

Member Day Testimony to the Transportation & Infrastructure Committee
April 18, 2023

Chair Graves, Ranking Member Larsen and Members of the Committee:

Aloha and mahalo for the opportunity to update the Committee on key transportation and infrastructure issues and needs for both our nation and my home state of Hawai‘i. I want to highlight three priorities today for your consideration and assistance with incorporating into the Federal Aviation Administration (FAA) Reauthorization Act of 2023: (1) modernizing FAA infrastructure; (2) supporting the aviation workforce; and (3) addressing the inadequate safety and community disruption regulation of commercial helicopter and small aircraft operations.

As an island state located fully 2,500 miles off the coast of California, Hawai‘i is uniquely challenged by its geographic isolation which makes our state heavily reliant on air transportation. Current FAA infrastructure is insufficient to handle our nation’s aviation needs, and this compounds for a fully reliant location such as Hawai‘i. For example, a 2021 Office of Inspector General report warned that the “FAA has struggled to integrate key NextGen technologies and capabilities due to extended program delays that have caused ripple effect delays” nationwide. This has impacted Hawai‘i in particular. Additionally, in Hawai‘i we are still working through our nearly \$3 billion investment to modernize the Daniel K. Inouye International Airport that causes regular delays and inconveniences for residents and tourist alike. To help prevent any further degradation to our air transportation system, I urge the Committee to continue to support investments in new technologies and infrastructure projects to meet this critical challenge.

In addition to investments in physical and software infrastructure, we also need to support the workforce that is responsible for executing them. Similar to far too many industries across our nation, the aviation workforce is in dire need of supplementation and other assistance. Efforts to recruit and retain a strong aviation workforce are pivotal to maintaining a safe and effective aviation industry. We need to expand programs like the Air Traffic Controller Workforce Plan and Aviation Workforce Development Grants that provide support to academia and the aviation

community to help prepare a more inclusive talent pool of pilots, aviation maintenance technicians, air traffic controllers and others.

Finally, I ask for the Committee's full support to address the threats caused by reckless commercial helicopter and small aircraft operations. In many parts of the country, but especially Hawai'i, these operations have accelerated rapidly in recent years with often deadly safety consequences following. Yet regulatory capacity and commitment by the FAA has not kept pace, with tragic and widespread consequences.

In particular, the FAA must be held accountable for not adopting nor implementing the safety recommendations made by the National Transportation Safety Board (NTSB). The NTSB, which reviews incidents but cannot regulate changes, has concluded that existing safety-related regulation of commercial tour helicopters and small aircraft skydiving operations is insufficient. The FAA's states that its primary if not exclusive mission is to maximize the safe and effective use of the nation's airspace, yet the FAA has demonstrated a blatant disregard for legitimate safety recommendations and failed to fully implement mechanisms to increase the safety of their operations, putting both consumers and employees at risk. I urge the Committee to include mandates which would require the FAA to implement safety recommendations as directed by the NTSB.

These operations have also disrupted whole communities with excessive noise and other impacts, destroyed the peace and sanctity of special places and weakened security and management of national security operations. The FAA states very plainly that its responsibility is strictly operational safety and national airspace efficiency and does not extend to ground disruption and other negative impacts, yet it will not concede to any other jurisdiction any ability to reasonably regulate for such disruption, creating a void in which the operators are virtually free to fly wherever, whenever and as often as they want. And they do, with little to no self-regulation.

Like many other highly-trafficked locations across the country, communities across Hawai'i have experienced a significant increase in noise effects of constant commercial aviation operations, especially helicopter and small aircraft operations. These include our precious national parks,

which are disturbed by thousands upon thousands of tour overflights a year. In their case, the National Parks Air Tour Management Act requires the FAA and the National Park Service to create Air Tour Management Plans (ATMPs) or achieve voluntary agreements for mitigating these disruptions. But such disruptions are equal if not greater to communities and other locations beyond national park boundaries. In some cases, the FAA and the operators have adopted Common Air Tours Procedures Manuals (CATPM), which have had some limited effect on mitigating such disruptions, but these are voluntary and in Hawai'i have been abandoned by the FAA and operators. The FAA appears to be unclear as to (1) whether its statutory and regulatory jurisdiction beyond national park boundaries encompasses a responsibility to mitigate noise and other community disruptions and (2) whether it has the authority to pursue ATMPs, CATPMs or other means toward time, place and manner restrictions, or to impose such restrictions absent such agreements. We must clarify that the FAA's responsibilities encompass such concerns.

I need and ask for this Committee's assistance in resolving this intolerable situation with commercial helicopter and small aircraft operations. I seek your support for H.R. 1071, my Safe and Quiet Skies Act, which would require the FAA to implement the NTSB's recommended enhanced safety regulations; prohibit flights over certain federal properties, to include military installations, national cemeteries and national parks; require standard equipment to monitor the location of flights; prevent pilots from also serving as tour guides; and limit decibel levels to those commonly applied to operations in residential areas.

Additionally, I seek your support for the Hawai'i Air Tour Management Plan Act and the Air Tour and Sport Parachuting Safety Improvement Act, which the Hawai'i Congressional delegation introduced last week in both the House and Senate. Our Hawai'i Air Tour Management Plan Act (H.R. 2585 in the House) would establish certain parts of Hawai'i as an air tour management zone, similar to what is established by law to protect our most vulnerable national parks. Our Air Tour and Sport Parachuting Safety Improvement Act (H.R. 2626 in the House) would reform FAA safety requirements for commercial air tour operators. Under the bill, ground disruptions must be accounted for and addressed by the FAA as it is a considerable

impact of its operating apparatus. Combined, these bills are alternative means by which to achieve many of the underlying goals from the Safe and Quiet Skies Act.

In closing, I want to extend my warmest mahalo for your leadership in fixing our nation's transportation and infrastructure and for your consideration of Hawaii's critical needs, which are shared by other isolated and/or high usage jurisdictions.