



## **SKYDIVING INNOVATIONS**

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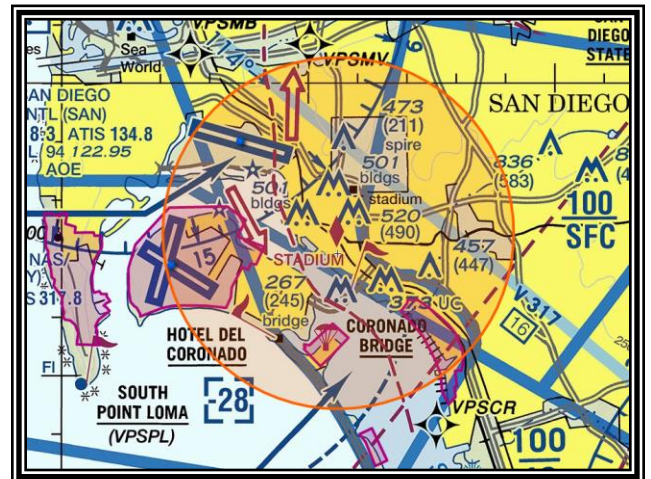
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## **The Sporting Event Temporary Flight Restriction**

The FAA's Sporting Event Temporary Flight Restriction (TFR) is in effect at any stadium having a seating capacity of 30,000 or more people where either a regular or post season Major League Baseball, National Football League, or NCAA division one football game is occurring. This restriction also applies to Nascar Sprint Cup, Indy Car, and Champ Series races excluding qualifying and pre-race events.

### **SUMMARY – THE EFFECT OF THE TFR ON OUR BUSINESS:**

The TFR is killing our business here in San Diego, though there are myriad other aviation businesses across the country who are negatively impacted by this scatter-gun airspace restriction. The TFR's unfair and anti-commercial restriction of airspace use prevents legitimate, long time businesses like ours from operating in the airspace around Petco Park in San Diego, from an hour before to an hour after any Padre home game.



### **WHO WE ARE:**

Skydiving Innovations (SI) is a professional demonstration skydiving and aviation entertainment company. Formed in 1986 by Ron and Todd Lee, the company develops and executes thrilling customized skydiving shows for public and private events. To date, Skydiving Innovations has performed hundreds of demonstrations, and maintains a 100% incident/accident/claim-free record. The team is staffed by professionally-rated demonstration skydivers, many of them current or retired members of the US Military. (Primarily US Navy SEALs and SWCCs). Some performers are civilian professional demonstration skydivers. (There are no "weekend" skydivers in our company.)

### **OUR RELATIONSHIP WITH THE FAA:**

Since 1986, Skydiving Innovations has worked directly with myriad FAA Flight Standards District Offices (FSDO) to gain authorization for and coordinate its skydiving show operations, no more so than with the San Diego FSDO office. SI has *never* been turned down for authorization to conduct a skydiving demonstration or any other aerial activity. The company maintains a stellar record and relationship with all FAA offices it deals with, and has served as a point of contact and source of counsel and expertise to the FSDO staff regarding demonstration skydiving in the region. Four SI team members, including Ron Lee, serve as US Parachute Association Safety and Training Advisors. Ron Lee serves on the San Diego Airport Advisory Committee.

### **THE USS MIDWAY AIRCRAFT CARRIER MUSEUM:**

As part of its business operations, Skydiving Innovations has, since 2005, operated under an exclusive agreement with the USS Midway Museum as the only civilian demonstration parachute team permitted to perform aerial demonstrations for the USS Midway's "Special Event" clients. SI also performs for public holiday events on the Midway, such as Veterans Day. To date, SI has performed 68 day or night skydiving shows on to the USS Midway.

### **THE HOTEL DEL CORONADO:**

Skydiving Innovations also operates at the Hotel del Coronado as its exclusive provider of skydiving entertainment and VIP Tandem Skydiving for its myriad corporate event clients. SI has conducted nearly 20 performances at the "Hotel Del" since it became the hotel's exclusive provider.

These two exclusive agreements are unique in the demonstration skydiving industry, and would ordinarily represent significant business. **The Sporting Event TFR has rendered these agreements nearly meaningless from April to October,** because almost all USS Midway and Hotel del Coronado performances are scheduled later in the day, and the majority of Padre home games are afternoon or evening affairs.

### **THE TFR ISSUE DEFINED:**

Petco Park, the San Diego Padres Major League Baseball Team home stadium, sits almost exactly 1.0 nautical miles from the USS Midway and 2.0 NM from the Hotel del Coronado. As such, whenever there is a Padre home game, the airspace within a 3.0 NM radius of the facility is subject to an FAA-mandated Temporary Flight Restriction (TFR) from one hour before to one hour after the event. **(Section 352 of public law 108-7 as amended by section 521 of public law 108-199. FDC NOTAM 3/1862, now FDC NOTAM 4/3621).** This restriction has been codified in Federal Law since 2003, with modifications in 2004. The result: Whenever Skydiving Innovations has been requested to perform an aerial demonstration during those hours at the USS Midway or Hotel del Coronado it has had to decline the business. Since the beginning of its agreement with the USS Midway in 2005 and the Hotel del Coronado in 2014, Skydiving Innovations has had to decline more than 70 performance requests (that we know of) between the two venues, specifically due to the TFR in place during Petco Park events.

Even if the event for which SI has been asked to perform is directly related to events or activities also taking place at Petco Park, the law governing such TFR's does not permit any latitude on the part of the TSA agents and FAA System Operations Security Center (SOSC) who oversee and issue Waivers for sporting events. (If you are a team owner, you can fly your friends and family in on a helicopter. If you are a local business relying on use of the airspace, you cannot access the airspace for any reason whatsoever, even if the local FAA Flight Standards District Office provides you with the required FAA Certificate of Authorization.)

Financially, the TFR issue has cost Skydiving Innovations more than \$610,000 in unrealized business. As a small business, this is crippling, in particular because the economy, as it relates to corporate events in San Diego is improving and requests for performances on to the USS Midway and at the Hotel del Coronado are increasing during the spring and summer. Due to the way the TFR is worded, (no exceptions), we are turning away more business than ever. This makes no sense and is deeply frustrating, as we have always been required to apply for and receive an FAA Certificate of Authorization for activities in controlled airspace. We have never been denied an authorization.

### **OUR EFFORTS OVER THE YEARS:**

In the course of nearly 16 years of trying to find a solution to this issue, we have dealt with individuals at the highest levels of the FAA, Congress and the TSA on this issue, in addition to pleading our case

directly to MLB's lobbying firm in Washington DC in an effort to get them to not stand in the way of reasonable changes to the public law. (They adamantly refused.) We contacted Congressman Graves' office in 2012 where efforts were made but discussion on changing the law did not occur due to push-back from influential lobbyists for MLB and NFL team owners.

In 2018 we worked with Sue Gardner and Mike Millard at the FAA in an effort to convince (beg) the San Diego Padres to help us get authorization to utilize the airspace. (This was done despite the fact that, on its face, the teams covered under the TFR do not have the authority to "permit" anyone to use the airspace. The FAA has sole jurisdiction over access to the National Airspace, or it did prior to the public law around which this TFR is based.) This request was a product of us finding out that the Padres did indeed do that for a helicopter company that wanted to land on the USS Midway during a Padre game, and the TSA Sporting Event Waiver department accepted the request letter. The waiver was subsequently approved by SOSC. In the end, the Padres would not assist us. And, we know from myriad FOIA requests that SOSC has approved many other non-permitted airspace uses during TFRs at myriad other stadiums. (Details of these approvals are available should you wish to review them.)

In 2020 and 2021 we worked with Dean Theodor of the FAA's Western Service Center. He worked diligently to gain us access to the airspace through conversations with the leadership at FAA System Operations Security Center. He was unsuccessful, even when we pointed out to SOSC that helicopter tour operators in Las Vegas are being allowed to conduct tours of the Las Vegas Strip during Las Vegas Raider games taking place at the new Allegiant Stadium. (Nearly the entire Las Vegas Strip lies within the TFR around Allegiant Stadium.)

#### **THE DESIRED OUTCOME – SIMPLE CHANGES TO THE EXISTING LAW:**

Skydiving Innovations simply wants to be able to operate in the airspace when it has been asked to perform on to the USS Midway and at the Hotel del Coronado. Nothing more. We are certainly not asking for an end to the Sporting Event TFR, as that would be a bridge too far. The local FAA and Air Traffic Control agencies, (FSDO, Lindbergh Field Tower, SoCal TRACON) all wholly support us in our efforts to operate in the airspace during Padre games, and would welcome sane and appropriate changes to the TFR.

#### **Desired Changes to the Public Law upon which the TFR is based:**

1. Reinstate the FAA's authority to approve waivers for commercial aviation activities that do not fall within the current list of activities for which waivers are allowed, as quoted here from public law 108-199:

*(A) as authorized by air traffic control for operational or safety purposes;*

*(B) for operational purposes of an event, stadium, or other venue, including (in the case of a sporting event) equipment or parts, transport of team members, officials of the governing body and immediate family members and guests of such teams and officials to and from the event, stadium, or other venue;*

*(C) for broadcast coverage for any broadcast rights holder;*

*(D) for safety and security purposes of the event, stadium, or other venue; or*

*(E) to operate an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic procedures.*

2. Require any commercial airspace user who wishes to operate in the TFR to apply for and receive;
  - An FAA Certificate of Authorization (Form 7711-1) for activities in the airspace.
  - A TSA/FAA airspace waiver, just as they would if they were hired to perform a flyby or parachute jump for a sporting event at these stadiums.

*(We are more than willing to be subject to the TSA's TFR Waiver requirement. In essence, Skydiving Innovations jumpers and pilots would be required to go through the TSA Waiver process, just as they would and have done were they to jump in to Petco Park as pre-game entertainment. We would also, as is required, apply for and receive the necessary FAA Certificate of Authorization (COA) from the local Flight Standards District Office, just as we do now for every performance.)*

3. Stipulate additional airspace restrictions, including:
  - Defined maximum permissible airspeeds within the TFR.
  - Defined maximum permissible period of time to operate within the TFR dependent upon the planned activity. (No open-ended waivers.)
  - No overflight of the stadium or venue during the TFR.
  - Maintain a minimum standoff distance of 0.75 NM from the venue at all times.
  - No airspace operations targeted to or designed to attract the attention of spectators at the venue for which the TFR is in place.

As regards our professional exhibition skydiving performances, this scenario would provide the TSA, the FAA and the stadium operators the peace of mind and confidence that any skydiving operation within the TFR is fully authorized by the FAA, vetted by the TSA and SOSC, and does not represent a distraction to the events taking place at Petco Park.

We appreciate your efforts on this matter. Please contact me if you would like to discuss the issue.

Sincerely,

Ron Lee  
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