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FEDERAL AVIATION
ADMINISTRATION

Ms. Jane Garvey
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

RE: Docket Number FAA-2000-8274 - 137

Dear Ms. Garvey:

The National Football League ("NFL" or "League") would like to comment on the Notice of Proposed Rulemaking (NPRM) governing Temporary Flight Restrictions (TFR) (Docket No. FAA-2000-8274; Notice No. 00-13). The League strongly endorses the proposal. The public policy rationale for the proposed rule is self-evident: it is inherently dangerous for a large number of aircraft, many trailing large banners, to fly generally unrestricted over stadiums filled with tens of thousands of people.

The League commends the efforts of the Federal Aviation Administration to address the ever-increasing risks associated with the airspace over sporting events. The NFL would urge the FAA to go even further at the appropriate time and ensure a comprehensive and certain approach to these risks by listing NFL games as events that qualify for Temporary Flight Restrictions under the proposed rule.

The FAA is well aware of past incidents involving aircraft over major sporting events which could have easily led to a tragedy. According to NTSB records, a number of these incidents occurred over football stadiums during games, including NFL stadiums:

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1. 12/19/76 Baltimore, Maryland: Plane buzzed Memorial Stadium approximately fifteen minutes after the conclusion of an NFL game. The plane came in from open end of field at the press box level, could not pull up quick enough and hit upper deck about half way up. Pilot and policemen injured.
2. 9/4/83 Cincinnati, Ohio: Aircraft used to tow banners over stadium had just made 6 to 8 turns over the stadium during NFL game when it started back to the airport and lost power. Pilot released banner and ditched in a river. Minor injuries to pilot.
3. 1/28/95 Miami, Florida: The day before the Super Bowl, a helicopter lost engine power during a cruise flight about 800 feet over the stadium. Helicopter landed hard, damaging belly and transmission mounts.
4. 1/14/96 Pittsburgh Pennsylvania: Banner from aircraft on its way to Three Rivers Stadium during NFL game tore away and fell to the ground. Banner landed partially on a roof, power lines and street.
5. 11/21/98 Oakland, California: Passenger killed when aircraft lost power and crashed into high school cafeteria. Pilot stated that passenger had gotten into rear seat while in-flight to photograph the Coliseum during a major college football game. The last thing the pilot recalled was asking passenger if she could read the scoreboard.
6. 9/27/98 Philadelphia, Pennsylvania: Near mid-air collision between two banner aircraft flying over Veterans Stadium during NFL game. One forced to make an emergency landing.
7. 12/19/99 Baltimore, Maryland: Banner tow rope released during normal operations and landed in the parking lot of PSINet Stadium during NFL game, damaging an unoccupied car.

Additionally, we have identified several other stadium reports that illustrate the safety concerns involved in this rulemaking, although they do not involve stadiums used by the NFL.

The rule proposed by the FAA recognizes that sporting events are particularly in need of heightened scrutiny, in that the bigger the event, the more banner-towing planes crowd the surrounding airspace, increasing the chances of an accident and a potential catastrophe. Thus, the proposed rule lists specific examples of sporting events that might qualify for TFRs. The League would urge the FAA to expand this list to include the League's annual championship game and the acknowledged premier American sporting event - the Super Bowl - which is attended by 70,000 to 80,000 fans and televised internationally to over 800 million viewers. In addition, given that the League averaged 64,473 paid attendance for each of the 325 games

played during the 2000 season, all NFL games, including pre-season and regular season weekly games, the playoffs and the Pro Bowl, should qualify under the rule.

Section 91.137 (Temporary Flight Restrictions) correctly states (in pertinent part) that a Notice to Airman (NOTAM) should be issued in order to-

- (2) Prevent an unsafe congestion of sightseeing and other aircraft above an incident or event which may generate a high degree of public interest.

It is clear that each and every week during the National Football League season, these factors are present and the potential for an unsafe environment exists. The FAA should not wait until tragedy occurs before taking the obvious and appropriate steps to ensure the public's safety and adopt the proposed amendments to Section 91.137.

The FAA is clearly aware of the potential danger presented by heightened aviation activity over and around the Super Bowl stadium, as evidenced, for example, by the Air Traffic Control System Command Center's issuance of a Special Traffic Management Program (STMP) for the Tampa, Florida area during the week of Super Bowl XXXV in January, 2001. This STMP specifically addressed both airport management issues and banner tow/advertising operations. Such a program is invaluable to ensure the safety and security of the participants and spectators at any given football game. However, certainty and evenhandedness, as well as the need to ease administrative burdens for the League and local officials, require that a more definitive rule be in place when dealing with all aviation and event-related interests, rather than having to approach the FAA on a game-by-game basis. To that end, the League would encourage the FAA to consider adopting a comprehensive rule covering the Super Bowl and all other NFL games which would mirror the Temporary Flight Restrictions issued, for example, for the 2001 Tournament of Roses Parade, Football Game, and Aerial Demonstrations, which permitted flight activity for only those aircraft directly involved in related activities.

In sum, the League applauds the action of the FAA for proposing these rules and urges their adoption. We stand ready to assist the Administration in any manner we can, and we appreciate your consideration of these comments.

Respectfully submitted,

THE NATIONAL FOOTBALL LEAGUE

By its counsel



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