



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager *GD*

FROM: Richard Thompson, Director of Community Development *RT*

DATE: May 6, 2008

SUBJECT: Status Report Regarding Aircraft Towing Advertising Banners

RECOMMENDATION:

No action is required at this time, therefore staff recommends that the City Council Receive and File this report.

FISCAL IMPLICATION:

There are no fiscal impacts associated with this matter.

BACKGROUND:

Last summer the City received a number of complaints regarding aircraft towing advertising banners along our beach, particularly the ones that circled over the AVP Manhattan Beach Open event. The complaints expressed concern about noise, public safety and possible violations of the FAA regulations. In response to these concerns the City of Manhattan Beach and other coastal cities in the South Bay have met several times to address the negative impacts aerial advertising has on our communities.

DISCUSSION:

The City of Hermosa Beach hosted several meetings over the past few months which included representatives from the cities of Torrance, Palos Verdes Estates, Redondo Beach, Hermosa Beach, Manhattan Beach and El Segundo. The City Manager, City Attorney, and Director of Community Development from our City participated in these meetings. Representatives from the FAA and the aircraft companies licensed to operate in this area were also invited and participated in the discussions.

The officials explained the federal regulations and enforcement procedures. The basic rules require aircraft over land to maintain a minimum altitude of 1,000 feet and over water they must maintain a

minimum altitude of 500 feet. The attached letter requested the FAA to more actively enforce these regulations and specifically monitor aircraft activities during the large summer events, which they have agreed to do. The letter was written when the AVP event was scheduled in July, which has since been changed to September. Another letter will be sent clarifying when the events will be held.

One of the meetings included an aerial demonstration at the Hermosa Beach pier with an aircraft towing a banner at various attitudes. Based upon this demonstration most people felt that many of the aircraft last summer were below 500 feet, particularly when they circled over the AVP event.

To address the Cities concerns the aircraft operators developed a self-regulating system. After review and several revisions a document entitled Aerial Media Code of Conduct was finalized. This document contains operating rules that comply with the FAA regulations and was supported by everyone attending the meetings. The operators have signed the Code of Conduct and the FAA has agreed to work with cities to enforce the rules. According to the Code of Conduct, pilots will fly no lower than 1,200 feet above ground and no lower than 500 feet above the water. Pilots will not circle an area for more than 15 minutes without vacating the area for at least 10 minutes. Additionally one of the operators had multiple aircraft without mufflers. While they were not required by FAA this operator agreed to install mufflers on all of their aircraft, which should also help mitigate the noise.

The result of this cooperative effort should reduce the impacts associated with aircraft towing advertising banners. Staff will continue to monitor the situation and participate in future meetings as necessary.

- Attachments: A. Aerial Media Code of Conduct 2008
B. Letter to FAA dated December 20, 2007

AERIAL MEDIA CODE OF CONDUCT

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I. Preamble.

Subscription to this Aerial Media Code of Conduct is voluntary. By accepting the tenants of this Code of Conduct, complying companies assume obligations and responsibilities above and beyond the requirements of then-current applicable laws and regulations.

The Principles set forth in this Code of Conduct express the subscribing aerial media companies' recognition that they have professional and ethical obligations to their clients, to the communities within which they operate, and to the environment as a whole.

II. Responsibilities to Clients.

In soliciting and fulfilling aerial advertising for clients, subscribers shall be truthful and forthcoming as to their capabilities and adherence to these Principles, and shall be fair with respect to statements made concerning other, competing companies.

Honesty and fair dealing, both with respect to clients and to competitors, are values to whose adherence is necessary for long-term, sustainable prosperity. Ultimately the making of commitments that cannot or will not be fulfilled will be discovered. Also, the unwarranted disparagement of competitors, even if true, demeans the industry and is to be discouraged. This is not to prohibit truthful and dignified criticism of proposals, representations or capabilities of competitors if relevant to a particular matter; but gratuitous, undignified or false negative comment is antithetical to these principals. As the Roman statesman and orator Cicero observed more than two thousand years ago, "What is morally wrong can never be advantageous, even when it enables you to make some gain that you believe to be to your advantage. The mere act of believing that some wrongful course of action constitutes an advantage is pernicious."

III. Responsibilities to the Community.

Responsible aerial advertising recognizes that both customers and the industry are best served when companies have the respect of the communities within which they operate.

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It is axiomatic that all businesses have some adverse spillover effects on the communities within which they operate. Additionally, this Code recognizes that commercial speech such as aerial advertising needs to be conducted with an appreciation that it cannot be as unlimited in scope or content as non-commercial speech. Further, if aerial advertising is conducted in a manner that is consistently offensive to the community in which it is being conducted, its effectiveness to clients, and thus its desirability as an advertising medium, will be diminished. Accordingly, subscribers to this Code agree to adhere to principles that recognize legitimate community concerns, that will necessarily vary from location to location, including concerns as to content of the advertising and as to the manner in which it intrudes on the senses or safety of the public. As Emerson observed, "Each man takes care that his neighbor shall not cheat him. But a day comes when he begins to care that he does not cheat his neighbor. Then all goes well -- he has changed his market-cart into a chariot of the sun." In furtherance of that agreement, subscribers agree to conform to the following operational code conduct:

A. Community Content Sensitivity:

1. Subscribers will not accept for advertising messages that are obscene, or that promote hatred or violence of any kind based upon or towards race, sex, religion, national or ethnic origin, sexual preference or political view.
2. Subscribers will endeavour to be sensitive to the cultural make-up and mores of the communities within which they operate and over which they are flying so as to minimize the display of messages, products or services that subscribers reasonably believe to be highly offensive or objectionable to even a substantial minority of those likely to view such advertising.

B. Community Operational Sensitivity:

1. Subscribers will assure that they will operate their aircraft so that the lowest point of the aircraft shall at all times be (a) no lower than one thousand feet above land areas, and (b) no lower than five hundred feet (500') when flying over any body of water and (c) no nearer than five hundred feet (500') from any person or structure when flying over any body of water.
2. Subscribers will assure that they will operate their aircraft so that in circling any event over a land area whose populace has made it known to subscribers that they are sensitive to the impact of aerial advertising, they shall not circle the area for more 15 minutes without vacating that area for at least ten (10) minutes before returning. In addition, the number of planes circling such an event shall be limited to four (4) at

one time, and they shall fly at a minimum altitude of twelve hundred (1,200) feet.

3. Subscribers will assure that they shall operate their aircraft so that when traversing along a linear stretch such as a shoreline they shall not make more than four (4) roundtrip passes during such trip within a twenty (20) minute period.
4. Subscribers will assure that they shall operate their aircraft so as to use their best reasonable efforts, commensurate with technological improvements from time to time, to reduce the noise level of all aircraft. This shall include installing proven safe, and legally available sound reduction mufflers and propellers.
5. Subscribers will ensure that, as far as reasonably practicable, safe, and in compliance with Air Traffic Control instructions, flights shall avoid funerals, religious services and other similar events that might be adversely impacted by aircraft noise or advertising of which they have received prior, actual notice.

C. Adherence to Strict Safety Standards:

1. Subscribers will ensure that all pilots are trained in accordance with the FAA Advisory Circular on Banner towing and aerial advertising operations. All pilots will have a minimum of a "Limited Commercial License", even in those countries like Mexico and the United Kingdom where a private license may be sufficient to conduct banner operations under the guidelines contained in an individual aircraft Flight Manual Supplement.
2. Subscribers will ensure that all of their ground crew have been trained in proper, customary banner set up, pre-flight checks, banner retrieval, runway safety, and airport operations. As key participants in aerial advertising operations, their knowledge, training and skill level must be recognized as equally important as that of pilots to the safety of the operation and of the public.
3. Subscribers will ensure that support vehicles shall never be parked in the immediate vicinity of banner pick and drop zones and are never used as "locators" for banner pick up operations.
4. Subscribers will ensure that pilots and/or certified mechanics fully inspect all aircraft prior to flight and on a daily basis in accordance with all then-applicable Federal Aviation Administration rules, regulations and standards, with particular attention applied to the equipment installed specifically for aerial advertising operations. This shall include, but is not limited to, inspection and functional testing of the tow hitch and release system. All grapple hook systems and operations shall function such that a snag of the aircraft controls or rudder horn will

not inadvertently occur during deployment of the grapple hook, or at any time while in flight.

5. Subscribers will ensure that trained and qualified crew shall make a daily inspection of the condition of all tow-lines, grapple hooks, banners, lead poles and attaching hardware of aerial advertising equipment. Special attention shall be given to inspection for fraying and/or aging of tow ropes. In the case of polypropylene ropes, they shall be replaced annually, regardless of appearance. This is based on the invisible effects of the sun's rays on plastic materials, and the attendant difficulty in spotting materials weakened by sun exposure. Additionally, all steel "rings" used in banner harnesses, tow-lines and grapple hooks shall be of the welded type.
6. Subscribers will ensure that banners have been constructed of materials and by processes which meet the standards outlined in the international Joint Aviation Authority Airworthiness Approval Note No. 23519, issued by the UK Civil Aviation Authority and the standards outlined in the operator's Federal Aviation Administration Certificate of Waiver or Authorization. In no circumstances shall "Lead Poles" or Masts" be attached to the banner solely by tapes. All hardware must be of aviation quality and, as far as applicable and practicable, comply with FAA AC43.13.1A "Acceptable Methods and Techniques..."
7. Where required by foreign aviation authorities, Subscribers shall employ a safety parachute on grapple hook lines.
8. Subscribers will ensure that in addition to seat belts, all aircraft shall be equipped with shoulder harnesses for all occupants.
9. Subscribers will ensure that pilots wear an aviation safety/crash helmet when conducting aerial advertising operations.
10. Subscribers will ensure that pilot and crew employees/contractors shall be covered by workers' compensation insurance in accordance with all applicable state laws and regulations.

In addition to the foregoing, Subscribers will inform the Federal Aviation Administration of any repeated or material violations of federally mandated safety or operational laws or regulations by any operator and of which a subscriber shall have actual knowledge.

IV. Responsibilities to the Environment.

The aerial advertising industry has a responsibility to preserve and protect our fragile environment from degradation due to its operational activities.

Environmental concerns are rightfully now among the most serious threats facing our civilization. Responsible companies large and small, domestic and foreign, must consider seriously the deleterious effects that their operational activities have

upon the environment and take affirmative efforts to reduce, if not eliminate, such effects. Accordingly, subscribers agree to conform to the following operational code conduct:

1. Subscribers will institute all commercially reasonable "flight-safe" measures to reduce carbon emissions from aircraft.
2. Subscribers will participate in a recognized program of carbon credit purchase so as to become carbon neutral no later than January 1, 2010.
3. Subscribers will ensure that disposal of lubrication fluids, batteries, and other commercial waste associated with aircraft operations are conducted in a legal and environmentally sound manner.
4. Subscribers will ensure that disposal of aerial banners and associated equipment will be conducted in a legal and environmentally sound manner.
5. Subscribers will ensure that all fluids used in sky writing operations are environmentally safe, and are in full conformity with the European Approved Shell Ondina standard applicable to, and governing world competition aerobatic aircraft.

And for the support of this Code of Conduct, with a firm reliance on the protection its principles offer to our environment and our industry, we mutually pledge our adherence thereto:

AVIAD LLC

/s/ Wayne Mansfield
By: _____
Wayne, Mansfield, President

Aerial Skyvertising

/s/ Ron Mahan
By: _____
Ron Mahan, President

Pete Mason Banner Towing

/s/ Pete Mason
By: _____
Pete Mason, President

Aviad, West Africa

By: /s/ Abimbolo Ogunmowo
Abimbolo Ogunmowo, President

US Skyads

By: /s/ Paul Calabro
Paul Calabro, President

Aerial Advertising

By: /s/ Kieran O'Connor
Kieran O'Connor, President

Sky Signs and Banners

By: /s/ Ted Harmon
Ted Harmon, President

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By: /s/ < >
< >, President



City of Manhattan Beach

Management Services

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December 20, 2007

Mr. Gary M. Suozzi, Aviation Safety Inspector
Federal Aviation Administration
P.O. Box 92007
Los Angeles CA 90009-2007

Re: Aerial Advertising

Dear Mr. Suozzi:

As you know representatives from the City of Manhattan Beach and other coastal cities in the South Bay have met several times to address the negative impact aerial advertising has had on our communities. While we have concerns about the noise and safety of our residents we also believe many of these advertisers may be in violation of the FAA regulations.

We appreciate your participation at our last meeting in Hermosa Beach on December 13th, and your willingness to assist us in resolving noise and safety issues associated with this activity. At the time you indicated that it would be possible for FAA inspectors to monitor these activities and suggested that we supply you with possible dates for upcoming beach events which attract numerous aerial advertisers. Although thousands of people are attracted to our beaches each year the following events attract thousands daily:

- 1) July 4th weekend
- 2) AVP Manhattan Beach Open scheduled for the weekend of July 26, 2008
- 3) Six Man volleyball tournament held the first weekend in August annually

In 2007 the majority of complaints were received during the AVP Manhattan Beach Open where there were a number of aerial advertisers not only along our beach but circling directly over the event itself!

We are looking forward to having your inspectors visit our City during these key events to determine if FAA regulations are being violated, and take appropriate measures to ensure compliance.

Thanking you in advance for your assistance in addressing these issues and for volunteering to send FAA inspectors to our beaches during these three major events.

Please contact Richard Thompson at 310 802-5502 with any questions regarding this matter.

Sincerely,

Geoff Dolan
City Manager

cc: Robert Wadden, City Attorney
Mayor and City Council
Richard Thompson, Director of Community Development
Steve Burrell, City Manager of Hermosa Beach

City Hall Address: 1400 Highland Avenue, Manhattan Beach, CA 90266
Visit the City of Manhattan Beach web site at <http://www.cityymb.info>

