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DEPT. OF TRANSPORTATION

September 28, 2001

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Document Management System
U.S. Department of Transportation
Room Plaza 41
400 Seventh Street, SW
Washington, DC 20590-000

Re: Docket # FAA-2000-8274 - 142

To Whom It May Concern:

I am the owner of a small aerial advertising company and I am writing to respond to the assertions made in a letter you have received from The Ohio State University. Many of the statements included in that letter are misleading. The misrepresentations-of-fact in that letter are unfortunate and I would like to take this opportunity to clarify some of the items mentioned.

It is true that The Ohio State University hosts no less than 6 football games each season. This is a long honored tradition that many advertisers enjoy supporting, some of which also rely upon that game-day audience for their support as well. That is where those of us in the aerial advertising business come in: to assist as a conduit between both parties.

Aerial advertisers, such as myself, have been enhancing this venue with useful advertising for many years. During these events we (the pilots) are in constant communication with each other and with the ATC. Our flight formations are tight, but certainly not dangerous. Safety is an issue we take very seriously, not just for ourselves, but for those spectators to whom we are trying to communicate.

I found the university's statement regarding the banners that we tow ("weigh approximately 400 lbs.") to be grossly exaggerated. The truth is, they weigh about 35 - 40 lbs. And for them to say that two helicopters "nearly crashed during a football game" and insinuate that this incident was related to banner towing advertisers is blatant sensationalism. If two helicopters nearly crashed then they had to be either Columbus Police or local news station helicopters because there are no banner towers in the Columbus area that use helicopters.

Another disturbing claim the University touts in its letter is that we banner towers "significantly increase dangers" due to already busy air traffic flying into/out of Port Columbus International Airport. If Port Columbus is using Runways 10R & 10L (which the stadium lies within the extended approach of) then we banner towers are not authorized to tow. Therefore, the argument that we pose an "increased" risk to commercial traffic going to Port Columbus because of the stadium's position in relation to these runways is invalid.

The commentary regarding the commercial airline flight traffic does lend to an interesting query. Is the university seeking to eliminate that traffic over the stadium on game days as well? My guess is, probably not (although one could argue that a commercial jet could pose a significant - arguably a more significant threat to their spectators than our small planes). Could the university's position on this be because those commercial airliners are not providing advertising that the university would like to monopolize? Is the university using this platform as an opportunity to further monopolize the advertising related to its sports activities?

I will admit I don't know the answers to those questions. However, as I have stated in previous correspondence regarding this issue, I am asking that this rule (the proposed rule to amend Title 14 of the Code of Federal Regulations (CFR) Part 91), and the implications it inherently creates, be studied further. This rule needs to be revised to equally protect those of us with vested interests outside of the sporting arenas as it does those who control the events themselves. I firmly believe this can be done fairly without jeopardizing the safety of anyone involved.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark A. Gerhart", with a long horizontal flourish extending to the right.

Mark A. Gerhart

CC: OHIO STATE