



**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

February 15, 2022  
3:30 p.m.  
State Capitol, Teleconference

**S.B. No. 3272**  
**RELATING TO TRANSPORTATION**

Senate Committee on Transportation

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The Department of Transportation (DOT) provides **comments** to this bill.

S.B. 3272 amends Chapter 261, Hawaii Revised Statutes, to establish a helicopter noise and safety task force, adopt rules to require tour aircraft operators to have commercial general liability insurance coverage of at least \$10,000,000, and report details of each flight taken by the tour aircraft operation in order to renew a tour aircraft operation permit.

The U.S. Federal Aviation Administration (FAA) Grant Assurance No. 22, obligates DOT to make its airports available for public use on reasonable terms and without unjust discrimination to all aeronautical activities. The bill proposes to affect a specific population of airports users, thus arguably, discriminates.

The FAA has authority to regulate the air space and aircraft operations. The DOT has no authority to establish rules or offer contract terms that attempts to manage flight operations of helicopter operators.

Thank you for the opportunity to provide testimony.



Senate Committee on Transportation  
3:30 p.m., February 15, 2022

Re: Comments on SB 3272, Relating to Transportation

Aloha Chair Lee, Vice Chair Inouye, and members of the committee!

We are writing to provide comments on SB 3272, Relating to Transportation, which establishes the helicopter noise and safety task force, requires the Director of Transportation to adopt rules to require tour aircraft operators to have commercial general liability insurance coverage of at least \$10,000,000 and to report details of each flight taken by the tour aircraft operation in order to renew a tour aircraft operation.

Blue Hawaiian continues to support safety in the industry, and we firmly believe that adequate insurance coverage is the right thing to do for the customer and community.

Our aircraft are equipped with technologies and equipment like Helicopter Terrain Awareness and Warning Systems (HTAWS), automatic dependent surveillance-broadcast (ADS-B), aircraft floats and upgraded with the newest GARMIN glass-cockpit avionics to exceed the federal regulatory requirements for helicopter air tour safety. To further that commitment, Blue Hawaiian Helicopters is the only air tour operator in Hawaii to be a member of the Tour Operators Program of Safety, as well as to also have a Voluntary FAA Safety Management System (SMS) implementation program and an accepted and approved Voluntary FAA Aviation Safety Action Program (ASAP).

We look forward to engaging with policy leaders and wish to be a resource to the legislature.

Thank you for the opportunity to testify.

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

## TESTIMONY in STRONG SUPPORT

Senate Committee on Transportation  
February 15, 2022 Hearing  
3:30 PM

### SENATE BILL 3272 Relating to Transportation

Aloha Chair Lee, Vice Chair Inouye and Committee Members:

Senate Bill 3272 establishes a helicopter noise and safety task force, and requires the State Department of Transportation Director to adopt rules to require tour aircraft operators to report details of each flight taken in order to renew an annual tour aircraft operation permit and to have liability insurance of at least \$10,000,000.

#### Helicopter Noise and Safety Task Force

A Helicopter Noise and Safety Task force must have statutory requirements to be productive and effective. The recent "Helicopter Air Noise and Safety Task Force" (HANSTF) was comprised solely of air industry and tour helicopter operators and 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 on the task force from each island was clearly denied, and public testimony with questions and recommendations came last.

Senate Bill 3272 provides a new Section under HRS 261 to establish a Helicopter Noise and Safety Task Force within the State Department of Transportation with the following requirements, and recommended additional language is underscored:

The task force shall:

- (1) Identify key noise and safety issues facing Hawaii relating to helicopters;
- (2) Address increasing safety and community disruption concerns;
- (3) Explore and recommend changes needed to law and business practices to protect the public from the inherent dangers presented by helicopters; and
- (4) Engage with and respond to public concerns in determining regulatory or voluntary changes in helicopter operations.

The co-chairs of the task force shall invite the following persons to join the task force:

- (1) At least one community advocate from each island to represent the areas impacted by helicopter noise and the impacted public's tour helicopter noise and safety concerns;
- (2) At least one representative from the helicopter industry, and not to exceed the number of community representatives on the task force.

#### Annual Flight Records Report

Senate Bill 3272 strengthens HRS 261-12 by requiring tour aircraft operators upon annual permit renewal to provide the State Department of Transportation with a written report to be made available to the public of each tour operation that occurred during the duration of the

expiring permit, including the following with recommended additional language underscored:

- (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 true and accurate flight path from takeoff through landing, including clear identification of specific flight paths, altitudes and distances away from each island's defined noise sensitive areas; and
- (D) A disclosure if the aircraft deviated from its intended flight plan.

### **Liability Insurance Requirement**

Senate Bill 3272 additionally strengthens HRS 261-12 by requiring tour aircraft operators to verify commercial general liability insurance coverage of not less than \$10,000,000 arising from any one accident or other cause that covers but is not limited to bodily injury and death and contractual liability.

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 protected Natural Resources, established communities, and coastal nuclear defense areas.***

Yet despite strong and repeated messages of community outcry by the larger public on O'ahu, Resolutions adopted by eighteen (18) O'ahu community boards, several private tour helicopter operators in Hawai'i have been and continue to be egregiously disregarding existing regulations and environmental impacts with their overriding preference to fly wherever, whenever and however they want.

Therefore, because of the intense significant adverse noise and safety impacts to Hawaii's, communities and established peaceful neighborhoods and schools, public beaches and parks, Diamond Head and Olomana State Monuments, and natural habitats and preserves, the revocable State permits for tour helicopter operations should clearly include a stringent condition for compliance with flying at least one (1) mile offshore of State Monuments, State Parks, Natural Habitats and Reserves, public beaches and public parks, and communities and established neighborhoods and schools.

Thank you for providing this public hearing and for your consideration of the above recommendations to strengthen this bill.



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

**LATE**

14 February 2022

**To:** Senator Chris Lee, Chair  
Senator Loraine Inouye, Vice-Chair  
State House Committee on Transportation

**From:** Calvin Dorn, CEO  
Paradise Helicopters

**Subject:** Measure S.B. 3272  
**Hearing Date:** Feb 15, 2022  
**Time:** 3:30pm  
**Location:** Via videoconference

**Bill Description:** Establishes the helicopter noise and safety task force. Requires the Director of Transportation to adopt rules to require tour aircraft operators to have commercial general liability insurance coverage of at least \$10,000,000 and to report details of each flight taken by the tour aircraft operation in order to renew a tour aircraft operation permit.

**Paradise Helicopters Position: COMMENTS**

Aloha Chair Lee, Vice-Chair Inouye, and members of the State House Committee on Transportation,

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

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 just recently disbanded by the DOTA. Under proposed H.R.S 261 (D) (2), we would recommend that each county have at least one representative on the task force.

SB3272 to amend H.R.S. 261, Section 3, (8) requires a \$10,000,000 general liability insurance. The House had a similar bill HB1515, which the committee deferred, due to 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, (9) requires operators to submit reports for flights, in order to obtain a permit. 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

TESTIMONY OF

**LARRY S VERAY**

TO THE COMMITTEE ON  
TRANSPORTATION

***MOST STRONGLY SUPPORT SB 3272***

**RELATING TO TRANSPORTATION**

**FEBRUARY 12, 2022**

Aloha, Chair Lee, Vice Chair Inouye and committee members. Thank you for allowing me the opportunity to provide testimony on SB 3272. I am Larry Veray, Chair for the Pearl City Neighborhood Board No. 21, and I will be representing our board and community based on the board resolution passed on September 29, 2019.

We support the Director, Department of to establish the helicopter noise and safety task force to adopt rules to require tour helicopters and fixed wing aircraft operators to have a commercial general liability insurance coverage of 10M dollars and to log and report each flights routes and related activity in order to renew their tour aircraft operation permit. **We most strongly recommend that if a task force is formed, that one position should be filled by a Neighborhood Board Representative.**

Tour helicopters continue to have periodic flights over Pearl City area creating noise that negatively impacts our residents. Flying low and slow causes that negative impact to the elderly in care homes, people resting and children in school with their studies with no apparent FAA control over their altitudes and speeds. They depart the airfield fly towards Aiea and Pearl City and the flight path takes them over schools, hospitals and residential areas and then they their flight path takes them over the Arizona Memorial. Imagine if a helicopter has an inflight emergency and has to come down immediately; where are they going to land or crash; a school yard, big box store roof or on top of residential homes.

Our board has received a number of complaints from our residents reporting loud helicopter noise to include small commercial aircraft noise. Some helicopter flight paths now extend into the commercial aircraft flight paths over Pearl City with some residents witnessing near miss collisions with crossing flight paths. If the helicopters were restricted from flying low and slow over residential areas while also not flying North of the H1 expressway, this would mitigate issues for Pearl City.

I most strongly urge you to approve SB 3272. Mahalo!

Very respectfully,

*Larry S. Veray*

**SB-3272**

Submitted on: 2/13/2022 9:08:07 PM

Testimony for TRS on 2/15/2022 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Charles Prentiss	Individual	Comments	No

Comments:

One of the biggest tourist helicopter safety problems we have is that the pilots are not required to be instrument qualified. We have had crashes in Hawaii because of this. It was even a finding in the cause of the fatal helicopter crash in California that killed Kobe Bryant.

Charles Prentiss, LTC (USA) ret. former Hawaii National Guard helicopter pilot.



**SB-3272**

Submitted on: 2/14/2022 1:01:41 PM

Testimony for TRS on 2/15/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Debra Laeha	Individual	Support	No

Comments:

Aloha,

I am writing in strong support of SB3272.

My husband (born and raised on Oahu) and I were fortunate to purchase a home in the beautiful Maunawili Valley in 1997. This once peaceful valley is now inundated with tour helicopters flying overhead every day, all day, all year long. The incessant drone from these helicopters reverberates off of the Ko‘olau Mountains which amplifies the noise. The volume of helicopter (and now fixed-wing aircraft) tour flights over Maunawili has increased exponentially. In addition to the real safety concerns posed by these helicopters (as evidenced by the 2019 Novictor crash in Kailua), the sheer volume of these flights has become unbearable.

Over the past five years, I have lodged complaints to the now-defunct Hawaii Helicopter Association, FAA, submitted testimony for various bills, met with several tour helicopter operators to discuss the issue, and attended the recent dog and pony HANSTF meetings with the hope that our voices would be heard. Unfortunately, these efforts have gone nowhere due largely to **the lack of data** which lies in the hands of the tour operators.

SB3272 will allow for the collection of the tour flight data needed to identify a solution that will bring the community and tour operators together. Since the tour operators should already maintain this data, it should not be an undue burden for them to provide it.

For the sake of our skies, the peace of our communities, and what is truly the right thing to do, I beg you to pass this bill so we may come to some resolution.

Mahalo for your consideration,

Deb Laeha

**SB-3272**

Submitted on: 2/14/2022 1:51:51 PM

Testimony for TRS on 2/15/2022 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
David Laeha	Individual	Support	No

Comments:

I am writing in support of SB3272.

Over the past decade, the tour helicopter industry has been allowed to take over our once peaceful skies. We know this on a personal level as helicopters fly non-stop over our home every day, all year long, and buzz overhead while at the beach, on a hike, or sitting in a coffee shop.

The lack of tour flight data has masked how dire this situation has become. It is imperative that flight data be collected in order to properly and unbiasedly assess this issue. Please pass SB3272 to allow for the collection of this data.

Mahalo,

David Laeha