
SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS, THE FEDERAL AVIATION
ADMINISTRATION, AND THE 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 helicopters and
2 small aircraft operations throughout Hawaii's skies have rapidly
3 increased in the past decade; and
4

5 WHEREAS, commensurate with this increase, the safety risks
6 to 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, vibrations, 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
19

20 WHEREAS, the National Transportation Safety Board (NTSB),
21 which is the federal agency responsible for investigating
22 aircraft collisions and for making recommendations on improving
23 the safety of aircraft operations, found that over the last five
24 years Hawaii tour helicopters and small aircraft operations
25 accounted for nearly seventeen percent of the accidents nation-
26 wide that prompted investigations by the NTSB; and
27



1 WHEREAS, within a ten-month period alone, twenty-three
2 lives were lost in the following tour helicopter and small
3 aircraft collisions in the State:

- 4
- 5 (1) April 29, 2019, a tour helicopter crashed into a
6 residential neighborhood in Kailua, Oahu, killing
7 three people;
- 8
- 9 (2) June 21, 2019, a commercial small aircraft crashed at
10 Mokuleia, Oahu, killing eleven people;
- 11
- 12 (3) December 27, 2019, a tour helicopter crashed near
13 Hanapepe, Kauai, killing seven people; and
- 14
- 15 (4) February 22, 2020, a commercial small aircraft crashed
16 at Mokuleia, Oahu, killing two people; and
- 17

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, and residents and visitors on the ground; and

22

23 WHEREAS, the foregoing disruptions and crashes are largely
24 the result of a lack of effective federal regulations and a lack
25 of 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 altitudes, and frequency of helicopter and small aircraft
31 operations; and

32

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 implemented to their full extent:

- 37
- 38 (1) The National Parks 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



1 Park 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 FAA's authority over airport owners'
6 noise restrictions; and

7
8 (3) Title 14 Code of Federal Regulations part 150, which
9 regulates the FAA's airport noise compatibility
10 planning programs; and

11
12 WHEREAS, in May 2020, the United States Court of Appeals
13 for the District of Columbia Circuit, in the case of In Re:
14 Public Employees for Environmental Responsibility and Hawaii
15 Coalition Malama Pono, ordered the FAA and National Park Service
16 to bring all required National Parks into compliance with the
17 National Parks Air Tour Management Act of 2000, including Hawaii
18 Volcanoes National Park and Haleakala National Park, within two
19 years; and

20
21 WHEREAS, the FAA largely asserts that it has exclusive
22 jurisdiction over regulating the nation's airspace and aircraft
23 operations, which means that the FAA, not the State, has the
24 sole power and responsibility to establish and enforce
25 restrictions that would prevent tour helicopters and small
26 aircraft operations from disrupting communities; and

27
28 WHEREAS, although the NTSB has made various safety
29 recommendations to the FAA that would apply to tour helicopter
30 and small aircraft operations, the NTSB is still waiting for an
31 acceptable response from the FAA on a number of recommendations;
32 and

33
34 WHEREAS, following the crash on April 29, 2019, in Kailua,
35 the Chair of the NTSB stated that "each crash underscores the
36 urgency of improving the safety of charter flights by
37 implementing existing [board] safety recommendations," and
38 called for small aircraft flight safety improvements; and

39
40 WHEREAS, the FAA is currently in the process of archiving
41 the Hawaii Air Tour Common Procedures Manual and replacing it
42 with a new regulatory process of determining when and how tour



1 flights can deviate below 1,500 feet of altitude, which they are
2 otherwise required to be above; and
3

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

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

17 WHEREAS, Ed Case, Representative for the First
18 Congressional District of Hawaii, has introduced legislation in
19 the United States House of Representatives, H.R. No. 389, with a
20 short title of "Safe and Quiet Skies Act"; and
21

22 WHEREAS, if enacted, H.R. No. 389 would, in pertinent part:
23

- 24 (1) Prohibit commercial air tours from operating over or
25 within a half mile of especially sensitive locations;
26
- 27 (2) Mandate that the FAA require the use of automatic
28 dependent surveillance-broadcast out equipment during
29 the entire operation of a commercial air tour;
30
- 31 (3) Require the FAA to prohibit pilots from undertaking
32 any activities other than flying the aircraft,
33 including monitoring video equipment or narrating,
34 during the operation of a commercial air tour;
35
- 36 (4) Impose minimum altitude requirements and noise
37 restrictions on commercial air tours;
38
- 39 (5) Authorize state and local jurisdictions to impose
40 additional requirements on commercial air tours;
41



1 (6) Require the FAA to implement any recommendations
2 issued by the NTSB concerning operators of commercial
3 aircraft on which the FAA has not provided an
4 acceptable response to the NTSB; and
5

6 (7) Require the FAA to subject commercial air tour
7 operators to certain regulations relating to
8 commercial aircraft operators, instead of regulations
9 relating to non-commercial aircraft operators; and
10

11 WHEREAS, on January 31, 2020, the United States Senate
12 Committee on Commerce, Science, and Transportation released a
13 report entitled "Whistleblower Allegations of Misconduct at the
14 FAA Flight Standards District Office in Honolulu, Hawaii,"
15 outlining multiple whistleblower claims of inadequate safety
16 regulation of tour helicopters, specifically including those
17 involved in the fatal crash in Kailua on April 29, 2019, and
18 near Hanapepe on Kauai on December 27, 2019; and
19

20 WHEREAS, the Honolulu City Council and nineteen of Oahu's
21 neighborhood boards have taken official actions to urge the
22 federal government to address the disruptions and dangers posed
23 by tour helicopters and small aircraft operations; and
24

25 WHEREAS, the lack of effective federal regulations and the
26 lack of effective self-regulation by the tour helicopter and
27 small aircraft industry poses a significant and growing threat
28 to the safety, health, and well-being of the nation and the
29 State; now, therefore,
30

31 BE IT RESOLVED by the Senate of the Thirty-first
32 Legislature of the State of Hawaii, Regular Session of 2021, the
33 House of Representatives concurring, that the United States
34 Congress, FAA, and Hawaii Department of Transportation are urged
35 to take every action necessary to address rapidly increasing
36 safety risks and community disruptions resulting from
37 insufficient regulation of tour helicopter and small aircraft
38 operations throughout Hawaii skies; and
39

40 BE IT FURTHER RESOLVED that the United States Congress is
41 urged to promptly enact the proposed Safe and Quiet Skies Act;
42 and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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

BE IT FURTHER RESOLVED that the FAA is urged to:

- (1) Implement any recommendations issued by the NTSB concerning operators of commercial aircraft on which the FAA has not provided an acceptable response to the NTSB;
- (2) Fully implement, in concert with the National Park Service, the requirements of the National Parks Air Tour Management Act of 2000 with respect to all applicable Hawaii parks and other relevant areas as required by the United States Court of Appeals for the District of Columbia Circuit; and
- (3) Immediately and fully investigate whistleblowers' claims with respect to the Honolulu Flight Standards District Office's implementation of safety requirements; and

BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety Task Force is urged to immediately respond substantively to public safety and community disruption concerns with clear changes to operations to reduce time, place, and manner of operations; and

BE IT FURTHER RESOLVED that federal, state, and county elected and administrative officials are urged to pursue the foregoing actions, the enactment of legislation to authorize state and local governments to regulate helicopter and small aircraft operations, and all other actions that will enhance safety and prevent community disruption by Hawaii tour helicopters and small aircraft operations; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Speaker of the

1 United States House of Representatives, Majority Leader of the
2 United States Senate, members of the Hawaii congressional
3 delegation, Administrator of the Federal Aviation
4 Administration, Western Regional Administrator of the Federal
5 Aviation Administration, Manager of the Honolulu Flight
6 Standards District Office of the Federal Aviation
7 Administration, Chairperson of the National Transportation
8 Safety Board, Director of the National Parks Service, Director
9 of Transportation, Mayor of each county, Chairpersons of each
10 neighborhood board, and Co-chairs of the Hawaii Air Noise and
11 Safety Task Force.

