

September 2, 2020

Congressman Ed Case  
Via Electronic Transmission c/o  
Ms. Jacqueline Conant

Re: Hawaii Air Tour Noise & Safety Task Force

Aloha Congressman Case:

On behalf of Blue Hawaiian Helicopters, it is a top priority for all of us to continue to engage in open, transparent dialog and to respond as completely as possible to community concerns. Thank you for bringing voice to them. The text in italics below is from your letter of August 14<sup>th</sup> to the Hawaii Air Tour Noise and Safety Task Force and is included for easy reference:

*(a) If the collective intent of the Task Force, members, other industry participants and government partners is to simply explain and continue the status quo prior to COVID-19 suspension, then these meetings will ultimately accomplish nothing other than the appearance of listening to safety and community disruption concerns. If there is a sincere recognition of these concerns and commitment to change assumptions and practices, then some productive discussions are possible.*

Blue Hawaiian's practice is to be at the leading edge of safety program implementation and community engagement.

*(b) The focus on two individual neighborhoods is very puzzling. Despite some industry members' ongoing efforts to isolate the issues to a few specific communities and seek to localize and marginalize them, community concerns are widespread. On O'ahu alone, this approach ignores all of Central and East Honolulu, all of Windward O'ahu other than Kailua (which the industry has largely chosen not to overfly since the tragic 2019 residential neighborhood crash, instead dramatically increasing overflights of Waimanalo, Maunawili and Kaneohe), all of the North Shore and Central O'ahu, and all of Leeward other than Pearl City. And, of course, this approach ignores all of the rest of the state which in some parts is even more seriously impacted than O'ahu. The Task Force should abandon a specific community-by-community approach and treat the issues as one large and integrated problem statewide.*

Blue Hawaiian will continue to engage with the community and take in input, with safety always top of mind.

*(c) I sincerely hope that all of the public is fully invited to all meetings, not just Kailua residents to the "Kailua meeting", etc. I also urge and expect that all efforts will be undertaking to inform concerned citizens of the meetings and opportunities for input. These should include any citizens who have submitted complaints or other concerns to any industry group or member or government entity, along with all elected officials and (on O'ahu) Neighborhood Board members.*

While this is up to the task force, Blue Hawaiian supports openness of all meetings.

2. *On my questions on full community engagement, the Task Force responded that it had "finalized a request for proposals for a consultant to manage a robust community engagement plan." Was the RFP issued, was a consultant selected or engaged, and what is otherwise the status of the community engagement consultant?*

We respectfully defer to the Task Force co-chairs on this question.

3. *On my requested current draft of the proposed updated Hawaii Air Tour Common Procedures Manual (HATCPM), the Task Force and HHA both stated that the FAA "is the custodian" and "retains control" of the document and inquiries should be directed there. I did make this specific request to the FAA earlier and the FAA, in its January 30, 2020 response which I attached to my February 12th letter, specifically stated that it does not have a copy and further that I should contact the HHA for the current draft. I specifically again request a copy of the most current draft of the replacement HATCPM to include the specifics of route, altitude and other conditions of actual operations guidance.*

It is our understanding that the FAA is reviewing the current HATCPM.

4. *On my request for "specific detailed altitude restrictions throughout the state as recognized by the industry", the Task Force responded that it was "requesting that the FAA provide an overview of all the altitude limits". First, has the FAA provided such information and if so I again request that information. But aside from what FAA has or hasn't provided, my question was what specific altitude restrictions the industry recognizes. That is a question for the industry, and I request an answer from the industry based on whatever requirements, understandings or agreements it relies on. I also specifically asked for specific confirmation from the industry on whether it recognizes altitude restrictions, in particular the general 1,500 foot minimum over actual ground, "as applying when flying over the ocean wherever it occurs (to include bays or any other marine areas)". I again request a specific answer to that questions.*

The FAA allows for weather and air traffic deviation, just like airlines altitudes. FAR Part 136 Appendix A (2007-present). Appendix A states that " no person may conduct an air tour in Hawaii: Below an altitude of 1,500 feet above the surface over all areas of the State of Hawaii, and, closer than 1,500 feet to any person or property; or, below any altitude prescribed by federal statute or regulation." The last statement "below any altitude prescribed by federal statute or regulation," is where the Hawaii Air Tours Common Procedures Manual (HATCPM) comes into play. Deviation from the 1500ft AGL requirement is authorized by FAA Operations specification B048 and is dictated by the procedures outlined in the HATCPM.

5. *On my request for specific clarification on the required installation and use of ADS-B Out equipment, I received back conflicting information. Again, is ADS-B Out equipment required on all tour helicopter and small aircraft flights throughout the state? If not, why not? If not, have industry members to which the requirement doesn't apply nonetheless agreed to install and operate voluntarily? I also have personally observed HHA member flights on O'ahu in recent months which are not broadcasting an ADS-B Out signal. Is there an exemption under which they are operating?*

Blue Hawaiian has installed ADS-B In and Out on all aircraft regardless of the island flown and feels the industry should do the same.

6. *On my request for "specific areas of the state that the industry currently recognizes as unauthorized overfly locations, whether by specific federal prohibition, or agreement with other parties, or otherwise", I received back only general references to FAA regulations, the 2008 HATCPM and other sources, not a specific description or map of where the industry specifically can and cannot apply. I specifically ask for such a description or map. As a follow-up and related question, how specifically do industry pilots know where they can or cannot fly? What are the specific sources of that information?*

The HATCPM puts safety first, allowing different altitudes for different weather patterns and air traffic.

Blue Hawaiian covers noise sensitive areas in pilot training and safety meetings to ensure that all pilots are knowledgeable and operating in accordance with the FAA fly neighborly program.

7. *On my request for "any specific restrictions recognized by the industry as to time, route or volume of operations", to include "where, when and how much it can operate", Blue Hawaiian generally cited the HATCPM, regulations laws, commercial factors and common sense in describing what appears to be a largely voluntary restriction regime, while HHA cited only FAA regulations applicable to the National Airspace System and directed me to the FAA for response. From these responses I conclude that there are no specific restrictions recognized by the industry as to time, route or volume of operations with the sole exception of FAA requirements which do not restrict time or volume and only minimally restrict route. Is this correct?*

The FAA limits commercial flight time to 8 hours per day. Tour operations that employ the altitude deviations in FAA Operations Specification B048 are only allowed to do so between sunrise and sunset. However, tours can be flown in darkness but the operator has to stay above 1500ft AGL unless otherwise instructed by ATC or for an emergency.

Route restrictions are dangerous as this will limit the options for pilots in relation to weather and traffic. Volume is restricted only by allowable flight hours and time of day.

8. *On my related request for "all internal industry understandings and agreements as to time, route and volume of operations", I did not receive any responses other than the general reply of Blue Hawaiian described in 7. above. Is it correct that there are none with the exception of the HATCPM? I note that the current HATCPM lays out specific routes to be followed, many directly over residential neighborhoods (on O'ahu, the circle-O'ahu route around the Ko'olau). What specific public input was requested and obtained in the preparation of that HATCPM, which in implementation has caused serious safety and community disruption concerns? Was an environment assessment or environmental impact statement prepared in advance given the severe impacts on our environment?*

The HATCPM does not give specific routes as this would limit pilot options in relation to weather and traffic.

9. *On my request for the industry's specific procedures for "receiving and evaluating community complaints and acting upon them", my conclusion from the responses is that, with the possible exception of Plane Noise, there is no central industry complaint receipt/action function and that complaints are largely handled ad hoc by individual industry members. Is that correct? I acknowledge HHA's response on PlaneNoise but reply that it has been largely regarded by many in the community as unresponsive to complaints and further that the industry has not modified its practices as a result. Can you cite specific examples where practices were altered as a result of complaints to PlaneNoise?*

Blue Hawaiian does and will continue to engage individually with community members who have a complaint. We have had many successful interactions with the public. This is because we actually listen, care and try to accommodate without compromising pilot options and safe procedures.

10. *On my request for specific changes that the industry overall is making or is preparing to make in response to the fatal Kailua and Kaua'i crashes or otherwise to "widespread community concern over tour helicopter/small aircraft safety and community disruption": (a) HHA responded that it and its members are "awaiting the NTSB reports" on the crashes; (b) TOPS responded that it did not have specific information on changes resulting from the Kailua and Kaua'i crashes but was pursuing general safety improvements with its members; and (c) Blue Hawaiian cited its TOPS implementation and other general safety-related improvements. The increased safety focus by some responders is very much welcomed but it is of concern that HHA is awaiting the NTSB reports which will likely take some time yet. In addition to any further information on safety-related changes, I ask for a response to my question on what if any changes are being adopted or contemplated to address community disruption concerns.*

Agreed, waiting for the NTSB report is concerning especially since the NTSB has already recommended companies implement the equipment, procedures and programs that could help to prevent these types of accidents.

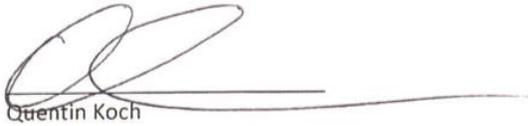
**Already implemented at Blue Hawaiian:**

- All aircraft are IFR equipped
- All pilots are IFR rated, 2500 hours of Pilot in Command time required
- All Aircraft equipped with ADS-B In and Out Systems
- All Aircraft have HTAWS (Helicopter Terrain Avoidance Warning System)
- All Aircraft equipped with floats
- All Aircraft equipped with Helisafe for flight data monitoring program
- Pilot and Mechanic fatigue management programs
- Daily Flight Risk Assessment completed by all pilots
- Pilot Video Review Program
- Implemented a Safety Management System (SMS) - FAA and IS-BAO
- Implemented an Aviation Safety Action Program (ASAP) in cooperation with the FAA
- Member of the Tour Operators Program of Safety (TOPS)
- Member of Helicopter Association International (HAI)

Page Five

We sincerely wish to work collaboratively with the community, regulators, government officials, including you and welcome the opportunity to discuss these concerns in person and in more detail.

Mahalo,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal tail extending to the right. The signature is positioned above the printed name "Quentin Koch".

Quentin Koch

President  
Blue Hawaiian Helicopters