

testimony on item M-5/ Novictor Helicopters
for Board of Land and Natural Resources (BLNR) meeting 9:15 AM Friday, May 27, 2022
from Cory Harden, Hilo 333cory@gmail.com

Aloha Commissioners,

Please (1) ask Novictor about safety and (2) attach conditions to reduce flights.

Mahalo, Cory

(1).. Ask Novictor what they are doing to improve safety after three crashes in four years.

(1) (a) In 2019 three people died in a fiery Novictor crash in an O'ahu neighborhood.

<https://www.staradvertiser.com/2019/04/29/breaking-news/3-fatalities-after-helicopter-goes-down-in-kailua/>

3 die in fiery Kailua helicopter crash; Oneawa Street closed By Star-Advertiser Staff April 29, 2019

A tour helicopter crashed in the middle of the Coconut Grove neighborhood in Kailua this morning, killing all three people aboard.

"It sounded like a missile hit a plane," said Sommer Birkett, who had a clear view from her second-floor living room in an alley off Oneawa Street, where the aircraft went down. "I heard this loud sshhhh-boom! I was like, what the hell is that? I looked out the window and I saw the helicopter nosedive onto Oneawa Street." ...

Enright said EMS personnel were responding to on another call in the area when they heard a horrific bang. "They turned around and saw the helicopter on fire," said Enright. "When they got there, neighbors were doing a heroic job trying to put out the fire and also trying to get the patients away from the burning aircraft. EMS assisted, got two of the patients from the burning aircraft but at that time the two were deceased." ...

<https://www.staradvertiser.com/2019/04/29/breaking-news/3-fatalities-after-helicopter-goes-down-in-kailua/>



<https://www.staradvertiser.com/2019/04/29/photo-gallery/photos-fiery-helicopter-crash-kailua-killing-3/>



(1).(b). In 2018 three people were injured in a Novictor crash in Kaneohe.

<https://www.staradvertiser.com/2018/10/22/breaking-news/honolulu-firefighters-responding-to-report-of-downed-helicopter-in-kaneohe-bay/>

3 rescued after helicopter lands on Kaneohe Bay sandbar By Star-Advertiser Staff Oct. 22, 2018

Three people were in serious condition today after a private helicopter landed on a sandbar in Kaneohe Bay.

A 35-year-old woman sustained leg injuries and a 31-year-old man had a right-arm injury. The 57-year-old male pilot had a head laceration and a right-arm injury. All three had spinal injuries and were transported to a trauma center...

The Department of Land and Natural Resources was on scene, and officials were assessing for pollution from the landing....

(1).(c). Also in 2018, a Novictor helicopter crash-landed near Wahiawa.

<https://aviation-safety.net/wikibase/wiki.php?id=215520>

Date: 18-SEP-2018

Time: 09:15 LT...

Owner/operator: Novictor Helicopters...

N632NV, was substantially damaged during a precautionary landing near Wahiawa, Hawaii. The pilot and two passengers were uninjured. The helicopter was operated under the provisions of Title 14 Code of Federal Regulations Part 91 air tour flight.

The pilot reported that during cruise flight, at about 2,200 ft above ground level (agl), the engine oil light illuminated red. He immediately lowered the collective and started a precautionary landing. A few seconds after the descent, he noted minor fluctuations in engine RPM; however, the allowable limits were never exceeded. It appeared that shortly after, the RPM stabilized. At about 700-800 ft agl, the engine oversped, and the pilot received a low rotor rpm warning. He continued the descent and impacted terrain with some forward speed. The helicopter slid about 40 ft, the left skid broke off, the helicopter rotated about 90 degrees and the main rotor blade struck the tailboom.

(2)..Please consider conditions, as described by FAA, to address safety and noise.

e-mail from O'ahu resident, December 26, 2020

"Novictor "R44's" (the crash-prone Robinson 44's listed under a leasing agent on FR 24) have been buzzing the Diamond Head shoreline all week- at least 2 per hour (formerly 4 per hour) from 8 am to 5 pm."

Multiple O'ahu neighborhood boards have passed resolutions calling on action re. safety risks and noise disruption from tour helicopters. See attachments.

FAA says the State has some authority to "enact restrictions on time of day, weekday versus weekend, or a reduction in overall operations". See attached August 13, 2021 letter from FAA to Suzanne Case, final paragraphs.

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

777 S. Aviation Blvd., Suite 150
El Segundo, CA 90245

August 13, 2021

Ms. Suzanne D. Case
Chair, Hawaii Board of Land
and Natural Resources
P.O. Box 621
Honolulu, HA 96809

RE: Regulation of Helicopter Air Tour Operations

Dear Ms. Case:

Thank you for your May 28, 2021 letter raising the issue of regulation of helicopter air tour flight paths throughout Hawaii and alerting us to community concerns in Hawaii regarding helicopter noise in residential neighborhoods, and over natural and cultural areas. You indicate that the Bureau of Land and Natural Resources (BLNR) has jurisdiction over the uses of State land, including the “staging and operation of aircraft in Hawai’i airports...,” and acknowledge that the Federal Aviation Administration (FAA) is the sole regulator of aircraft flight paths. Your letter requests the FAA to address community noise concerns through regulation and to confirm the agency’s position on the permissible scope of State regulation of helicopter flight operations.

Your letters seeks to:

1. Relay community concerns regarding “noise disruption and safety issues” from air tour helicopters, request the FAA to address these concerns through “meaningful regulation to avoid and mitigate these impacts,” and include community input in the process, and
2. Confirm the FAA’s position on the permissible scope of State regulation over helicopter flight regulations. You ask whether BLNR has the authority to condition its approval of leases and revocable permits in state airports for helicopter operations,” and regulate flight paths and “limits such as on altitude, frequency and time of operation, to minimize widespread disruption....”

Community Noise and Safety Concerns

Thank you for sharing community concerns regarding helicopter noise in residential neighborhoods and over natural and cultural areas in Hawaii. The FAA works with State and local government partners, within our respective Constitutional and statutory authorities, as well as operators and local communities to address citizens’ noise concerns through a variety of statutory, regulatory, and voluntary mechanisms. For

example, currently we are serving as a technical advisor to the Hawaii Air Noise and Safety Task Force; which was developed to address safety and noise issues related to rotor and fixed-wing aerial tours in the State of Hawaii. We champion efforts to advance the development and industry adoption of source reduction technologies and noise abatement operations. We have also promulgated informed, well-reasoned and scientifically grounded regulatory standards and noise policies intended to protect the traveling public and those on the ground.

The FAA is required by statute to protect the public health and welfare from aircraft noise by prescribing standards that measure aircraft noise and by promulgating regulations to control and abate aircraft noise (49 U.S.C. § 44715). FAA has fulfilled these requirements by promulgating noise certification standards for helicopters in 14 CFR part 36. Those regulations ensure that new helicopter type designs incorporate noise reduction technologies as needed to comply with lower noise limits. The most recent change in the certification regulations was the reduction to Stage 3 noise limits for newly certificated helicopter models. 79 FR 12040 (Mar. 4, 2014). As operators retire and replace older aircraft with those that meet the newer standards, community noise impacts are expected to improve.

The FAA also works to address helicopter noise with partners in academia through our ASCENT Center of Excellence¹ as well as with industry through collaboration with regional operators and with the Helicopter Association International (HAI) Fly Neighborly training program.² These efforts are designed to advance research and adoption of voluntary measures related to scheduling and flying aircraft to minimize the impact of noise on people on the ground. Noise abatement measures developed with input from engaged stakeholders remain one of the most effective approaches to reducing helicopter noise.

The FAA is committed to developing meaningful and equitable solutions to the complex and nuanced issue of aviation noise. We recently announced our plans to conduct a noise policy review that is informed by research and leverages the development of new analytical tools and technologies. This effort will build on our partnerships with academia, industry, and government to better understand, manage, and reduce the environmental impacts of aviation, including but not limited to noise. As a core part of this effort, we are encouraging input from a broad range of stakeholders, including local communities. This will not be a short, simple, or superficial undertaking and the FAA

¹ Rotorcraft Noise Abatement Procedures <https://ascent.aero/project/rotorcraft-noise-abatement-procedures-development/>

² <https://www.rotor.org/initiatives/fly-neighborly>

encourages agency partners and communities to keep abreast of future opportunities to engage in dialogue with our agency.

Permissible Scope of State Regulation of Helicopter Flight Operations

Federal Statutory and Regulatory Framework

In your letter, you acknowledge that the State’s jurisdiction is “limited to the land disposition itself,” and that the “regulation of flight paths is the sole jurisdiction of the FAA.” Your understanding is correct: the States lack the authority to regulate aircraft operations, including helicopter flight paths.

Congress enacted an express preemption provision stating that, “a State [or] political subdivision of a State . . . may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.” 49 U.S.C. § 41713(b)(1). The Supreme Court has interpreted the statute’s “related to” language broadly, holding that it applies to State laws “having a connection with or reference to” prices, routes, and services. *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 384 (1992).

By statute, the FAA is obligated to regulate for safety; the efficient use of the airspace; protection of people and property on the ground; air traffic control; navigational facilities; and the regulation of aircraft noise at its source. 49 U.S.C. §§ 40103, 44502, and 44701-44735. Congress has directed the FAA to “develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace.” 49 U.S.C. § 40103(b)(1). Other responsibilities of the FAA include prescribing air traffic regulations on the flight of aircraft for navigating, protecting, and identifying aircraft; protecting individuals and property on the ground; using the navigable airspace efficiently; and preventing collision between aircraft and between aircraft and land. 49 U.S.C. § 40103(b)(2). Since 1926, Federal law has provided that a citizen of the United States has a public right of transit through the navigable airspace. 49 U.S.C. § 40103(a)(2).

In furtherance of these statutory commands, the FAA has established a comprehensive regulatory scheme, governing, among other things, the certification of aircraft, airports, pilots and mechanics; aircraft equipage; air traffic control systems; aviation navigation and communication; airspace classifications, and more. The FAA has also promulgated safety regulations addressing commercial air tours nationally (14 CFR part 136, subpart A, *National Air Tour Safety Standards*) and specific regulations imposing special operating rules on air tour aircraft (including helicopters and special minimum flight altitudes for Hawaii) in Hawaii. See 14 CFR part 136, subpart A, *National Air Tour Safety Standards*, and Appendix A, *Special Operating Rules for Air Tour Operators in the State of Hawaii*. Since the 1950s, Federal courts in various circuits have upheld FAA’s preemption of aviation safety and the efficiency of the airspace, and, more specifically, the Government’s preemption of aircraft flight management, including flight altitude and traffic patterns.

Permissible Scope of State Regulation of Helicopter Air Tour Operations through Police Powers and Proprietary Powers

The States may generally protect their citizens through land use planning and development, zoning, and other police power measures not affecting aviation safety, operations, or airspace management. The States have the authority to mitigate the effects of noise independently of source noise control. “Local governments may adopt local noise abatement plans that do not impinge upon aircraft operations.” *San Diego Unified Port District v. Gianturco*, 651 F.2d 1306, 1314 (9th Cir. 1981), *cert denied*, 455 U.S. 1000 (1982).

However, because the State of Hawaii is the *proprietor* of the State’s airports, it has additional authority when acting in a proprietary capacity as an airport owner and operator.³ In the context of air carrier operations, Congress has codified the ‘proprietor exception’ by providing that the express preemption provision does not limit “a State, political subdivision of a State, or political authority of at least two States that owns or operates an airport served by [federally-certificated air carriers] from carrying out its proprietary powers and rights.” 49 U.S.C. § 41713(b)(3).

Your letter includes two specific questions:

1. Whether the State has authority to condition its approval of leases and revocable permits in state airports in order to regulate helicopter air tour operators’ flight paths, and place “limits such as on altitude, frequency and time of operation, to minimize widespread disruption....”

Through the exercise of its police power authority, the State may not utilize its lease or permit approval system to directly or indirectly⁴ regulate aviation safety, the efficient use of the airspace, protection of people and property on the ground, air traffic control, or the regulation of aircraft noise at its source. 49 U.S.C. §§ 40103, 44502, and 44701-44735; *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624 (1973) (Court struck down

³ See *City and County of San Francisco v. FAA*, 942 F.2d 1391, 1394 (9th Cir. 1991). Proprietary powers generally include the authority to regulate airport noise levels, choose airport sites, acquire land, ensure compatible land use, and control airport design and scheduling.

⁴ In *Gianturco*, the State made extension of an airport noise curfew a condition of the variance needed by the Port District to continue to operate Lindbergh Field. The court held that the State action unlawfully impinged on Federal control of airspace management and aircraft noise at its source by restricting the permissible flight times.

an 11 p.m. to 7 a.m. curfew on jet flights imposed by the City in the exercise of its police powers at an airport not owned by it). If the State were to regulate flight paths indirectly through its lease or permit approval process rather than expressly by statute or regulation, the result would be the same – unlawful police power regulation of aircraft flight paths.⁵

Regulation by BLNR of helicopter air tour operators' flight paths and its establishing limits on altitudes, frequency, and time of operation would interfere with the FAA's "delicate balance[ing] between safety and efficiency, and the protection of persons on the ground," where the "interdependence of these factors requires a uniform and exclusive system of federal regulation" if Congress' objectives are to be fulfilled. *Burbank*, 411 U.S. at 638-639. Air traffic, including over the Hawaiian Islands, must be regulated at the national level to ensure safety, efficiency, and uniformity.

2. What specific requirements can the BLNR or other state agency impose on commercial air tour helicopter operations as a condition of use of state lands?

Acting in its role as airport proprietor of the State's airports, Hawaii may promulgate reasonable, non-arbitrary and non-discriminatory regulations that establish acceptable noise levels for its airports and their immediate environs. *City and County of San Francisco v. FAA*, 942 F.2d 1391, 1394 (9th Cir. 1991); *Friends of the East Hampton Airport, Inc. v. Town of East Hampton*, 841 F.3d 133, 153 (2d Cir. 2016). The Second Circuit held that proprietary restrictions must also comply with the Airport Noise and Capacity Act of 1990 (ANCA), 14 CFR part 161, and the Airport Improvement Program grant assurances (if applicable); it also stated that the exercise of proprietary authority may not produce a patchwork of "uncoordinated and inconsistent" airport restrictions that impede the national transportation system...." 841 F.3d at 154, *citing* 136 Cong. Rec. S13619 (Sept. 24, 1990) (statement of Sen. Ford).

Specifically, for example, the State would have proprietary authority at its airports to enact restrictions on time of day, weekday versus weekend, or a reduction in overall operations subject to the above limitations. In 1998, the Second Circuit upheld the following restrictions on New York City-based helicopter air tour operations including (1) a restriction of weekday operations to between 8 a.m. and 8 p.m.; (2) a restriction of weekend operations to between 10 a.m. and 6 p.m.; (3) the phasing out of weekend operations entirely; and (4) the reduction of operations by a minimum of 47 percent overall.⁶ In addition, New York City's decision to reduce the number of seaplane air tour

⁵ The Supreme Court stated in *Burbank*:

[i]f we were to uphold the Burbank ordinance and a significant number of municipalities followed suit, it is obvious that fractionalized control of the timing of takeoffs and landings would severely limit the flexibility of FAA in controlling air traffic flow. The difficulties of scheduling flights to avoid congestion and the concomitant decrease in safety would be compounded. 411 U.S. at 639. See also *National Helicopter Corp. v. City of New York*, 137 F.3d 81, 91-92 (2d Cir. 1998) (the proprietor exception "... gives no authority to local officials to assign or restrict routes.").

⁶ *National Helicopter*, 137 F.3d at 90.

flights and prioritize transportation over tourism was upheld as a reasonable means to achieve noise reduction.⁷ Again, such restrictions would have to comply with part 161 and the grant assurances, if applicable.

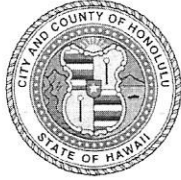
I am hopeful that the above information will be helpful to the BLNR in its management of its public lands.

Sincerely,

A handwritten signature in black ink, appearing to read "Raquel Girvin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Raquel Girvin
Regional Administrator

⁷ *SeaAir NY, Inc. v. City of New York*, 250 F.3d 183, 187 (2d Cir. 2001).



**HAWAII KAI NEIGHBORHOOD BOARD RESOLUTION No. 19 – 01
REQUESTING FEDERAL, STATE AND COUNTY OFFICIALS TO ADDRESS THE NEED FOR
INCREASED REGULATIONS GOVERNING TOUR HELICOPTERS AND OTHER SMALL
AIRCRAFT OVER O'AHU**

ROBERTA MAYOR
Sub district #10
Chairperson

WHEREAS, RAPIDLY INCREASING AND WIDESPREAD OPERATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT POSE INCREASED SAFETY RISKS TO OUR COMMUNITIES AND HAVE INCREASINGLY DISRUPTED OUR NEIGHBORHOODS AND LIVES THROUGHOUT O'AHU;

ELIZABETH REILLY
Sub district #5
Vice Chair

KATIE SCOTT
Sub district #3
Secretary

WHEREAS, THERE IS INADEQUATE REGULATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT OPERATIONS, AND SELF-REGULATION BY THE OPERATORS IS INEFFECTIVE AND CANNOT BE EXPECTED TO IMPROVE;

BYRON APO
Sub district #8
Treasurer

WHEREAS, SUBSTANTIALLY INCREASED GOVERNMENT REGULATION OF ALL ASPECTS OF TOUR OPERATIONS IS NECESSARY TO ADDRESS RAPIDLY INCREASING SAFETY RISKS AND DISRUPTION;

RENÉ GARVIN
At-Large

NATALIE IWASA
At-Large

WHEREAS, SUCH REGULATION SHOULD ADDRESS AT LEAST THE FOLLOWING: APPLY THE SAME SAFETY RESTRICTIONS AS NOW GOVERN OTHER COMMERCIAL AIR OPERATIONS; PROHIBIT PILOTS FROM ALSO FUNCTIONING AS TOUR GUIDES; LIMIT OPERATIONS BY TIME, ROUTE, ALTITUDE, FREQUENCY AND DAY; REQUIRE NOISE SUPPRESSION TECHNOLOGY; AND PROVIDE MAXIMUM FLIGHTS PER DAY.

GREG KNUDSEN
At-Large

SOLOMON THOMPSON
At-Large

ROBERT CLARK
Sub district #1

NOW, THEREFORE, BE IT RESOLVED BY THE HAWAII KAI NEIGHBORHOOD BOARD NO. 1 THAT:

MARIAN GREY
Sub district #2

Vacant
Sub district #4

(1) THE BOARD FULLY SUPPORTS AND ENDORSES SUBSTANTIALLY INCREASED REGULATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT AS SET FORTH ABOVE; AND

HERB SCHREINER
Sub district #6

(2) THE BOARD URGES THAT ITS FEDERAL, STATE AND COUNTY ELECTED AND ADMINISTRATIVE GOVERNMENT OFFICIALS DEVOTE THEIR FULL EFFORTS TO SUCH SUBSTANTIALLY INCREASED REGULATION; AND

KIM HOLLANDSWORTH
Sub district #7

TEHANI MALTERRE
Sub district #9

BE IT FURTHER RESOLVED THAT THE FAA PROVIDE OPPORTUNITIES FOR PUBLIC MEETINGS AND COMMUNITY COMMENTS WHEN UPDATING THE HELICOPTER MANAGEMENT PLAN; AND

PAIGE ALTONN
Sub district #11

**Hawaii Kai
Neighborhood Board #1**
c/o Neighborhood
Commission Office
925 Dillingham Blvd., #160
Honolulu, Hawaii 96817
Phone: (808) 768-3710
Fax: (808) 768-3711
www.honolulu.gov/nco

BE IT FURTHER RESOLVED THAT COPIES OF THIS RESOLUTION AS ADOPTED BE TRANSMITTED TO ALL MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION, AS WELL AS TO THE GOVERNOR OF HAWAII, THE MAYOR OF THE CITY AND COUNTY OF HONOLULU, AND THE STATE SENATORS AND REPRESENTATIVES AND CITY COUNCIL MEMBERS FOR THE DISTRICTS ALSO REPRESENTED BY THIS BOARD.

APPROVED JUNE 25, 2019 (AYES 12, NAYS 1, ABSTENTIONS 0)

Hawaii Kai Neighborhood
Board meets 7 p.m. the last
Tuesday of every month
except Dec. at Hahaione
Elementary School cafeteria.
The public is welcome to
attend.



KULI'OU'OU / KALANI IKI NEIGHBORHOOD BOARD NO. 2

c/o NEIGHBORHOOD COMMISSION OFFICE • HONOLULU HALE, ROOM 406 530 SOUTH KING STREET
HONOLULU, HAWAII 96813 TEL: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: www1.honolulu.gov/nco

WHEREAS, rampant tour helicopter activity with increasing safety risks and uncontrolled overflight intrusion has become unacceptable and intolerable for myriad citizens within the State of Hawai'i; and

WHEREAS, Island residents continue to register resounding concerns relating to the absence of effective flight rules and enforcement to regulate the increasing number of commercial tour helicopter flights; and

WHEREAS, escalating public concern centers on both safety and quality of life issues due to recent fatalities and continuing unsafe flight patterns, low altitudes and high noise levels of commercial and tour helicopters flying over Hawai'i's communities; and

WHEREAS, within the past eight (8) months there have been five (5) commercial and tour helicopter crashes and emergency landings in or near populated areas: specifically a Novictor R44 on October 22, 2018, at the Kaneohe Bay recreational sand bar; a Paradise Hughes 369E on February 21, 2019, in Waipio Valley; a Paradise Hughes 369E on April 16, 2019, in Sacred Falls State Park; a Novictor R44 on April 29, 2019, on a Kailua town street; and a Schuman Hughes 369D on May 21, 2019, in Diamond Head State Monument Crater Park; and

WHEREAS, rapidly increasing and widespread operation of tour helicopters and other small aircraft pose increased safety risks to communities on the ground and have increasingly disrupted neighborhoods and lives throughout O'ahu; and

WHEREAS, there is minimal and open-ended regulation of tour helicopter operations as well as small fixed-wing tour aircraft operations; and

WHEREAS, the claimed self-regulation by tour helicopter operators has been proven ineffective and cannot be expected to improve, and the present sequestered updating of the inadequate 2008 "Hawai'i Air Tour Common Procedures Manual" solely between tour helicopter operators and Hawai'i Federal Aviation Administration officials is insufficient; and

WHEREAS, substantially increased government regulation of all aspects of commercial and tour helicopter operations is now necessary to address rapidly increasing safety risks in the air as well as on the ground; and

WHEREAS, substantially increased government regulation of all aspects of commercial and tour helicopter operations is now necessary to address rapidly increasing mass public and community disruption; and

WHEREAS, such regulation must address at least the following:

- Applying the same safety restrictions as now govern other commercial air operations and extending the safety measures to conditions and people on the ground as well as in the air;
- Setting defined and enforced regulatory flight paths for tour helicopters and small fixed-wing aircraft with safety considerations first and foremost;
- Limiting, regulating and enforcing tour helicopter operations to a minimum distance of one (1) mile offshore from any Island community and any public landmark or monument;
- Limiting, regulating and enforcing tour helicopter operations to a minimum altitude and distance of 2,000 feet from any land mass, public park, or structure;
- Prohibiting tour helicopter operations over and around any designated Forest and Watershed Reserve and endangered species habitats;
- Prohibiting certified pilots from also functioning as distracted tour guides;
- Requiring current and updated noise suppression technology on all tour aircraft operating systems and parts, to be factory-installed or otherwise installed after-the-fact by January 2020 on all such aircraft at the operators expense; and
- Providing a regulatory limit of maximum flights per day for all tour aircraft in accordance with the above restrictions and regulations; and

WHEREAS, commercial and tour helicopter impacts on Hawai'i's communities, ranging from low altitudes and high noise levels to unsafe flight patterns and fatalities, continue to cause significant public concern and distress; now therefore,

BE IT RESOLVED that the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2 fully supports and endorses substantially increased regulation of tour helicopters and small aircraft as set forth above; and

BE IT FURTHER RESOLVED that the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2 urges its Federal, State and County elected and administrative government officials to devote their full efforts to such substantially increased regulation; and

BE IT FURTHER RESOLVED that the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2 emphasizes that the FAA Honolulu Air Traffic Control and Flight Standards District Office Managers, the Hawai'i Congressional Delegation, and the Hawai'i State Department of Transportation Airports Division must work together with the impacted communities of record to ensure immediate remedies and controls through stringent regulations and enforcement of tour helicopter and small fixed-wing charter aircraft operations; and

BE IT FURTHER RESOLVED that the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2 supports the Hawai'i State elected officials' written request dated April 30, 2019, that the FAA and State Department of Transportation Airports Division immediately ground tour and commercial helicopter operations in Hawai'i until a thorough and detailed investigation of the recent fatal crash in Kailua town can be completed with full public disclosure; and

BE IT FINALLY RESOLVED that copies of this Resolution as adopted shall be transmitted with proof of delivery date to the FAA Honolulu Air Traffic Control Manager and the FAA Honolulu Flight Standards District Office Managers; all members of Hawai'i's Congressional Delegation; and to the Governor of Hawai'i and the Hawai'i State Department of Transportation Airports Division Director; all Hawai'i State Senators and Representatives; the Mayor of the City and County of Honolulu, all Honolulu City Council members, and all District Neighborhood Boards on O'ahu.

Resolution Adopted by the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2 on November 7, 2019



WAI'ALAE-KĀHALA NEIGHBORHOOD BOARD NO. 3

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

**RESOLUTION REGARDING TOUR HELICOPTERS AND OTHER SMALL
AIRCRAFT SAFETY RISKS**

WHEREAS, RAPIDLY INCREASING AND WIDESPREAD OPERATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT POSE INCREASED SAFETY RISKS TO OUR COMMUNITIES AND HAVE INCREASINGLY DISRUPTED OUR NEIGHBORHOODS AND LIVES THROUGHOUT OAHU;

WHEREAS, THERE IS AN INADEQUATE REGULATION OF TOUR HELICOPTER AND OTHER SMALL AIRCRAFT OPERATIONS, AND SELF-REGULATION BY THE OPERATORS IS INEFFECTIVE AND CANNOT BE EXPECTED TO IMPROVE;

WHEREAS, SUBSTANTIALLY INCREASED GOVERNMENT REGULATION OF ALL ASPECTS OF TOUR OPERATIONS IS NECESSARY TO ADDRESS RAPIDLY INCREASING SAFETY RISKS AND DISRUPTION;

WHEREAS, SUCH REGULATION SHOULD ADDRESS AT LEAST THE FOLLOWING: APPLY THE SAME SAFETY RESTRICTIONS AS NOW GOVERN OTHER COMMERCIAL AIR OPERATIONS; PROHIBIT PILOTS FROM ALSO FUNCTIONING AS TOUR GUIDES; LIMIT OPERATIONS BY TIME, ROUTE, ALTITUDE, FREQUENCY AND DAY; REQUIRE NOISE SUPPRESSION TECHNOLOGY; AND PROVIDE MAXIMUM FLIGHTS PER DAY.

NOW, THEREFORE, BE IT RESOLVED BY THE WAIALAE-KAHALA NEIGHBORHOOD BOARD NO. 3 THAT:

- (1) THE BOARD FULLY SUPPORTS AND ENDORSES SUBSTANTIALLY INCREASED REGULATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT AS SET FORTH ABOVE; AND**
- (2) THE BOARD URGES THAT ITS FEDERAL, STATE AND COUNTY, ELECTED AND ADMINISTRATIVE GOVERNMENT OFFICIALS DEVOTE THEIR FULL EFFORTS TO SUCH SUBSTANTIALLY INCREASED REGULATION;**

BE IT FURTHER RESOLVED THAT COPIES OF THIS RESOLUTION AS ADOPTED BE TRANSMITTED TO ALL MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION, AS WELL AS TO THE GOVERNOR OF HAWAII, THE MAYOR OF THE CITY AND COUNTY OF HONOLULU, AND THE STATE SENATORS AND REPRESENTATIVES AND CITY COUNCIL MEMBERS FOR THE DISTRICTS ALSO REPRESENTED BY THIS BOARD.

ADOPTED BY THE WAIALAE KAHALA NEIGHBORHOOD BOARD NO. 3 AT ITS REGULAR MEETING OF THURSDAY, JUNE 20, 2019 BY A VOTE OF 7-0-0.



KAIMUKI NEIGHBORHOOD BOARD NO. 4

c/o NEIGHBORHOOD COMMISSION OFFICE•HONOLULU HALE, ROOM 406 530 SOUTH KING STREET
HONOLULU, HAWAII 96813 TEL: (808) 768-3710•FAX: (808) 768-3711•INTERNET: www1.honolulu.gov/nco

RESOLUTION

RELATING TO THE PUBLIC URGENCY OF STRINGENT REGULATIONS AND ENFORCEMENT OF TOUR AIRCRAFT OPERATORS IN THE STATE OF HAWAII

WHEREAS, rapidly increasing and widespread operation of tour helicopters and other small aircraft pose increased safety risks to our communities and have increasingly disrupted our neighborhoods and lives throughout O‘ahu;

WHEREAS, there is inadequate regulation of tour helicopter and other small aircraft operations, and self-regulation by the operators is ineffective and cannot be expected to improve;

WHEREAS, substantially increased government regulation of all aspects of tour operations is necessary to address rapidly increasing safety risks and disruption;

WHEREAS, such regulation should address at least the following: apply the same safety restrictions as now govern other commercial air operations; prohibit pilots from also functioning as tour guides; limit operations by time, route, altitude, frequency and day; require noise suppression technology; and provide maximum flights per day.

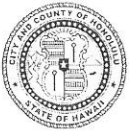
NOW, THEREFORE, be it resolved by the Kaimuki Neighborhood Board No. 4 that:

- (1) the board fully supports and endorses substantially increased regulation of tour helicopters and other small aircraft as set forth above; and
- (2) the board urges that its federal state and county, elected and administrative government officials devote their full efforts to such substantially increased regulation;

BE IT FURTHER RESOLVED that copies of this resolution as adopted be transmitted to all members of Hawai‘i’s congressional delegation, as well as to the governor of Hawai‘i, the mayor of the City and County of Honolulu, and the state senators and representatives and city council members for the districts also represented by this board.

This Resolution was passed by the Kaimuki Neighborhood Board No. 4 on this date June 19, 2019, by a vote of 9 Yes 0 No and 0 Abstain.

Sharon Schneider, Chair



DIAMOND HEAD/KAPAHULU/ST. LOUIS HEIGHTS NEIGHBORHOOD BOARD NO. 5

c/o NEIGHBORHOOD COMMISSION OFFICE•HONOLULU HALE, ROOM 406 530 SOUTH KING STREET
HONOLULU, HAWAII 96813 TEL: (808) 768-3710•FAX: (808) 768-3711•INTERNET: www1.honolulu.gov/nco

RESOLUTION

RELATING TO THE PUBLIC URGENCY OF STRINGENT REGULATION AND ENFORCEMENT OF TOUR AIRCRAFT OPERATIONS IN THE STATE OF HAWAII

WHEREAS, rampant tour helicopter activity with increasing safety risks and uncontrolled overflight intrusion has become unacceptable and intolerable for myriad citizens within the State of Hawai'i; and

WHEREAS, escalating public concern centers on both safety and quality of life issues due to recent fatalities and continuing unsafe flight patterns, low altitudes and high noise levels of tour helicopters flying over Hawai'i's communities; and

WHEREAS, within the past nine (9) months there have been five (5) commercial and tour helicopter crashes and emergency landings in or near populated areas, specifically:

- Novictor Robinson-44 on October 22, 2018, at the Kaneohe Bay recreational sand bar;
- Paradise Hughes-369E on February 21, 2019, in Waipio Valley;
- Paradise Hughes-369E on April 16, 2019, in Sacred Falls State Park;
- Novictor Robinson-44 on April 29, 2019, on a Kailua town street; and
- Schuman Hughes-369D on May 21, 2019, in Diamond Head State Monument Crater Park with 3,000 daily visitors; and

WHEREAS, rapidly increasing and widespread operation of tour helicopters and other small aircraft pose increased safety risks to communities and people on the ground and have increasingly disrupted neighborhoods and lives throughout O'ahu; and

WHEREAS, there is minimal and open-ended regulation of tour helicopter operations and small fixed-wing tour aircraft operations; and

WHEREAS, Island residents continue to register resounding concerns relating to the absence of effective regulations and enforcement now necessary to control tour helicopter flights; and

WHEREAS, the claimed self-regulation by tour helicopter operators has been proven ineffective and cannot be expected to improve, and the present sequestered updating of an inadequate "Hawai'i Air Tour Common Procedures Manual" solely between tour helicopter operators and without public review and due process is wholly insufficient; and

WHEREAS, in response to the Honolulu Star Advertiser's May 29, 2019, poll question "Should tighter rules be imposed on tour copters and charter aircraft?" eighty-four percent (84%) of the respondents confirmed, "Yes, improved safety rules needed;" and

WHEREAS, substantially increased government regulation of commercial and tour helicopter operations is now necessary to address the increasing safety risks on the ground as well as in the air, and the escalating mass disruption of the Island community; and

WHEREAS, such increased regulation must address at least the following:

- Applying the same safety regulations as now govern other commercial air operations, and extending safety measures to conditions and people on the ground as well as in the air;
- Setting clearly defined and strictly enforced regulatory flight paths for tour helicopters and small fixed-wing aircraft with safety considerations first and foremost;
- Regulating and enforcing tour helicopter operations to a minimum distance of one (1) mile offshore from any Island community, state or municipal park, forest and watershed reserve, natural habitat preserve, public landmark or monument;

- Regulating and enforcing tour helicopter operations to a minimum altitude of 2,000 feet above the closest land mass summit, Island community, public park, or building;
- Prohibiting certified pilots from simultaneously functioning as tour guides when flying helicopters and small fixed-wing aircraft;
- Requiring current and updated safety equipment and flotation devices in accordance with FAR 14 CFR Part 136 Appendix A to be installed on all tour helicopters by January 2020 at the operators expense; and
- Providing a regulatory limit of maximum flights and hours per week for all tour aircraft in accordance with the above restrictions and regulations; and

WHEREAS, commercial tour helicopter and small fixed-wing aircraft safety risks and noise impacts on Hawai'i's communities, ranging from unsafe flight patterns and fatalities to low altitudes and high noise levels, continue to cause significant public distress and concern; now therefore,

BE IT RESOLVED that the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board #5 strongly supports and endorses substantially increased regulation and effective enforcement of tour helicopters and small aircraft as set forth above; and

BE IT FURTHER RESOLVED that the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board urges the Federal Aviation Administration and Hawaii state and county elected and administrative government officials to devote full and timely efforts to such increased regulation and effective enforcement; and

BE IT FURTHER RESOLVED that the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board emphasizes that the FAA Honolulu Air Traffic Control and Flight Standards District Office Managers, the Hawai'i Congressional Delegation, and the Hawai'i State Department of Transportation Airports Division must work together with the impacted communities of record to ensure immediate remedies and controls through stringent regulations and enforcement of tour helicopter and small fixed-wing charter aircraft operations; and

BE IT FINALLY RESOLVED that copies of this Resolution as adopted shall be transmitted with proof of delivery date to the FAA Honolulu Air Traffic Control Manager and the FAA Honolulu Flight Standards District Office Managers; all members of Hawai'i's Congressional Delegation; and to the Governor and Lieutenant Governor of the State of Hawai'i, the Hawai'i State Department of Transportation Airports Division Director, all Hawai'i State Senators and Representatives, the Mayor of the City and County of Honolulu, all Honolulu City Council members, and all District Neighborhood Boards on O'ahu.

APPROVED and ADOPTED on AUGUST 8, 2019 by
Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board #5



WAIKIKI NEIGHBORHOOD BOARD NO. 9

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD. SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

WHEREAS, RAPIDLY INCREASING AND WIDESPREAD OPERATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT POSE INCREASED SAFETY RISKS TO OUR COMMUNITIES AND HAVE INCREASINGLY DISRUPTED OUR NEIGHBORHOODS AND LIVES THOROUGHOUT O'AHU;

WHEREAS, THERE IS INADEQUATE REGULATION OF TOUR HELICOPTER AND OTHER SMALL AIRCRAFT OPERATIONS, AND SELF-REGULATION BY THE OPERATORS IS INEFFECTIVE AND CANNOT BE EXPECTED TO IMPROVE;

WHEREAS, SUBSTANTIALLY INCREASED GOVERNMENT REGULATION OF ALL ASPECTS OF TOUR OPERATIONS IS NECESSARY TO ADDRESS RAPIDLY INCREASING SAFETY RISKS AND DISRUPTION;

WHEREAS, SUCH REGULATION SHOULD ADDRESS AT LEAST THE FOLLOWING: APPLY THE SAME SAFETY RESTRICTIONS AS NOW GOVERN OTHER COMMERCIAL AIR OPERATIONS; PROHIBIT PILOTS FROM ALSO FUNCTIONING AS TOUR GUIDES; LIMIT OPERATIONS BY TIME, ROUTE, ALTITUDE, FREQUENCY AND DAY; REQUIRE NOISE SUPPRESSION TECHNOLOGY; AND PROVIDE MAXIMUM FLIGHTS PER DAY.

NOW, THEREFORE, BE IT RESOLVED BY THE WAIKIKI NEIGHBORHOOD BOARD NO.9 THAT:

(1) THE BOARD FULLY SUPPORTS AND ENDORSES SUBSTANTIALLY INCREASED REGULATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT AS SET FORTH ABOVE; AND

(2) THE BOARD URGES THAT ITS FEDERAL STATE AND COUNTY, ELECTED AND ADMINISTRATIVE GOVERNMENT OFFICIALS DEVOTE THEIR FULL EFFORTS TO SUCH SUBSTANTIALLY INCREASED REGULATION;

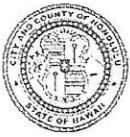
BE IT FURTHER RESOLVED THAT COPIES OF THIS RESOLUTION AS ADOPTED BE TRANSMITTED TO ALL MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION, AS WELL AS TO THE GOVERNOR OF HAWAII, THE MAYOR OF THE CITY AND COUNTY OF HONOLULU, AND THE STATE SENATORS AND REPRESENTATIVES AND CITY COUNCIL MEMBERS FOR THE DISTRICTS ALSO REPRESENTED BY THIS BOARD.

By vote In Favor 14 Opposed 0 Abstain 0

August 13, 2019

Robert J. Finley, Chair





ALA MOANA-KAKA'AKO NEIGHBORHOOD BOARD NO. 11

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

RESOLUTION REGARDING HELICOPTER NOISE AND SAFETY

WHEREAS, rapidly increasing and widespread operation of tour helicopters and other small aircraft create noise nuisance and pose safety risks to our communities; and

WHEREAS, these aircraft have increasingly disrupted our neighborhoods and lives throughout Oahu; and

WHEREAS, these aircraft often fly over public areas that are inappropriate for such activity such as national parks, military installations, and memorials; and

WHEREAS, increased regulations to address noise and safety concerns associated with the operation of tour helicopters and other small aircraft over residential and urban areas could include, among others:

- application of the same safety restrictions that now govern other commercial air operations;
- prohibiting pilots from also functioning as tour guides;
- limiting operations by time, route, altitude, frequency, and day;
- requiring the use of noise suppression technology;
- capping the total aggregate number of tour flights per day; and

WHEREAS, the Ala Moana-Kaka'ako Neighborhood Board No. 11 ("the Board") believes the State may be able to further regulate tour helicopters and small aircraft through the control of airport privileges and/or State business licenses;

WHEREAS, the Honolulu City Council adopted Resolution 19-188, CD1, which urged the Federal Aviation Administration and other state and local officials to address noise and safety concerns with low-flying tour helicopters and other small commercial aircraft over residential areas on Oahu; and

WHEREAS, the United States House of Representatives will be considering the "Safe and Quiet Skies Act," that will seek to impose stricter altitude, noise, and other restrictions on tour helicopters in order to address noise and safety concerns; and

BE IT RESOLVED that the Ala Moana-Kaka'ako Neighborhood Board No. 11 supports operational restrictions and increased regulation of tour helicopters and small aircraft in order to address noise and safety concerns, such as those addressed by Honolulu City Council Resolution 19-188, CD and the "Safe and Quiet Skies Act"; and

BE IT FURTHER RESOLVED that the Board also urges the State of Hawaii Department of Transportation to identify additional measures to further address noise and safety concerns associated with commercial helicopters and small aircraft; and

BE IT FINALLY RESOLVED that copies of this resolution are provided to the appropriate City, State, and Federal officials.

Adopted by Unanimous Consent of the Board on September 24, 2019



ĀLIAMANU/SALT LAKE/FOSTER VILLAGE NEIGHBORHOOD BOARD NO. 18
c/o NEIGHBORHOOD COMMISSION
925 DILLINGHAM BLVD, SUITE 160
HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711
INTERNET <http://www.honolulu.gov/nco>

CHACE SHIGEMASA, Chair
CHANDRA KANEMARU, Vice Chair
JOSEPH OMURA, Treasurer
ERIC CHING, Secretary
LARRY BAIRD
DENNIS EGGE
PATTI IGAWA
JANELLE PAPIN
LEN PEPPER

**URGING THE FEDERAL, STATE AND COUNTY ELECTED AND ADMINISTRATIVE
GOVERNMENT OFFICIALS DEVOTE THEIR FULL EFFORTS TO SUBSTANTIALLY
INCREASING REGULATION ON FIXED WINGED PLANES, ROTARY PLANES, AND
HELICOPTERS**

WHEREAS, rapidly increasing and widespread operation of fixed winged planes, rotary planes, and helicopters pose increased safety risks to our communities and have increasingly disrupted our neighborhoods and lives throughout O'ahu; and

WHEREAS, there is inadequate regulation of fixed winged planes, rotary planes, and helicopter operations, and self-regulation by the operators is ineffective and cannot be expected to improve; and

WHEREAS, substantially increased government regulation of all aspects of fixed winged planes, rotary planes, and helicopter operations is necessary to address rapidly increasing safety risks and disruption; and

WHEREAS, such regulation should address at least the following: apply the same safety restrictions as now govern other commercial air operations; prohibit pilots from also functioning as tour guides; limit operations by time, route, altitude, frequency and day; require noise suppression technology; and provide maximum flights per day; now, therefore,

BE IT RESOLVED by the Āliamanu-Salt Lake-Foster Village Neighborhood Board No. 18 of the City and County of Honolulu that:

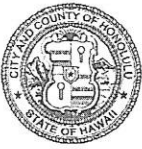
(1) the board fully supports and endorses substantially increased regulation of fixed winged planes, rotary planes, and helicopters set forth above; and

(2) the board urges that its federal state and county, elected and administrative government officials devote their full efforts to such substantially increased regulation; and

BE IT FURTHER RESOLVED that copies of this resolution as adopted be transmitted to all members of Hawaii's congressional delegation, as well as to the Governor of Hawai'i, Mayor of the City and County of Honolulu, State Senators, State Representatives and City Councilmembers for the districts also represented by this board.

Adopted by Neighborhood Board No. 18 at a Regular Meeting on June 13, 2019.

*Ayes: Baird, Egge, Igawa, Kanemaru, Omura, Pepper, Shigemasa; Nays: None; Abstain: Ching;
Absent: Janelle Papin*



PEARL CITY NEIGHBORHOOD BOARD NO. 21

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

Board Officers:

Chair:
Larry Veray.

Vice-Chair:
Mitsuko Hayakawa

Secretary:
Tad Tsuruma

Treasurer:
Patti Rabacal

Board Members:
Kelsey Poaha
Guy Inouye
Elaine Funokoshi
Tony Velasco
Kuni Agard
Charmaine Doran
Lorna May Pacheco

RESOLUTION REQUESTING THE FEDERAL AVIATION ADMINISTRATION OF HONOLULU TO MODIFY AIR ROUTES AND EFFECTIVELY REGULATE AIR TOUR HELICOPTERS AND SMALL COMMERCIAL AIRCRAFT OPERATIONS OVER THE PEARL CITY AREA MITIGATING PUBLIC SAFETY RISKS AND EXCESSIVE NOISE FOR OUR COMMUNITY

WHEREAS, tour helicopters and other small aircraft have dramatically increased flights over Pearl City in the past few years and these aircraft flight paths pose a severe safety risk to residential homes, schools and businesses in our area, and

WHEREAS, the Pearl City Neighborhood Board No. 21 has received a number of complaints from our residents reporting loud helicopter and small commercial aircraft noise. Recently it has been noticed that the 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, and

WHEREAS, Kailua experienced a tour helicopter aircraft midair engine failure crashing down on a neighborhood residential roadway killing three passengers and pilot on April 29, 2019 and only two months later Wailua community experienced a skydiving aircraft crash just off the runway killing 11 people on June 21, 2019, and

WHEREAS, with the aforementioned type of aircraft accidents and collisions could produce falling debris, burning aircraft parts and fuel that could fall into our neighborhood yards, streets and homes, school yards, parks and most importantly these accidents could cost loss of life and property, and


WHEREAS, noise and ever-changing flight paths from low altitude flying tour helicopters has been the major community concern reaching unacceptable noise levels in recent years flying over the Arizona Memorial and taking the large circular flight path over Pearl City and Pearl Harbor, and

WHEREAS, the Federal Aviation Administration (FAA) is responsible for managing air space over Oahu and this resolution is a requirement for the FAA to improve stronger regulations and enforcement since the commercial helicopters and fixed wing aircraft are ineffective in regulating their own operations to improve public safety and mitigate noise, and

BE IT FURTHER RESOLVED, that the Pearl City Neighborhood Board No. 21 strongly urges that the Federal, State and City government officials to collaboratively work together and make recommendations to the FAA to improve regulations governing air tour helicopters and small aircraft, and

BE IT FINALLY RESOLVED, that copies of this resolution be sent to the Federal Aviation Administration, our Hawaii Congressional leadership, the Governor, Hawaii State Legislature, Mayor City County of Honolulu, City Council the legality and Neighborhood Board Chairs

Adopted and supported by Pearl City Neighborhood Board No. 21 at its regular meeting of September 24, 2019 by a vote of 10-0-0.


Larry S. Veray, Chair





WAIPAHU NEIGHBORHOOD BOARD NO. 22

c/o NEIGHBORHOOD COMMISSION OFFICE • HONOLULU HALE, ROOM 406 530 SOUTH KING STREET
HONOLULU, HAWAII 96813 TEL: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: www1.honolulu.gov/nco

RESOLUTION URGING THE GOVERNMENTS OF THE UNITED STATES, THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH AND ENFORCE MEASURES TO MORE ADEQUATELY AND EFFECTUALLY ENSURE THE SAFETY OF CITIZENS AND THE PEACE AND TRANQUILITY OF OUR COMMUNITIES BY MORE STRINGENTLY REGULATING COMMERCIAL HELICOPTER AND LIGHT AIRCRAFT OPERATIONS OVER THE TERRITORY AND WATERS OF THE STATE OF HAWAII

WHEREAS, over the past several years commercial tour helicopter and other small aircraft operations, particularly over densely populated residential areas, have grown exponentially, subjecting our residents and communities to increased risks to life and property, and disrupting communities throughout O'ahu; and

WHEREAS, air operations, especially at low altitudes under Visual Flight Rules, entail nearly constant annoying and unsettling noise which detracts from the ability of citizens to enjoy the peace and quiet of life in residential communities; and

WHEREAS, particularly in the case of operations conducted under Visual Flight Rules, aircraft operators often fail to abide by published altitude and other restrictions; and

WHEREAS, Central O'ahu, particularly the communities of Waipahu and Mililani, being located directly under primary Visual Flight Rule routes as well as the Terminal Control Area of Daniel K. Inouye International Airport and Wheeler Army Airfield, are subject to an inordinate level of commercial helicopter and light aircraft operations on a daily basis; and

WHEREAS, there is inadequate regulation of tour helicopter and other small aircraft operations throughout the State, and self-regulation by the operators is ineffective and unlikely to improve; and

WHEREAS, substantially increased government regulation of all aspects of commercial tour operations is necessary to address rapidly increasing safety risks and disruption; and

WHEREAS, such regulation should, as a minimum, impose the same safety restrictions that now apply to other commercial air operations; prohibit commercial pilots from also functioning as tour guides; limit commercial operations by time, route, altitude and day; require implementation of noise suppression technology and strict adherence to noise abatement procedures; and limit the number of flights per day; now, therefore

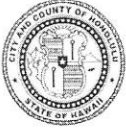
BE IT RESOLVED that Waipahu Neighborhood Board No. 22 fully supports and endorses substantially increased regulation of commercial helicopter and other small aircraft tour operations as set forth above; and

BE IT FURTHER RESOLVED that the Board urges our Federal, state and county elected and administrative officials to devote their full efforts to more effective regulation; and

BE IT FINALLY RESOLVED that copies of this Resolution be forwarded to all members of Hawaii's Congressional delegation; to the Governor of the State of Hawai'i; to all Hawai'i state Senators and Representatives; to the Mayor of the City and County of Honolulu; to all members of the Honolulu City Council and to the Chairs of all O'ahu neighborhood boards.

Unanimously adopted by Waipahu Neighborhood Board No.22 at its regular meeting on July 25th 2019.





EWA NEIGHBORHOOD BOARD NO. 23

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

**RESOLUTION REGARDING TOUR HELICOPTERS AND OTHER SMALL
AIRCRAFT SAFETY RISKS**

WHEREAS, RAPIDLY INCREASING AND WIDESPREAD OPERATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT POSE INCREASED SAFETY RISKS TO OUR COMMUNITIES AND HAVE INCREASINGLY DISRUPTED OUR NEIGHBORHOODS AND LIVES THROUGHOUT OAHU;

WHEREAS, THERE IS AN INADEQUATE REGULATION OF TOUR HELICOPTER AND OTHER SMALL AIRCRAFT OPERATIONS, AND SELF-REGULATION BY THE OPERATORS IS INEFFECTIVE AND CANNOT BE EXPECTED TO IMPROVE;

WHEREAS, SUBSTANTIALLY INCREASED GOVERNMENT REGULATION OF ALL ASPECTS OF TOUR OPERATIONS IS NECESSARY TO ADDRESS RAPIDLY INCREASING SAFETY RISKS AND DISRUPTION;

WHEREAS, SUCH REGULATION SHOULD ADDRESS AT LEAST THE FOLLOWING: APPLY THE SAME SAFETY RESTRICTIONS AS NOW GOVERN OTHER COMMERCIAL AIR OPERATIONS; PROHIBIT PILOTS FROM ALSO FUNCTIONING AS TOUR GUIDES; LIMIT OPERATIONS BY TIME, ROUTE, ALTITUDE, FREQUENCY AND DAY; REQUIRE NOISE SUPPRESSION TECHNOLOGY; AND PROVIDE MAXIMUM FLIGHTS PER DAY.

NOW, THEREFORE, BE IT RESOLVED BY THE EWA NEIGHBORHOOD BOARD NO. 23 THAT:

- (1) THE BOARD FULLY SUPPORTS AND ENDORSES SUBSTANTIALLY INCREASED REGULATION OF TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT AS SET FORTH ABOVE; AND**
- (2) THE BOARD URGES THAT ITS FEDERAL, STATE AND COUNTY, ELECTED AND ADMINISTRATIVE GOVERNMENT OFFICIALS DEVOTE THEIR FULL EFFORTS TO SUCH SUBSTANTIALLY INCREASED REGULATION;**

BE IT FURTHER RESOLVED THAT COPIES OF THIS RESOLUTION AS ADOPTED BE TRANSMITTED TO ALL MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION, AS WELL AS TO THE GOVERNOR OF HAWAII, THE MAYOR OF THE CITY AND COUNTY OF HONOLULU, AND THE STATE SENATORS AND REPRESENTATIVES AND CITY COUNCIL MEMBERS FOR THE DISTRICTS ALSO REPRESENTED BY THIS BOARD.

**ADOPTED BY THE EWA NEIGHBORHOOD BOARD NO. 23 AT ITS REGULAR MEETING OF
THURSDAY, SEPTEMBER 12, 2019 BY A VOTE OF 7-0-1.**



RESOLUTION
RELATING TO THE PUBLIC URGENCY OF STRINGENT REGULATION AND
ENFORCEMENT OF TOUR AIRCRAFT OPERATIONS
IN THE STATE OF HAWAII

WHEREAS, rampant tour helicopter activity with increasing safety risks and uncontrolled overflight intrusion has become unacceptable and intolerable for myriad citizens within the State of Hawai'i; and

WHEREAS, Island residents continue to register resounding concerns relating to the absence of effective flight rules and enforcement to regulate the increasing number of commercial tour helicopter flights; and

WHEREAS, escalating public concern centers on both safety and quality of life issues due to recent fatalities and continuing unsafe flight patterns, low altitudes and high noise levels of commercial and tour helicopters flying over Hawai'i's communities; and

WHEREAS, within the past eight (8) months there have been five (5) commercial and tour helicopter crashes and emergency landings in or near populated areas: specifically a Novictor R44 on October 22, 2018, at the Kaneohe Bay recreational sand bar; a Paradise Hughes 369E on February 21, 2019, in Waipio Valley; a Paradise Hughes 369E on April 16, 2019, in Sacred Falls State Park; a Novictor R44 on April 29, 2019, on a Kailua town street; and a Schuman Hughes 369D on May 21, 2019, in Diamond Head State Monument Crater Park; and

WHEREAS, more recently, a brazen and flagrant disregard for Federal Aviation Administration (FAA), Code of Federal Regulations (CFR) and standard safety of flight procedures occurred and was captured on video, as a passenger jumped from a hovering helicopter over the Kaneohe Bay sandbar without regard for people below and/or depth of water; and

WHEREAS, rapidly increasing and widespread operation of tour helicopters and other small aircraft pose increased safety risks to communities on the ground and have increasingly disrupted neighborhoods and lives throughout O'ahu; and

WHEREAS, there is minimal and open-ended regulation of tour helicopter operations as well as small fixed-wing tour aircraft operations; and

WHEREAS, the claimed self-regulation by tour helicopter operators has been proven ineffective and cannot be expected to improve, and the present sequestered updating of the inadequate 2008 "Hawai'i Air Tour Common Procedures Manual" solely between tour helicopter operators and Hawai'i Federal Aviation Administration officials is insufficient; and

WHEREAS, substantially increased government regulation of all aspects of commercial and tour helicopter operations is now necessary to address rapidly increasing safety risks in the air as well as on the ground; and



KANEOHE NEIGHBORHOOD BOARD NO. 30

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3705 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

WHEREAS, substantially increased government regulation of all aspects of commercial and tour helicopter operations is now necessary to address rapidly increasing mass public and community disruption; and

WHEREAS, such regulation must address at least the following:

- Applying the same safety restrictions as now govern other commercial air operations and extending the safety measures to conditions and people on the ground as well as in the air;
- Setting defined and enforced regulatory flight paths for tour helicopters and small fixed-wing aircraft with safety considerations first and foremost;
- Limiting, regulating and enforcing tour helicopter operations to a minimum distance of one (1) mile offshore from any Island community and any public landmark or monument;
- Limiting, regulating and enforcing tour helicopter operations to a minimum altitude and distance of 2,000 feet from any land mass, public park, or structure;
- Prohibiting tour helicopter operations over and around any designated Forest and Watershed Reserve and endangered species habitats;
- Prohibiting certified pilots from also functioning as distracted tour guides;
- Requiring current and updated noise suppression technology on all tour aircraft operating systems and parts, to be factory-installed or otherwise installed after-the-fact by January 2020 on all such aircraft at the operators expense; and
- Providing a regulatory limit of maximum flights per day for all tour aircraft in accordance with the above restrictions and regulations; and

WHEREAS, commercial and tour helicopter impacts on Hawai'i's communities, ranging from low altitudes and high noise levels to unsafe flight patterns and fatalities, continue to cause significant public concern and distress; now therefore,

BE IT RESOLVED that the Kaneohe Neighborhood Board No. 30 fully supports and endorses substantially increased regulation of tour helicopters and small aircraft as set forth above; and

BE IT FURTHER RESOLVED that the Kaneohe Neighborhood Board No. 30 urges its Federal, State and County elected and administrative government officials to devote their full efforts to such substantially increased regulation; and

BE IT FURTHER RESOLVED that the Kaneohe Neighborhood Board No. 30 emphasizes that the FAA Honolulu Air Traffic Control and Flight Standards District Office Managers, the Hawai'i Congressional Delegation, and the Hawai'i State Department of Transportation Airports Division must work together with the impacted communities of record to ensure immediate remedies and controls through stringent regulations and enforcement of tour helicopter and small fixed-wing charter aircraft operations; and

BE IT FURTHER RESOLVED that the Kaneohe Neighborhood Board No. 30 supports the Hawai'i State elected officials' written request dated April 30, 2019, that the FAA and State Department



KANEOHE NEIGHBORHOOD BOARD NO. 30

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3705 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

of Transportation Airports Division immediately ground Robinson 22 and Robinson 44 helicopter operations in Hawai'i until a thorough and detailed investigation of all Robinson mishaps can be completed with full public disclosure; and

BE IT FINALLY RESOLVED that copies of this Resolution as adopted shall be transmitted with proof of delivery date to the FAA Honolulu Air Traffic Control Manager and the FAA Honolulu Flight Standards District Office Managers; all members of Hawai'i's Congressional Delegation; and to the Governor of Hawai'i and the Hawai'i State Department of Transportation Airports Division Director; all Hawai'i State Senators and Representatives; the Mayor of the City and County of Honolulu, all Honolulu City Council members, and all District Neighborhood Boards on O'ahu.

Submitted by:

A handwritten signature in black ink, appearing to read "Mo Radke", is positioned below the "Submitted by:" text.

Mo Radke, Chair

Adopted by the Kaneohe Neighborhood Board No. 30 by VOICE VOTE at its Thursday, August 15, 2019 Regular Meeting, 12-0-0 (Aye: Burbage, Collins, Dawson, Ka'anana, Sevier, Namahoe, Burk, Peltier, Bryant, Cypher, Minn, Radke. Nay: None; Abstain: None.



KAILUA NEIGHBORHOOD BOARD NO. 31

WILLIAM M. HICKS, CHAIRMAN • 923 AKUMU STREET • KAILUA, HAWAII, 96734-4004
PHONE (808) 230-2293 • E-MAIL hicksw001@hawaii.rr.com

September 15, 2019

Mr. Steve Dickson, Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Ms. Nicole Vandelaar, Chairperson
Hawaii Helicopter Association
1099 Alakea Street, Suite 2530
Honolulu, Hawaii 96813

Subject: Tour Helicopter Flights over Kailua

Aloha Mr. Dickson and Ms. Vandelaar,

Kailua experienced a fatal helicopter crash on Oneawa Street on April 29th. This was the third helicopter crash in the Kailua-Kaneohe-Windward Oahu area in the 6 months between October 22, 2018 and April 29, 2019. Many members of our community expressed their safety concerns about commercial tour helicopters flying over Kailua. Residents are concerned about the public safety of our community on the ground, as well as the safety of passengers onboard the helicopters.

At our May 2, 2019 Kailua Neighborhood Board meeting the board unanimously passed the following motion:

The Kailua Neighborhood Board #31 supports our Elected Officials' written request dated April 30th that the FAA and State Department of Transportation Airports Division immediately ground tour and commercial helicopter operations in our State until an investigation can be completed. In addition, the Board requests that commercial tour helicopter flights over Kailua be stopped immediately.

Our board subsequently established a Low Flying Commercial Tour Helicopter Flights Over Kailua Subcommittee which held several meetings with concerned residents and helicopter tour representatives and produced the following motion which was passed at our September 5, 2019 meeting:

**RESOLUTION RELATING TO PUBLIC SAFETY AND URGENCY TO SUPPORT
STRINGENT REGULATION AND ENFORCEMENT OF TOUR AIRCRAFT OPERATIONS
OVER KAILUA (96734)**

WHEREAS:

1. Ever increasing and widespread operation of tour helicopters and other small aircraft pose an increased safety risk to our communities when operated over densely populated areas. This has caused increasing and realistic concern for public safety in the aftermath of several accidents in close succession - specifically three helicopter crashes in Windward Oahu within a six (6) month period; and

2. The National Transportation Safety Board (NTSB) has comprehensively recommended to the Federal Aviation Administration (FAA) and the Part 135 Air Tour Companies operating under Federal Aviation Regulations (FAR) Part 135 - Operators (which include most tour helicopter operations on Oahu) that they implement the same safety requirements (appropriately scaled to the size of the operations) that apply to commercial airlines; and
 3. A few tour operators operate at an even lower threshold of regulation as FAR Part 91 Commercial operators and are not subject to even the current safety requirements of Part 135 Operators; and
 4. FAR Part 136 A addresses Air Tour Operations in Hawaii; and
 5. Substantially increased regulation of tour operations for safety of people and property on the ground, as well as aircrew and passengers has been repeatedly called for over the past 10 years by the NTSB in the name of public safety; and
 6. The community recognizes the efforts of individual air tour operators and the Hawaii Helicopter Association to address citizen concerns around both safety and noise; and
 7. This community wants a level of safety that is called for by the NTSB's 2019-2020 "Top 10 Most Wanted List of Transportation Safety Improvements for Part 135 Operators" (<https://www.nts.gov/safety/mwl/Pages/default.aspx>) to include:
 - Implementation of a Safety Management System and Flight Data Monitoring, appropriately scaled to the size of the operation, to detect and correct unsafe deviations from company procedures before an accident occurs.
 - Implement standard procedures to eliminate unnecessary distractions in the cockpit for the pilot.
 - Implement increased standards in maintenance quality assurance and FAA oversight of operations as recommended to the Tour Operators Program of Safety; and
 8. The community believes that overflight of Kailua by tour operators on multiple flights a day when not subject to the safety regulations and procedures recommended as a top priority by the NTSB present an undue hazard to our citizens, our homes, and our island guests; and
 9. The noise from frequent helicopter over flights negatively impacts health and quality of life;
- NOW, THEREFORE, BE IT RESOLVED BY THE KAILUA NEIGHBORHOOD BOARD THAT:**
1. The Board fully supports and endorses substantially increased regulation of Air Tour Operators and other small aircraft as set forth by the NTSB's Top Ten Safety Recommendations pertinent to Air Tour Operations (<https://www.nts.gov/safety/mwl/Pages/default.aspx>); AND
 2. The Board urges that the FAA require all Air Tour Operators in Hawaii to meet FAR Part 135 certification standards as a minimum level of public and aircrew safety; AND that the FAA create regulations to address:
 - Setting clearly defined and strictly enforced regulatory flight paths for tour helicopters and small fixed-wing aircraft with safety considerations first and foremost;
 - Regulating and enforcing tour helicopter operations to a minimum altitude of 2000 feet above the closest land mass, island community, public park, or building as safety permits;
 - Regulating and enforcing tour helicopter operations to a minimum distance of one (1) mile off shore - as safety permits; AND
 3. The Board requests that the Hawaii Helicopter Association members and other tour operators immediately and voluntarily stop tour helicopter overflights of densely populated areas of Kailua (96734) as defined by boundaries as depicted on the FAA Visual Flight Rules (VFR) Sectional (yellow areas). Furthermore, the Board requests that overflights of less densely populated areas of Kailua (96734) (green areas) utilize

multiple different routes so that the frequency of overflights over any given location is substantially reduced. AND

4. The Board requests that the FAA formally eliminate helicopter tour overflights of Kailua altogether. AND

5. The Board requests that tour operators comply with all existing and pertinent regulations and that the FAA enforce all existing and pertinent regulations; AND

6. The Board urges that its federal, state and county elected and administrative government officials devote their full efforts to such substantially increased regulation in the interest of public safety: AND

BE IT FURTHER RESOLVED that copies of this resolution as adopted be transmitted to all members of Hawaii's Congressional delegation, as well as to the Governor of the State of Hawaii, the Mayor of the City and County of Honolulu, State Senators, State Representatives, and City Council Member representing Kailua (96734), the FAA Administrator, the FAA Associate Administrator for Aviation Safety, U.S. Senate Committee on Commerce, Science, and Transportation, and the Chairperson and ranking members of the U.S. House of Representatives on Transportation and Infrastructure.

We appreciate the rapid fashion in which the FAA promulgated Special Federal Aviation Regulation #71, which prohibits air tour airplanes and helicopters from flying below a minimum altitude of 1,500 feet in Hawaii, on September 26, 1994 following a series of 7 helicopter accidents in Hawaii in the first 9 months of 1994. We similarly request that the FAA take prompt action to adopt the National Transportation Safety Board's recommendations, require all Air Tour Operators in Hawaii to meet FAR Part 135 certification standards, and halt commercial tour helicopter flights over Kailua.

Additionally, we appreciate the cooperation of the Hawaii Helicopter Association in considering interim processes that would voluntarily stop tour helicopter overflights of densely populated areas of Kailua and modify the overflights of less densely populated areas of Kailua so that the frequency of overflights over any given location is substantially reduced.

Sincerely,



William M. Hicks, Chairman

Copy to:

Senator Mazie Hirono

Senator Brian Schatz

Representative Tulsi Gabbard

Representative Ed Case

Governor David Ige

Mayor Kirk Caldwell

Councilman Ikaika Anderson

Senator Laura Thielen

Senator Jarrett Keohokalole

Representative Cynthia Thielen

Representative Chris Lee

Representative Scott Matayoshi

Mr. Ali Bahrami, FAA Associate Administrator for Aviation Safety

Mr. Darett Kanayama, Frontline Manager, FAA Honolulu Flight Standards District Office

Senator Roger Wicker, U.S. Senate Committee on Commerce, Science, and Transportation

Senator Maria Cantwell, U.S. Senate Committee on Commerce, Science, and Transportation

Representative Peter DeFazio, U.S. House of Representatives on Transportation and
Infrastructure

Representative Sam Graves, U.S. House of Representatives on Transportation and
Infrastructure



WAIMĀNALO NEIGHBORHOOD BOARD NO. 32

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD, STE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

RESOLUTION REGARDING TOUR HELICOPTERS AND OTHER SMALL AIRCRAFT

WHEREAS, rapidly increasing and widespread operation of tour helicopters and other small aircraft pose increased safety risks to our communities and have increasingly disrupted our neighborhoods and lives throughout O'ahu, including but not limited to Waimānalo;

WHEREAS, there is inadequate regulation of tour helicopter and other small aircraft operations, and self-regulation by the respective operator(s) is ineffective and cannot be expected to improve;

WHEREAS, substantially increased government regulation of all aspects of tour operations is necessary to address rapidly increasing safety risks and disruption;

WHEREAS, such regulation should address at least the following: apply the same safety restrictions as now govern other commercial air operations; prohibit pilots from also functioning as tour guides; limit operations by time, route, altitude, frequency and day; require noise suppression technology; and provide maximum flights per day.

NOW, THEREFORE, BE IT RESOLVED by the Waimānalo Neighborhood Board No. 32 that:

1. The Board fully supports and endorses substantially increased regulation of tour helicopters and other small aircraft as set forth above; and
2. The Board urges that the federal, state and county, elected and administrative government officials devote their full efforts to such substantially increased regulation;

BE IT FINALLY RESOLVED that copies of this resolution as adopted, be transmitted to all members of Hawaii's Congressional delegation, as well as to the Governor of the State of Hawai'i, the Mayor of the City and County of Honolulu, the State Senators, the State Representatives, the City representatives, and the City Council members for the districts also represented by this Board.

The Waimānalo Neighborhood Board No. 32 adopted this resolution at its Monday, September 9, 2019 by UNANIMOUS CONSENT, 11-0-0.

Submitted by:

Kimeona Kane

Kimeona Kane, Chair



NANAKULI-MAILI NEIGHBORHOOD BOARD NO. 36

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Resolution Regarding Requesting Increased Regulations of Helicopters and Other Small Aircraft

Whereas, rapidly increasing and widespread operations of helicopters (both military and tour) and other small aircraft pose increased safety risks to our communities and have increasingly disrupted our neighborhoods and lives throughout Oahu; and

Whereas, there is inadequate regulation of helicopter and other small aircraft operations, and self-regulation by the operators is ineffective and cannot be expected to improve; and

Whereas, substantially increased government regulation of all aspects of tour operations is necessary to address rapidly increasing safety risks and disruptions; and

Whereas, such regulations should address at least the following: apply the same safety restrictions as now govern other commercial air operations; prohibit pilots from also functioning as tour guides; limit operations by time, route, altitude, frequency and day; require noise suppression technology; and provide maximum flights per day; now, therefore,

Be it resolved, by the Nanakuli-Maili Neighborhood Board No 36 that:

- (1) The Board fully supports and endorses substantially increased regulation of tour helicopters and other small aircraft as set forth above; and
- (2) The Board urges that its Federal, State and County, elected and administrative government officials devote their full efforts to such substantially increased regulation;

Be it further resolved that copies of this resolution, as adopted, be transmitted to all members of Hawaii's Congressional Delegation, as well as to the Governor of the State of Hawaii, the Mayor of the City and County of Honolulu, and the State Senator and Representatives and City County member for the Districts represented by this Board.