat to
23 the safety, health, and well-being of the nation and the State;
24 now, therefore,
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26 BE IT RESOLVED by the House of Representatives of the
27 Thirty-first Legislature of the State of Hawaii, Regular Session
28 of 2021, the Senate concurring, that the United States Congress,
29 FAA, and Hawaii Department of Transportation are urged to take
30 every action necessary to address rapidly increasing safety
31 risks and community disruption resulting from insufficient
32 regulation of rapidly increasing operations of tour helicopters
33 and small aircraft throughout Hawaii skies; and
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35 BE IT FURTHER RESOLVED that the United State Congress is
36 urged to promptly enact the proposed Safe and Quiet Skies Act;
37 and
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39 BE IT FURTHER RESOLVED that the Hawaii Department of
40 Transportation and FAA are urged to pursue existing remedies to
41 limit community disruption through the Airport Noise and
42 Capacity Act of 1990 and title 14 Code of Federal Regulations
43 part 150; and
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1 BE IT FURTHER RESOLVED that the FAA is urged to:

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- 3 (1) Implement any recommendations issued by the NTSB
4 concerning operators of commercial aircraft on which
5 the FAA has not provided an acceptable response to the
6 Board;
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- 8 (2) Fully implement, in concert with the National Park
9 Service, the requirements of the National Park Air
10 Tour Management Act of 2000 with respect to all
11 applicable Hawaii parks and other relevant areas as
12 required by the United States Court of Appeals for the
13 District of Columbia Circuit; and
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- 15 (3) Immediately and fully investigate whistleblowers'
16 claims with respect to the Honolulu Flight Standards
17 District Office's implementation of safety
18 requirements; and
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20 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety
21 Task Force is urged to immediately respond substantively to
22 public safety and community disruption concerns with clear
23 changes to operations to reduce time, place, and manner of
24 operations; and

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26 BE IT FURTHER RESOLVED that federal, state, and county
27 elected and administration officials are urged to pursue these
28 actions, the enactment of legislation to authorize state and
29 local governments to regulate helicopter and small aircraft
30 operations, and all other actions that will enhance safety and
31 prevent community disruption by Hawaii tour helicopter and small
32 aircraft operations; and

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34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Speaker of the House
36 of the United States House of Representatives; Majority Leader
37 of the United States Senate; members of Hawaii's congressional
38 delegation; United States Secretary of Transportation;
39 Administrator of the Federal Aviation Administration; Manager of
40 the Honolulu Flight Standards District Office of the Federal
41 Aviation Administration; Chair of the National Transportation
42 Safety Board; Director of the National Park Service; Governor;
43 Hawaii Director of Transportation; mayor of each county; chair



1 of each neighborhood board; and co-chairs of the Hawaii Air
2 Noise and Safety Task Force.

