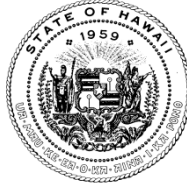


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 18, 2022
10:30 a.m.
State Capitol, Teleconference

S.B. No. 3272, S.D. 2
RELATING TO TRANSPORTATION

House Committee on Transportation

The Department of Transportation (DOT) supports the intent of this bill.

S.B. 3272, S.D. 2 establishes the Air Noise and Safety Task Force. Requires the Director of Transportation to adopt rules to require tour aircraft operators to report details of each flight taken by the tour aircraft operation on a monthly basis.

Thank you for the opportunity to provide testimony.

O'AHU TOUR HELICOPTER SAFETY AND NOISE INTER-ACTION GROUP

**House Committee on Transportation
March 18, 2022 Hearing
10:30 AM**

**SENATE BILL 3272, SD 2
Relating to Transportation**

TESTIMONY in STRONG SUPPORT

Aloha Chair Aquino, Vice Chair Ilagan and Committee Members:

Senate Bill 3272, SD2 establishes the Air Noise and Safety Task Force, and requires the State's Director of Transportation to adopt rules to require tour aircraft operators to report details of each flight taken by the tour aircraft operation on a monthly basis.

Air Noise and Safety Task Force

An Air Noise and Safety Task force must have statutory requirements to be productive and effective. The recent "Hawaii Air Noise and Safety Task Force" (HANSTF) was comprised solely of air industry and tour helicopter operators and was thus grossly ineffective and unproductive with no stated goals or objectives and no results, despite clear community involvement during their few public meetings with responsive and respectful professional facilitators. From the outset, fair and balanced Community representation from each island was clearly denied on the task force, and public testimony with substantive questions and recommendations came last.

Senate Bill 3272, SD2 provides a new Section under HRS 261 to establish an Air Noise and Safety Task Force within the State Department of Transportation that will include "representatives from communities impacted by aircraft noise."

The following is additionally recommended:

- That the community representatives shall include at least one community advocate from each island to represent the areas impacted by tour helicopter noise and the noise and safety concerns of the impacted public.
- That the helicopter industry and small aircraft industry representatives shall not collectively exceed the number of community representatives on the task force.

Flight Records Reports

Senate Bill 3272, SD2 strengthens HRS 261-12 by requiring submission of monthly written reports to the State Department of Transportation, which shall be made available to the public, of each tour operation that occurred during the duration of the preceding month, including:

- (A) The date and time that the aircraft took off and landed;
- (B) The number of individuals aboard the aircraft during the operation;

- (C) The flight path from takeoff through landing; and
- (D) A disclosure if the aircraft deviated from its intended flight plan.

Notably, the current statute stipulates, “No permit shall be authorized unless accompanied by a Hawaii sectional aeronautical chart marked to indicate routes and altitudes to be used in conducting aerial tours and noise abatement procedures to be employed in the vicinity of identified noise sensitive areas.”

Therefore, it is recommended that “(C) the flight path from takeoff though landing,” be further defined as “clear identification of the specific flight path and the altitudes and distances away from each island’s identified noise sensitive areas.”

Liability Insurance Requirement

Senate Bill 3272, SD2 additionally strengthens HRS 261-12 by requiring the Air Noise and Safety Task Force to “Recommend a mandatory minimum general liability coverage amount for tour aircraft operators to be considered for enactment during the 2023 regular session of the legislature.”

Comprehensive public information has disclosed that tour helicopters constitute a significant risk to residents on the ground. Over the two years prior to the Tier 1 Tour Helicopter pandemic lockdown, the following commercial helicopter crashes and emergencies occurred in Hawai‘i:

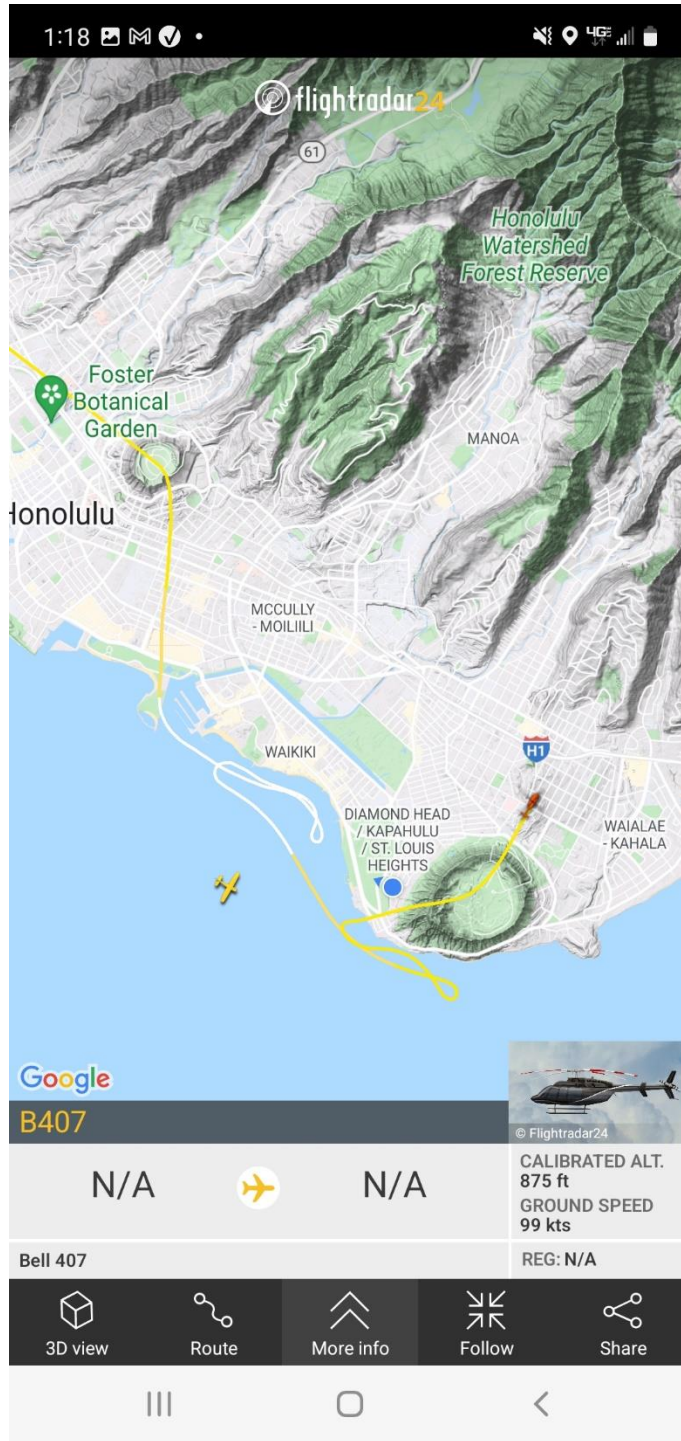
- September 18, 2018 - Novictor Robinson-44 crash in Wahiawa, O‘ahu;
- October 22, 2018 - Novictor Robinson-44 crash at Kaneohe Bay recreational sand bar;
- February 21, 2019 - K&S “Paradise” Hughes-369E crash in Waipio Valley, Hawai‘i Island;
- April 16, 2019 - K&S “Paradise” Hughes-369E crash in Sacred Falls State Park, O‘ahu;
- April 29, 2019 - Novictor Robinson-44 crash on a Kailua town street with 3 fatalities;
- May 21, 2019 - Schuman “Magnum” Hughes-369D emergency landing in Diamond Head State Monument crater park with 3,300 daily visitors;
- December 26, 2019 - Safari Eurocopter-AS350 crash on a Kauai cliff face near the Na Pali Coast with 7 fatalities;
- March 5, 2020 – Blue Hawaiian Eurocopter 130 hard landing in Puna, Hawai‘i Island.

In 2016 a fatal tour helicopter crash occurred in Pearl Harbor near the USS Arizona memorial and the Pearl Harbor nuclear submarine base.

Conclusion: Hawai‘i can no longer risk tour helicopters crashing and burning within Hawai‘i’s established communities, protected Natural Resources, and coastal nuclear defense areas.

Yet despite strong and repeated community outcry by the larger public and Resolutions adopted by eighteen (18) O‘ahu community district boards, tour helicopter operators in Hawai‘i continue to egregiously disregard existing regulations and exert significant environmental impacts with their overriding preference to fly *wherever, whenever and however they choose* - over established communities and neighborhoods, parks and schools; natural and endangered species habitats and reserves; and O‘ahu’s Diamond Head State Monument and Mount Olomana State Monument summits to the populated shoreline and beaches surrounding the island.

Thank you for providing this opportunity to testify in strong support of Senate Bill 3272, SD2, and for your consideration of the above recommendations to strengthen this bill.



Dorn K&S Helicopters Bell 407

<https://registry.faa.gov/aircraftinquiry/Search/MakeModelResult>

March 16, 2022

1:18 PM



Paradise Helicopters
P.O. Box 5371
Kailua-Kona, HI 96745

17 March 2022

To: Representative Henry J.C. Aquino, Chair
Representative Greggor Ilagan, Vice-Chair
State House Committee on Transportation

From: Calvin Dorn, CEO
Paradise Helicopters

Subject: Measure S.B. 3272 S.D. 2
Hearing Date: Mar 18, 2022
Time: 10:30AM
Location: Via videoconference

Bill Description: Establishes the Air Noise and Safety Task Force. Requires the Director of Transportation to adopt rules to require tour aircraft operators to report details of each flight taken by the tour aircraft operation on a monthly basis.
(SD2)

Paradise Helicopters Position: COMMENTS

Aloha Chair Aquino, Vice-Chair Ilagan, and members of the State House Committee on Transportation,

Paradise Helicopters **COMMENTS** on S.B. 3272 S.D. 2

Since our founding more than two decades ago, Paradise Helicopters has worked with the interests of our communities in mind, encouraging an open dialogue to anticipate, evaluate and address issues. As an award-winning company, we are widely recognized and certified for our industry-leading safety practices, environmental and community stewardship, and high-quality charters and tours.

Paradise has continued to be a responsible steward through our internal Fly Neighborly practices. This includes putting safety first, varying our flight paths, flying above altitude requirements, and following all FAA regulations. We are committed to working with other

operators, legislators, leaders and community members around the state to proactively address concerns and answer questions.

SB3272 proposal to amend H. R. S. 261, incorporates the creation of a helicopter noise and safety task force. The State Legislature and HDOT created a Hawaii Air Noise and Safety Task Force in 2019, and seemed to have a constructive dialogue. However, the task force was recently disbanded by the DOTA. Under proposed H.R.S 261 (D) (2), we would recommend that each county of the aviation community have at least one representative on the task force.

SB3272 to amend H.R.S. 261, Section 2 (5) requires the task force to recommend a general liability insurance amount for the 2023 legislature consideration. There will be an issue with the Grant Assurance No. 22, which was an estimated \$70 million in grant funding as long as the department doesn't discriminate to all aeronautical activities.

SB3272 to amend H.R.S. 261, Section 3, (8) requires operators to submit reports for flights, in order to obtain a permit. Paradise Helicopters is opposed to this amendment. The data required for the report is not currently maintained or disseminated. Any data submitted would further be proprietary in nature and should not be made public. Operators would need to expend additional funds for tour operations to track and submit the data that could be detrimental to business. Would this requirement also be extended to commercial airlines?

Our main objective as a business is to continue to provide jobs that support local working families, who live and work here in Hawai'i; to support other small businesses that will directly benefit our local economy; and to provide high safety standards as a leading operator in the State of Hawai'i.

Respectfully submitted,

Calvin Dorn

SB-3272-SD-2

Submitted on: 3/17/2022 3:39:13 PM

Testimony for TRN on 3/18/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Needels	Windward Coalition	Support	Written Testimony Only

Comments:

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair

Rep. Greggor Ilagan, Vice Chair

RE: Senate Bill 3272

Gentlemen/women,

As President of the Windward Coalition, a non-profit nonpartisan community advocacy organization, I would like to express our very strong support for Bill 3272.

We have had numerous complaints from our community members concerning frequent and excessive noise generated by small aircraft and especially helicopters tours. The adverse medical and psychological effects of exposure to persistent aircraft noise has been well documented in the medical literature. Also, as has been pointed out, there is already a federal legislative precedent, (National Parks Air Tour Management Act of 2000) establishing rules that tour operators must follow over our national parks. We agree that it is in the interest of the State to monitor and ensure that federal regulations are being followed and that the State has the option not to renew a tour aircraft operation permit for any company that repeatedly deviates from flight plans over sensitive areas.

We have also found tour operators, FAA and DOT unresponsive to our increasing noise and safety concerns. We fully support §261- to establish an air noise and safety task force within the DOT as stated in Bill 3272.

We are profoundly grateful for your efforts as we believe that this legislation could provide significant relief for the residents of our beautiful state.

Mahalo,

Terri Needels,

President Windward Coalition

Bruce Lum
99-546 Iwaiwa Street
Aiea, Hawaii 96701

Testimony provided for:

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair

Rep. Greggor Ilagan, Vice Chair

Rep. Linda Clark Rep. Nadine K. Nakamura Rep. Troy N. Hashimoto
Rep. Roy M. Takumi Rep. Lisa Kitagawa Rep. Lauren Matsumoto

Aloha kākou,

My name is Bruce Lum, resident of Halawa, and I am very strongly in support of SB3272 SD2, because it is time for local government to exercise its legal right to properly manage its permits for rotor and fixed-wing aerial tour landing facilities.

Mahalo Chairs Aquino and Ilagan and Committee on Transportation members for hearing this measure today.

I am taking time to testify, because the Hawaii Air Noise and Safety Task Force (HANSTF) was launched October 12, 2019, by the the FAA and HDOTA, to address safety and noise issues related to rotor and fixed-wing aerial tours in the state of Hawaii.

HANSTF COMMITTEE

Chair:

Cade Clark, Helicopter Association International

Executive Committee Members:

Hawaii Helicopter Association

General Aviation Council of Hawaii

Helicopter Association International

Aircraft Owners and Pilots Association

Tour Operators Program of Safety

Hawaii State Legislature Appointees:

Senator Chris Lee

Representative Henry Aquino

HANSTF states that “Community involvement, public outreach, and transparency will be prioritized in all recommendations from the task force to industry and regulators”.

From 2019 to current, I have testified and participated on numerous occasions at City Council, the State Legislature, and HANSTF virtual meetings regarding Helicopter safety and noise pollution throughout Hawai'i. The public, and Hawai'i government officials have made it abundantly clear that the Hawaii Air Tour Industry, HANSTF, FAA and HDOTA's status quo *mode of operandi* is unacceptable. We the people are saying, "Nuff Already" about the minimalistic, disingenuous, indifferent and waste of taxpayer dollars to produce nothing in the way of meaningful reduction of air tour noise and reduction of tour air craft crashes and hazards in Hawai'i's oceans, protected spaces and residential neighborhoods.

Since 2007, even federal mandates to quiet Hawai'i's skies around Hawaii National Parks have not been implemented, despite a court order to do so. Hawaii is the most tour copter impacted State in the Nation yet we have had no meaningful action to address the Hawaii tour industry noise provided by the HANSTF Task Force Members.

To date, it is painfully clear that the FAA, HDOTA, and the HANSTF Co-Chairs, Executive Committee Members and Hawaii State Legislature Appointees have failed to implement any meaningful, actionable plans, to address the Hawaii tour industry noise or footprint. Activating some "Quiter" helicopters, for instance, is insignificant and unconvincing to the public, as the public continues to be subjected to a constant, LOUD, racket, in the skies around and over their homes from 6am to 7pm nearly every day.

What the public wants NOW, is for HANSTF or government to quiet the skies, above our homes, of the relentless, frequent noise from air tour aircraft.

Also, the public and local government leaders want to stop the risk of tour air craft from crashing and burning in Hawai'i's communities and neighborhoods, or within protected natural reserves, DOD zones and sensitive areas.

I would amend Page 2 of this BILL, lines 7 to 12, to include language that would mandate all air tour aircraft to have on-board transponder equipment that must openly and constantly broadcast their aircrafts route and altitude, whenever in flight to ingress or egress any and all permitted and designated take-off and landing facilities they are authorized to use.

Currently, what I describe above, about transponder operation, appears to be treated by a number of pilots and tour operators as an optional procedure.

For all the reasons above, I earnestly and urgently request this committee to please adopt SB3272 SD2.

Mahalo,
Bruce Lum
brlum@mac.com

SB-3272-SD-2

Submitted on: 3/17/2022 1:16:42 PM

Testimony for TRN on 3/18/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jill Paulin	Individual	Support	Written Testimony Only

Comments:

I support SB3272 because the helicopter noise and low flight patterns destroy one's privacy and enjoyment of home. I live on the North Shore by Waimea and deal with helicopters daily. I even had one tour rider wave at me while I was eating dinner in my backyard. I hope this Bill can curb their current missuses. Mahalo