

---

---

# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that residents in the  
2 State must endure the excessive noise that helicopter tours and  
3 small aircrafts generate. Federal legislation, such as the  
4 National Parks Air Tour Management Act of 2000, established  
5 rules that tour operators must follow when flying over national  
6 parks like Volcanoes National Park, Pearl Harbor National  
7 Memorial, and Haleakala National Park. Therefore, it is in the  
8 interest of the State to monitor and ensure that federal  
9 regulations are being followed and that the State has the option  
10 not to renew a tour aircraft operation permit for any company  
11 that repeatedly deviates from flight plans over sensitive areas.

12           The legislature further finds that the Federal Aviation  
13 Administration, department of transportation, some Hawaii tour  
14 helicopter companies, and other interested stakeholders have  
15 formed an unofficial Hawaii air noise and safety task force with  
16 the stated intent of addressing increasing safety and community  
17 disruption concerns, but has been criticized for not fully



1 engaging and responding to public concerns in determining  
2 regulatory or voluntary changes in operations. An increasing  
3 number of elected officials and community organizations have  
4 expressed increasing concern with safety risks and community  
5 disruption arising from tour helicopter and small aircraft  
6 operations.

7 The purpose of this Act is to require tour aircraft  
8 operators to file appropriate reports and disclosures so that  
9 the State can monitor their compliance with federal regulations.

10 SECTION 2. Section 261-12, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12 "(b) Tour aircraft operations. Any other law to the  
13 contrary notwithstanding, no tour aircraft operation shall be  
14 permitted in any airport under the State's control without  
15 having a permit. The director shall adopt rules to regulate  
16 tour aircraft operations by permit, which shall include but not  
17 be limited to:

18 (1) Identification of the types of aircraft to be  
19 utilized;

20 (2) The number of operations daily for each type of  
21 aircraft used and the days and hours of operation;



- 1           (3) Verification that the applicant is in compliance with  
2           all state statutes, including but not limited to this  
3           section;
- 4           (4) Verification that the applicant has the Federal  
5           Aviation Administration certificate 121 or 135;
- 6           (5) A written assessment by the department of the impact  
7           to the surrounding area and to the subject state  
8           airport;
- 9           (6) Revocation of a permit based on the failure to comply  
10          with the information provided by the applicant and the  
11          terms and conditions set forth by the department in  
12          the permit, and any false statement or  
13          misrepresentation made by the applicant;
- 14          (7) Establishment of penalties for revocation and  
15          suspension of a permit for failure to comply with  
16          permit conditions;
- 17          (8) Submission of monthly written reports to the  
18          department, which shall be made available to the  
19          public, of each tour operation that occurred during  
20          the duration of the preceding month, including:



1            (A) The date and time that the aircraft took off and  
2            landed;

3            (B) The number of individuals aboard the aircraft  
4            during the operation;

5            (C) The flight path from takeoff through landing; and

6            (D) Whether the aircraft deviated from its intended  
7            flight plan.

8            ~~[(8)]~~ (9) Annual renewal of permits; and

9            ~~[(9)]~~ (10) Any change of operations under the existing  
10            permit to be approved by the director.

11            No permit shall be authorized unless accompanied by a  
12            Hawaii sectional aeronautical chart marked to indicate routes  
13            and altitudes to be used in conducting aerial tours and noise  
14            abatement procedures to be employed in the vicinity of  
15            identified noise sensitive areas.

16            For the purposes of this subsection, "tour aircraft  
17            operations" means any business operation that offers aircraft  
18            for hire by passengers for the purpose of aerial observation of  
19            landmarks and other manmade or natural sites within an island of  
20            the State and for the purpose of transporting passengers for  
21            tourist-related activities."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Tour Aircraft Operations; Director of Transportation; Records

**Description:**

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. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

