

Resolution

No. 22-71

URGING THE FEDERAL AVIATION ADMINISTRATION TO MORE EFFECTIVELY REGULATE HELICOPTER OPERATIONS IN MAUI COUNTY

WHEREAS, tour helicopters operating over Maui County pose severe safety risks to local communities and have increasingly disrupted the lives of residents in neighborhoods across the County; and

WHEREAS, excess aircraft noise can lead to increased stress levels, disrupted sleep, and community annoyance; and

WHEREAS, noise from helicopters is a countywide issue, with noise complaints coming from West Maui to East Molokai and Pā'ia to 'Ulupalakua; and

WHEREAS, residents have reported low-flying helicopters over agricultural land, which scares herds onto homestead lands; and

WHEREAS, the federal government has exclusive jurisdiction over all airspace in the United States, and Congress has placed exclusive authority for regulating such airspace with the Federal Aviation Administration ("FAA") (49 U.S.C. Section 40103);

WHEREAS, the FAA has the authority to prescribe regulations "on the flight of aircraft. . . for navigating, protecting, and identifying aircraft" and "protecting individuals and property on the ground" (49 U.S.C. Section 40103(b)(2)); and

WHEREAS, the FAA has established specific procedural, operational, and equipment safety requirements for air tour helicopter and fixed-wing aircraft operators in Hawai'i, as outlined in 14 C.F.R. Part 136, Appendix A; and

WHEREAS, 14 C.F.R. Part 135, Appendix A provides that air tour operators may not operate below an altitude of 1,500 feet above ground level but also allows tour operations to deviate from this standard and fly below the minimum altitude requirement when operating in compliance with an air traffic control clearance or as otherwise authorized by the Federal Aviation Administrator; and

WHEREAS, the FAA has jurisdiction over all U.S. airspace, and only the Federal government can control the noise generated by the helicopter tour industry; and

WHEREAS, the Council has long been concerned about helicopter noise, as seen, for example, by Resolution 98-13, entitled "SUPPORTING THE AVIATION RULE-MAKING ADVISORY COMMITTEE'S EFFORTS TO CONTROL HELICOPTER NOISE," adopted on February 6, 1998; and

WHEREAS, it is essential to achieve a balance between the interests of residents and those of the air tour helicopter and small commercial aircraft industry that respects the peace, safety, and serenity that all residents in Maui County should be able to enjoy; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the Federal Aviation Administration to more effectively regulate helicopter operation in Maui County; and
2. That certified copies of this Resolution be transmitted to Steve Dickson, Administrator, Federal Aviation Administration; Raquel Girvin, Regional Administrator, Federal Aviation Administration; the Honorable Brian E. Schatz, United States Senator; the Honorable Mazie Hirono, United States Senator; the Honorable Kaiali'i Kahele, United States Representative; the Honorable Ed Case, United States Representative; Jade T. Butay, Director, Hawai'i Department of Transportation; Ross Higashi, Deputy Director, State Department of Transportation; Marvin A. Moniz, Maui District Airports Manager, State Department of Transportation, Airports Division;; Cade Clark, Co-Chair, Hawai'i Air Tour Noise and Safety Task Force; Alex Tamoria, Co-Chair, Hawai'i Air Tour Noise and Safety Task Force; Casey Riemer, Hawai'i Helicopter Association; John Shea IV, Director of Government Affairs, Helicopter Association International; Melissa McCaffrey, Western Pacific Regional Manager, Aircraft Owners and Pilots Association; Christopher Young, Executive Director, Tour Operators Program of Safety; the Honorable Chris Lee, State Senator; the Honorable Henry Aquino, State Representative; and the Honorable Michael P. Victorino, Mayor, County of Maui.

INTRODUCED BY:

A handwritten signature in black ink, appearing to read 'Kupfer', written over a horizontal line.