

This NPRM is based upon a rule that has been in effect in Hawaii for ten years. SFAR 71 was enacted under 'emergency conditions' which bypassed the normal rulemaking procedures. The Air Tour industry in Hawaii had no input into it. It was renewed three times and finally became permanent six months ago without ever having anymore input from aviation except the required 'Request for Comments' each time it was renewed. A recent study by Conklin Dedecker and the Helicopter Association International reviewed the NTSB database and compared the accident statistical data for the nine year period preceding SFAR 71 with the equivalent nine year period following implementation. From a statistical perspective what did this rule accomplish?

Although the numbers of accidents decreased the fatality rate increased. The primary reason that the number of accidents decreased is clearly due to use of more reliable turbine engines since implementation. Helicopter air tours comprise over 90% of the air tour industry in Hawaii. There were a total of 44 - 45 engine failures in helicopter air tours during the eighteen year study period. 35 of those air tour engine failures occurred during the nine years preceding the SFAR and only 9 since the SFAR has been in effect (possibly a tenth as this accident is still under investigation). In other words over 77% of those engine failures occurred in the equivalent time-frame before the SFAR and less than 23% of those have happened since. With over 77% of engine failures occurring during a time-frame when no altitude or stand-off restrictions existed the FAA argument would predict a very high fatality rate. Just the opposite is true. If lifevests had been worn by passengers during the pre-SFAR period only one person would have died as direct result of an engine failure. One person in over 720,000 hours of air tours. This makes it crystal clear that there is no statistical support for the FAA argument for the altitude and stand-off distances of SFAR 71.

The Hawaii Air Tour Community requests that the rest of our compatriots do not leave us hanging out to dry. We need reform of SFAR 71. A petition written and signed by virtually all of Hawaii's air tour pilots and operators was submitted to Docket No. FAA-2003-14830 (comment #2), which outlined appropriate parameters for helicopter air tours in Hawaii. Please join us in urging the FAA to reconsider this petition.