HR 85
RELATING TO HELICOPTER FLIGHT REGULATION

Statement for
House Committee on
Transportation
Public Hearing - March 6, 1986

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HR 85 is a resolution requesting federal enactment of legislation requiring that, as regulated by the Federal Aviation Administration, helicopter operations be consistent with the intentions of the Wilderness Act of 1964. This statement on the bill does not reflect an institutional position of the University of Hawaii.

As indicated by the "whereas" clauses of the resolution, the principal problem with which the resolution is intended to deal is the noise generated by low-flying helicopters in wilderness areas that are supposed to remain serene. Although the helicopters provide visitors with unique views of highly scenic areas, there is no doubt that the noise they make is a definite intrusion on the serenity of those areas that is highly objectionable to persons on the ground. There is evidence that such noise also interferes with the nesting of some birds. One of us has, for example, observed significant disturbance of nesting seabirds by small twin-engined fixed-wing aircraft flying between 1500 and 2000 feet above ground. We note, incidentally, that the FAA recommends that all aircraft remain 2000 feet or more above ground when flying over national parks, but that this recommendation is commonly disregarded.

The legislation whose enactment would be requested includes amendments of both the Federal Aviation Act and of the Wilderness Act. The request would be made to the Subcommittee on Aviation of the U.S. House of Representatives. The relationship of the legislation whose enactment is requested to the problem with which the resolution deals, is clear. The resolution would, however, request the Subcommittee itself to enact the legislation. It is our understanding that only the Congress can enact legislation and that a Subcommittee can only contribute to the enactment, for example by favorable recommendation. We suggest revision of the resolution to specify more accurately the action requested of the subcommittee.

We suggest that the effect of the resolution would be strengthened if it were recognized among the "whereas" clauses that the problem cannot be dealt with effectively by the State because the regulation of aircraft operations has been preempted by the Federal Government.

AN EQUAL OPPORTUNITY EMPLOYER