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# 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 RAPIDLY  
INCREASING OPERATIONS OF TOUR HELICOPTERS AND SMALL  
AIRCRAFT 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 over which the helicopters and small  
8 aircraft fly daily, have rapidly increased; and

9  
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, which is  
21 the federal agency responsible for investigating aircraft  
22 collisions and making recommendations on improving the safety of  
23 aircraft operations, found that Hawaii tour helicopter and small  
24 aircraft operations accounted for nine of the nationwide fifty-  
25 four accidents that prompted investigations by the board over  
26 the last five years; and



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
- 14
- 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  
22

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  
27

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 and National Park



1 Service, or in lieu of such a plan, pursuant to a  
2 voluntary agreement with the agencies;

3  
4 (2) The Airport Noise and Capacity Act of 1990, which  
5 establishes the Federal Aviation Administration's  
6 authority over airport owners' noise restrictions; and  
7

8 (3) Title 14 Code of Federal Regulations part 50, which  
9 regulates the Federal Aviation Administration's  
10 airport noise compatibility planning programs; and  
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12 WHEREAS, the United States Court of Appeals for the  
13 District of Columbia Circuit, in the case of *In Re: Public*  
14 *Employees for Environmental Responsibility and Hawaii Coalition*  
15 *Malama Pono* in May 2020, ordered the Federal Aviation  
16 Administration and National Park Service to bring all required  
17 national parks into compliance with the National Park Air Tour  
18 Management Act of 2000, including Hawaii Volcanoes National Park  
19 and Haleakala National Park, within two years; and  
20

21 WHEREAS, the Federal Aviation Administration largely  
22 asserts that it has exclusive jurisdiction over regulating the  
23 nation's airspace and aircraft operations, which means that the  
24 Federal Aviation Administration, not the State, has the sole  
25 power and responsibility to establish and enforce restrictions  
26 that would prevent tour helicopter and small aircraft operations  
27 from disrupting communities; and  
28

29 WHEREAS, although the National Transportation Safety Board  
30 has made various safety recommendations to the Federal Aviation  
31 Administration that would apply to tour helicopter and small  
32 aircraft operations, the board is still waiting for an  
33 acceptable response from the Federal Aviation Administration on  
34 a number of the recommendations; and  
35

36 WHEREAS, following the April 29, 2019, crash in Kailua, the  
37 Chair of the National Transportation Safety Board stated that  
38 "each crash underscores the urgency of improving the safety of  
39 charter flights by implementing existing [board] safety  
40 recommendations", and called for small aircraft flight safety  
41 improvements; and



1 WHEREAS, the Federal Aviation Administration is currently  
2 in the process of archiving the Hawaii Air Tour Common  
3 Procedures Manual and replacing it with a new regulatory process  
4 for determining when and how tour flights can deviate below  
5 fifteen hundred feet in altitude, which they are otherwise  
6 required to be above; and

7  
8 WHEREAS, the Federal Aviation Administration, Hawaii  
9 Department of Transportation, some Hawaii tour helicopter  
10 companies, and other interested stakeholders have formed the  
11 Hawaii Air Noise and Safety Task Force with the stated intent of  
12 addressing increasing safety and community disruption concerns,  
13 but are not fully engaging and responding to public concerns in  
14 determining regulatory or voluntary changes in operations; and

15  
16 WHEREAS, an increasing number of elected officials and  
17 community organizations have expressed growing concern with  
18 safety risks and community disruption arising from tour  
19 helicopter and small aircraft operations; and

20  
21 WHEREAS, Ed Case, Representative for the First  
22 Congressional District of Hawaii, has introduced legislation in  
23 the United States House of Representatives, H.R. 389, 117th  
24 Congress (First Session 2021) with a short title of the "Safe  
25 and Quiet Skies Act"; and

26  
27 WHEREAS, if enacted, H.R. 389 would, in pertinent part:

- 28  
29 (1) Prohibit commercial air tours from operating over or  
30 within a half mile of especially sensitive locations;  
31  
32 (2) Require the Federal Aviation Administration to require  
33 the use of automatic dependent surveillance-broadcast  
34 out equipment during the entire operation of a  
35 commercial air tour;  
36  
37 (3) Require the Federal Aviation Administration to  
38 prohibit pilots from undertaking any activities other  
39 than flying the aircraft, including monitoring video  
40 equipment or narrating, during the operation of a  
41 commercial air tour;



- 1 (4) Impose minimum altitude requirements and noise  
2 restrictions on commercial air tours;  
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- 4 (5) Authorize state and local jurisdictions to impose  
5 additional requirements on commercial air tours;  
6
- 7 (6) Require the Federal Aviation Administration to  
8 implement any recommendations issued by the National  
9 Transportation Safety Board concerning operators of  
10 commercial aircraft on which the Federal Aviation  
11 Administration has not provided an acceptable response  
12 to the board; and  
13
- 14 (7) Require the Federal Aviation Administration to subject  
15 commercial air tour operators to certain regulations  
16 relating to commercial aircraft operators, instead of  
17 regulations relating to non-commercial aircraft  
18 operators; and  
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20 WHEREAS, on January 31, 2020, the United States Senate  
21 Committee on Commerce, Science, and Transportation released a  
22 report entitled, "Whistleblower Allegations of Misconduct at the  
23 FAA Flight Standards District Office in Honolulu, Hawaii",  
24 outlining multiple whistleblower claims of inadequate safety  
25 regulation of tour helicopters, specifically including those  
26 involved in the fatal crashes in Kailua on April 29, 2019, and  
27 on Kauai on December 27, 2019; and  
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29 WHEREAS, the Honolulu City Council and nineteen of Oahu's  
30 neighborhood boards have taken official actions to urge the  
31 federal government to act to address the disruptions and dangers  
32 posed by tour helicopter and small aircraft operations; and  
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34 WHEREAS, the lack of effective federal regulations and the  
35 lack of effective self-regulation by the tour helicopter and  
36 small aircraft industry pose a significant and growing threat to  
37 the safety, health, and well-being of the nation and the State;  
38 now, therefore,  
39

40 BE IT RESOLVED by the House of Representatives of the  
41 Thirty-first Legislature of the State of Hawaii, Regular Session  
42 of 2021, the Senate concurring, that the United States Congress,



1 Federal Aviation Administration, and Hawaii Department of  
2 Transportation are urged to take every action necessary to  
3 address rapidly increasing safety risks and community disruption  
4 resulting from insufficient regulation of rapidly increasing  
5 operations of tour helicopters and small aircraft throughout  
6 Hawaii skies; and

7  
8 BE IT FURTHER RESOLVED that the United State Congress is  
9 urged to promptly enact the proposed Safe and Quiet Skies Act;  
10 and

11  
12 BE IT FURTHER RESOLVED that the Hawaii Department of  
13 Transportation and Federal Aviation Administration are urged to  
14 pursue existing remedies to limit community disruption through  
15 the Airport Noise and Capacity Act of 1990 and title 14 Code of  
16 Federal Regulations part 150; and

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18 BE IT FURTHER RESOLVED that the Federal Aviation  
19 Administration is urged to:

- 20  
21 (1) Implement any recommendations issued by the National  
22 Transportation Safety Board concerning operators of  
23 commercial aircraft on which the Federal Aviation  
24 Administration has not provided an acceptable response  
25 to the Board;  
26  
27 (2) Fully implement, in concert with the National Park  
28 Service, the requirements of the National Park Air  
29 Tour Management Act of 2000 with respect to all  
30 applicable Hawaii parks and other relevant areas as  
31 required by the United States Court of Appeals for the  
32 District of Columbia Circuit; and  
33  
34 (3) Immediately and fully investigate whistleblowers'  
35 claims with respect to the Honolulu Flight Standards  
36 District Office's implementation of safety  
37 requirements; and  
38

39 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety  
40 Task Force is urged to immediately respond substantively to  
41 public safety and community disruption concerns with clear



1 changes to operations to reduce time, place, and manner of  
2 operations; and

3  
4 BE IT FURTHER RESOLVED that federal, state, and county  
5 elected and administration officials are urged to pursue these  
6 actions, the enactment of legislation to authorize state and  
7 local governments to regulate helicopter and small aircraft  
8 operations, and all other actions that will enhance safety and  
9 prevent community disruption by Hawaii tour helicopter and small  
10 aircraft operations; and

11  
12 BE IT FURTHER RESOLVED that certified copies of this  
13 Concurrent Resolution be transmitted to the Speaker of the House  
14 of the United States House of Representatives; Majority Leader  
15 of the United States Senate; members of Hawaii's congressional  
16 delegation; United States Secretary of Transportation;  
17 Administrator of the Federal Aviation Administration; Manager of  
18 the Honolulu Flight Standards District Office of the Federal  
19 Aviation Administration; Chair of the National Transportation  
20 Safety Board; Director of the National Park Service; Governor;  
21 Hawaii Director of Transportation; mayor of each county; chair  
22 of each neighborhood board; and co-chairs of the Hawaii Air  
23 Noise and Safety Task Force.

