

United States Senate
WASHINGTON, DC 20510-1104

May 7, 2019

Mr. Dan Elwell
Acting Administrator
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Avenue, S.W.
Washington, D.C. 20591

Dear Administrator Elwell,

On April 29, 2019, an air tour helicopter operated by Novictor Helicopters crashed and burned in a residential area of Kailua, Oahu resulting in three fatalities – the pilot and the helicopter's two passengers. I appreciate the efforts the Federal Aviation Administration to supplement the work of the National Transportation Safety Board (NTSB), which is leading the accident investigation.

The issues of noise, frequency, and safety associated with air tour operations in the state of Hawaii have been ongoing for decades. On March 20 and 30, 2017 in Honolulu and Hilo, respectively, the Federal Aviation Administration (FAA) and the National Park Service convened public listening sessions "to better identify specific concerns with helicopter operations within and outside of national parks." The community – and particularly residents on Hawaii Island – were looking for relief to noise issues associated with air tour operator overflights over residential areas. Acting Deputy Administrator Carl Burleson, who at the time was the Deputy Assistant Administrator for Policy, International Affairs, and Environment, participated.

We were hopeful that with FAA's involvement, we could learn how other communities across the country have dealt with this issue. We even proposed options that included the New York North Shore Helicopter Route and the Section 119D in P.L. 113-76, relating to helicopter operations in Los Angeles County. All levels of government, the air tour companies, and the community were interested in this engagement but rather than playing a lead role, the FAA said they could only offer technical support. This was quite disappointing. The helicopter accident last Monday reinforces the need to examine air tour operations in the state to ensure that aircraft operate in a safe manner.

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It is my understanding that the FAA Honolulu Flight Standards District Office has been working with air tour operators to update the Hawaii Air Tour Common Procedures Manual. The manual, last updated in 2008, outlines procedures that air tour operators must follow in the state. While this is a document about air tour operations, it does affect the entire community so I ask that there be a role for broad community engagement including input before the document is finalized. For example, does the manual factor in the operation of aircraft over populated areas and what is the impact on these areas when there is an accident or unintended landing?

On April 4 and April 30, Representative Ed Case sent letters to the Regional Administrator of the FAA's Western Pacific Region raising a number of concerns that I share, and I ask that you provide my office with information on additional steps that may be taken to protect the public from similar incidents in the future.

Although causation has yet to be determined in this instance, it is my understanding that the NTSB has previously issued a number of safety recommendations to the FAA regarding the Robinson R44 model of helicopter that was involved in the April 29 crash. The Los Angeles Times wrote a story on November 18, 2018, entitled "Danger Spins from the Sky," that specifically identifies safety issues with the R44 relating to mast bumping and non-fortification of fuel tanks. I ask that the FAA provide my office with information regarding the safety recommendations made to FAA by NTSB related to the R44 helicopter, and any actions taken by the FAA to respond to NTSB's safety recommendations.

Please also provide an accounting of all air tour accidents and unintended landings in Hawaii for the last five years, the findings, recommendations and requirements from each of these incidents, and whether the FAA followed up with the air tour companies in each instance.

I look forward to working with your agency as well as NTSB to ensure the implementation of any safety or regulatory recommendations that arise from this investigation.

Sincerely,



Mazie K. Hirono
United States Senator

cc: Representative Ed Case