

As a professional helicopter and fixed wing pilot I have been very involved in the Hawaii air tour business as a tour pilot and safety consultant since 1980. I have examined the air tour industry, regulatory impact and safety issues for many years. Unfortunately, noise abatement was often mixed in with genuine safety initiatives. SFAR 71 is no different. I became concerned about the increased helicopter accident rate in Hawaii in the early 90's, peaking in 1994. As a dedicated CRM courseware developer for the airline industry, I developed a CRM program designed specifically for the air tour helicopter pilot. This program has been well received, yet the helicopter accident rate continues unabated. At the same time SFAR 71 was implemented and promoted as a means to improved safety, without success.

The altitude provisions of SFAR 71 have less to do with safety than noise abatement. Instead of increased safety, I have observed increased near mid air collisions, pilot stress and degraded judgement, management pressure, and regulator abuse. Numerous occasions while at the proper SFAR 71 altitude during an air tour, I observed fixed wing general aviation and air tour airplanes beneath my aircraft or on a collision course requiring immediate evasive action. Pilots attending my CRM courses all complain of reporting to work with stress if the weather is close to SFAR 71 limits. Many pilots have discontinued the practice of reporting position, altitude and direction of flight or report only SFAR legal details regardless of actual flight conditions. Finally, documented regulatory abuse includes use of lasers in the aircraft and pointed at the aircraft from the ground, contrary to FAA directives.

SFAR 71 has failed in most aspects, but most notably air safety. To now codify the flawed document instead of designing a national air tour policy as the agency has been promoting for years is unsound. SFAR is discriminatory to one locale and punitive to those operators unfortunate enough to live in Hawaii.

Several years ago, while flying for a helicopter air tour operator, I was asked to take a new flying job with a public use organization not bound to SFAR 71 limitations. In the new position I am required to conduct long line operations, fire fighting, mountain, jungle and ocean rescue. These tasks are safer in every aspect than an air tour under SFAR 71. I will never willingly go back to any job that requires the pilot to adhere to clearly unsafe practices like those in SFAR 71.