SENATE RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE NATIONAL TRANSPORTATION SAFETY BOARD TO ADOPT AND ENFORCE REGULATIONS FOR INCREASED SAFETY STANDARDS FOR HELICOPTERS AND SMALL AIRCRAFT THAT CHARGE FEES FOR CARRYING PASSENGERS ON RECREATIONAL FLIGHTS.

WHEREAS, there have been two fatal aircraft crashes in Hawaii since April 2019; and

WHEREAS, on April 29, 2019, the pilot and two passengers were killed when a tour helicopter crashed on Oneawa Street, a busy residential roadway in Kailua, Oahu, Hawaii; and

WHEREAS, on June 21, 2019, the pilot and ten passengers were killed when an airplane used for skydiving crashed at Dillingham Airfield in Mokuleia, Oahu, Hawaii; and

WHEREAS, the National Transportation Safety Board (NTSB) reports that there have been eighty accidents and nineteen deaths involving skydiving flights since 2008; and

WHEREAS, under federal law, the Federal Aviation Administration (FAA) has the authority to prescribe regulations on the flight of aircraft, including protecting individuals and property on the ground and preventing collisions; and

WHEREAS, under Federal Aviation Regulations, aircraft operators are categorized depending on the type of service they provide: Part 121, Part 135, and Part 91; and

WHEREAS, major passenger airlines operate under Part 121, the strictest category of regulations; and

WHEREAS, Part 135 governs business and charter flights that operate for compensation or hire, including air taxis, air tours, and certain helicopters, and includes specific requirements for aircraft maintenance and safety; however, Part 135 requirements are not as stringent as Part 121 requirements; and
WHEREAS, Part 91 regulations, which governs privately-owned aircraft, including certain helicopter operators and all parachuting service operators, are far more lenient than Part 121 or Part 135 regulations and operators under Part 91 do not have to comply with manufacturer bulletins and other safety regulations; and

WHEREAS, following the crashes in Hawaii, the NTSB urged the FAA to increase regulations for aircraft and air tour operators that operate under Part 135 and Part 91 of the Federal Aviation Regulations; and

WHEREAS, the NTSB has urged the FAA to implement NTSB recommendations to improve the safety of for-hire charter flights and parachuting service operations for years; and

WHEREAS, however, the FAA has declined to make changes to improve the safety of charter flights and parachuting service operations as recommended by the NTSB, especially with respect to pilot training, maintenance of aircraft, and FAA oversight; and

WHEREAS, Congress made the NTSB responsible for investigating all civil aviation accidents and certain accidents in other modes of transportation, with the intent of identifying safety improvements to prevent future accidents; and

WHEREAS, however, the NTSB has no authority to require implementation of its recommendations or change safety regulations and practices; and

WHEREAS, this body finds that NTSB-recommended regulations for charter flights and parachuting service operations are necessary to address the increasing safety risks and fatalities caused by these types of for-hire tour operations; however, only Congress may grant authority to the NTSB to adopt and enforce safety regulations; now, therefore,

BE IT RESOLVED by the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, that the United States Congress is respectfully requested to authorize the NTSB
to adopt and enforce regulations for increased safety standards
for helicopters and small aircraft that charge fees for carrying
passengers on recreational flights; and

BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to the President Pro Tempore of the
United States Senate, Speaker of the United States House of
Representatives, Majority Leader of the United States Senate,
Minority Leader of the United States Senate, Majority Leader of
the United States House of Representatives, Minority Leader of
the United States House of Representatives, Hawaii's
congressional delegation, Administrator of the Federal Aviation
Administration, Chairman of the National Transportation Safety
Board, Governor, and Director of Transportation.

OFFERED BY:  

[Signatures]

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