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December 27, 2000

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

Ref: Docket No. FAA-2000-8274; Notice No. 00-13 -55

To whom it may concern:

In response to the above mentioned Notice of Proposed Rulemaking (NPRM) proposing to change the current Federal Aviation Regulation (FAR) governing temporary flight restrictions (TFR), I would respectfully request you reconsider this proposal. As a company who has manufactured banner towing equipment, since 1947, used by companies who fly over all types of outdoor events, I see some serious problems with the basic principle behind the NPRM, the proposed wording of the new regulation and the implications of the rule if implemented. I offer the following comments for your consideration.

Everyone applauds the efforts to increase safety. Reducing or eliminating aircraft accidents and insuring the safety of individuals is paramount.

It is my contention that temporary flight restrictions over major sporting events should not be included in the same regulation as aerial demonstrations. The dynamics of the two events are totally different; participating and non-participating aircraft flying at the two events are totally different; and combining the two events in the same rule makes the revised rule confusing and open for misinterpretation and abuse.

I do not question the valid argument made by the Department of Defense (DoD) and the International Council of Air Shows (ICAS) that a TFR is needed over their aerial demonstration teams' practice and flight zones, or any other air show where non-participating aircraft can create hazards. But no similar "valid" arguments have been made for major sporting events.

I believe the Federal Aviation Administration's (FAA) conclusion that the current wording of §91.137 is limited to disaster or hazard areas is unfounded. The rule states "hazard or condition" (i.e., major sporting event). And to say that the wording leads to misinterpretation of the intent of the rule is also unfounded. Changing the regulation to read as proposed can only lead to greater misinterpretation and questions of its intent. Will a TFR be issued for all major sporting events? What is the definition of "major?" Will banner operators be required to submit applications for waivers for every outdoor event? If the NPRM is used in the context of aerial demonstrations only, the new wording is satisfactory. But linking major sporting events in the same regulation will create an even greater degree of misunderstanding, confusion and misinterpretation.

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I would submit for your consideration that banner towing operations flying around sporting events are already regulated by §91.311 and the comprehensive list of special provisions that are made a part of the certificates of waiver these companies follow. Each waiver is closely followed, scrutinized and revised as needed by the individual FSDO to insure that the safety of people and property on the ground is preserved. The most scrutinized of these provisions is the one pertaining to §91.119 "Minimum safe altitudes" (i.e., (a) maintaining a safe altitude in the event of a power failure; and (b) 1,000 feet vertical and 2,000 feet horizontal clearance above the highest obstacle). This provision specifically manages banner tow traffic over all congested areas and, in effect, makes banner tow planes "participating" aircraft around major sporting events.

Finally, I would ask that you reconsider the determination that the new regulation would have no significant economic impact. The proposed TFR limit of 3 nautical miles and 2,500 feet above the surface over major sporting events would eliminate banner towing completely at these events. Simply circumnavigating the TFR is not an option for this advertising medium. My company's income would be reduced by sixty to seventy percent. The large number of operators who make their livelihoods towing over sporting events would be totally wiped out of business. Advertisers now using aerial advertising to reach their target markets would lose the benefit of this medium altogether - and the domino effect would continue, causing this NPRM to have a significant economic impact !

In conclusion, I support your efforts for greater control of non-participating aircraft traffic over air shows and disaster areas. However, I respectfully request that you re-examine this NPRM and separate "major sporting events" from aerial demonstrations, just as you have separated disaster/hazard areas into a class all their own. If written, "valid" arguments exist for establishing TFRs over specific major sporting events, let that ruling be handled in a regulation by itself and not one that appears to set a precedent for restricting airspace over all sporting events.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Walden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Will Walden
Secretary - Treasurer