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INDIGENOUS PEOPLES OF THE UNITED STATES

**Member Day Testimony of Representative Ed Case to the House Committee on
Transportation and Infrastructure**

Chairman DeFazio, Ranking Member Graves and members of the Transportation and Infrastructure Committee,

Thank you for allowing me to share my thoughts with the Committee on issues of importance to my constituents and Hawai'i.

While your committee focuses on the implementation of the 2018 Federal Aviation Administration (FAA) Reauthorization Act, I would like to advocate for the FAA to have the authority to regulate commercial tour helicopters for reasons other than safety only.

Communities throughout the nation, and particularly in my home state of Hawai'i, are dealing with the intrusion from noise and visual impacts, as well as safety risks and other negative consequences of excessive helicopter and small aircraft commercial tour operations. Around Hawai'i national parks alone, 16,520 commercial air tours were reported over the Hawai'i Volcanoes National Park and 4,839 were reported over the Haleakalā National Park in 2017. That averages out to dozens of flights a day flying directly over communities in Hawai'i.

Tragically, on Monday, April 29, 2019, a tour helicopter crashed onto a residential street in Kailua, O'ahu. The pilot and two passengers were killed and we were very lucky that no one else was hurt as it crashed in the middle of a densely populated suburban area. This was the second time in six months that the same company had a tour helicopter crash land on O'ahu. It is time we reevaluate the FAA's role in regulating this industry.

These tours impact our national, state and county parks and natural resources; cemeteries and memorial sites; military installations; harbors and other government infrastructure; visitor industry locations; commercial and industrial areas; nearshore waters and recreational areas; and throughout our residential neighborhoods.

As I understand from discussions with the FAA and my own review of existing laws and regulations, these air tour operations are virtually unregulated at the federal level. The FAA does not consider noise emission, time and place of operation, and altitude. The only real federal interest or authority at present is strictly operational safety and national airspace efficiency. With the recent crash and deaths in Hawai'i, we must look into the way safety is being regulated. And as the federal government largely claims exclusive jurisdiction over

airspace, state and local governments are not authorized to legislate or regulate any mitigating restrictions.

This current situation is not acceptable. Commercial air tour operators are not or should not be entitled to exact widespread and virtually unlimited disruption and risk as a result of their operations. There has been no material effort by operators to mitigate disruption and risk on a voluntary basis, and none can be reasonably expected. My commitment is therefore to pursue legislative and/or regulatory solutions, and I would appreciate you working with me and others in doing so.

Additionally, I would like to ask the committee to work with me and other interested members to request the FAA and the National Park Service to take the necessary steps to implement the decades-old National Parks Air Tour Management Act and promulgate air tour management plans for our national parks. As a member of the Natural Resources Committee, I have asked the National Park Service to commit to getting these done and would like to work with you on bringing the FAA to the table as well.

Finally, I want to briefly highlight and ask for your continued support for federal mass transit assistance generally and to Hawai'i specifically for environment and traffic concerns. In 2018, Honolulu area drivers spent about 92 hours per year in traffic congestion, among the very worst in our country. There is a direct negative effect along a whole range of metrics, from economy to efficiency to health, family and quality of life. Additionally, the impact on all those drivers sitting in traffic producing carbon emissions could be lessened if we have more effective mass transit options in Honolulu and around the country. As Honolulu works to expand its mass transition alternatives, my state needs your continued support.

Thank you, please let me know if you have questions, and do not hesitate to contact me or my office to further discuss these topics.