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December 11, 2000

FAA-00-8274-14

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, D.C. 20590-0001

Dear Sir or Madam,

I am writing in reference to **NPRM Docket # FAA 2000-8274**, concerning additions and amendments to TFR's over aerial demonstration and major sporting events. I am the Assistant Chief Pilot of Aviad Corporation, located in North Andover, Massachusetts. We are an international aerial advertising company specializing in banner towing and skywriting.

Upon review of aforementioned docket I am particularly troubled by proposed CFR 14 91.145 (a), (b), (e) and (g). Specifically those changes concerning flight restrictions over outdoor sporting events. As the change reads now, the rule would severely restrict the ability of Aviad and our aerial advertising colleagues around the country to reach our customer's audiences, potentially driving us out of business.

I believe as it reads CFR 14 91.145 (a) 1-3 concerning high speed, high performance aircraft and other aerial demonstration teams, is paramount in maintaining the safety of both the teams and the spectators. However, that is where my blessing ends. During the original drafting of CFR 14 91.137, formerly CFR 14 91.91, the preamble stated the intent of the rule was to "prevent hazardous congestion of **sightseeing aircraft** over the site of an aircraft or train accident, forest fire...". I can only assume that subsequent TFR's over major sporting events issued in accordance with FAA Order 7210.3R were based on this preamble deeming such airspace as hazardous due to the congestion of such sightseeing aircraft.

The original rule (CFR 91.137) contained no verbiage addressing aerial advertising (banners, blimps, etc.) However, since the original ruling in January 1975, there has been immeasurable growth in the aerial advertising industry. Corporations and individuals alike owe their livelihood to the freedom to advertise over major sporting events and open assemblies. We in the aerial advertising industry have been permanent fixtures at such events for years. Interesting enough, however, is that the FAA has failed to address the aerial advertiser in their review of this issue.

Further, the FAA seems to be willing to let history repeat itself by inviting the possibility that those who own or control such outdoor events could also control the air traffic above the events, thus, allowing owners to collect royalties for admittance to the airspace above such events.

While I can understand the effort to improve safety in some cases, I would like to point out that the safety of such spectators has not been compromised in the past. We in the aerial advertising industry have safety as our number one concern, and I believe the safety record of Aviad and our colleagues clearly speaks for itself.

Aerial advertising pilots are true aviation professionals willing to work with whatever demands and concerns are brought forth to us, be it weather, noise or operational issues. I truly hope the FAA will consider taking another look at this ruling and considering the issues that impact the aerial advertising industry. To do so would be a gesture of true professionalism and a step in the right direction for all parties involved.

Sincerely,



Eric J. Gancarz
Assistant Chief Pilot

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