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Congress of the United States
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Washington, DC 20515

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WATER, OCEANS AND WILDLIFE

INDIGENOUS PEOPLES OF THE UNITED STATES

August 28, 2019

Increase Safety and Reduce Community Disruption of Commercial Air Tours

Dear Colleague:

In the last few months Hawai'i has seen three dead in the crash of a commercial air tour helicopter into a residential neighborhood and eleven more dead in the crash of a commercial skydiving plane. These tragedies occurred amidst a rapid increase in commercial helicopter and small plane overflights of all parts of my state including residential, commercial and industrial neighborhoods, cemeteries and memorials, land and marine parks and other recreation areas, and sensitive military installations. These have disrupted whole communities with excessive noise and other impacts, destroyed the peace and sanctity of special places, increased risk to not only passengers but those on the ground, and weakened security and management of defense operations.

The Federal Aviation Administration (FAA) currently has virtually exclusive jurisdiction over these aircraft operations. Following both of these recent tragedies, the National Transportation Safety Board (NTSB), which is responsible for investigating accidents but not for direct safety regulation, strongly suggested to the FAA that safety-related regulation of commercial tour helicopters and small aircraft skydiving operations is generally insufficient.

Regarding ground disruption and risk, the FAA takes the position that its responsibility is strictly operational safety and national airspace efficiency and does not extend to ground disruption and other negative impacts. As a result, the operators, aside from strict takeoff and approach, avoidance of established flight paths and other limited circumstances, are virtually free to fly wherever, whenever and as often as they want. And they do, with little to no self-regulation.

This situation is unacceptable for both safety and community impact concerns. It is also not limited to Hawai'i, with growing concerns in other areas with high commercial tour usage, more dense populations, valuable natural resources, significant defense installations and other factors.

If you and your communities share these concerns, I invite you to cosponsor my proposed Safe and Quiet Skies Act. This bill would first require the FAA to implement the NTSB's recommended enhanced safety regulations. It would also prohibit flights over federal property

that requires privacy, dignity and respect, to include military installations, national cemeteries and national parks, wildlife refuges and wilderness. It would further require the use of standard equipment to monitor the location of flights, apply the “sterile cockpit rule” to tour flights (meaning in part that the pilot could not also be the tour guide), prohibit flights lower than 1,500 feet over actual ground, and limit decibel levels to those commonly applied to operations in residential areas.

Additionally, the bill would allow states, localities, and tribes to impose stricter regulations on tour flights in their jurisdictions with required public engagement. A copy of my bill and section-by-section summary are attached.

Please join me in increasing the safety of commercial air tours and addressing the community disruption and other negative impacts of such operations. Thank you for your consideration, and please contact Anthony Ching at Anthony.ching@mail.house.gov or 5-2726 if you have any questions or would like to cosponsor the Safe and Quiet Skies Act.

Sincerely,

A handwritten signature in black ink that reads "Ed Case". The letters are bold and slightly slanted, with a casual, personal feel.

Ed Case
Member of Congress