

Bobbie Walthall

From: Kevin Dice <kevin.dice1@gmail.com>
Sent: Tuesday, June 19, 2018 11:53 AM
To: Stuart Boley; Larson@lawrenceks.org; Leslie Soden; Jennifer Ananda; Matthew Herbert; Bobbie Walthall
Cc: Shaun Smith; Gary Peek; William McCauley; Chacy Lancaster
Subject: Parachuting Application and Policies Concerns

Dear Commissioners,

I appreciate the City's work towards allowing skydiving at the Lawrence Municipal Airport. The designated landing area looks acceptable — plenty large and free of turbulence-causing obstructions to the South, the likely wind direction. However, I have some new concerns about the Application Information for Skydiving Use Permit by City of Lawrence form.

Discriminatory Fees

The application form lists fees as \$50 per day and \$20 per skydiver (presumably, also per day). If no other operators are required to pay such fees per day or per customer, then charging fees for skydiving is discriminatory. The typical cost recovery mechanism for skydiving operations is to lease a hangar on the airport or agree to a long-term lease for the exclusive use of a landing area at the same rate per acre that would be offered to a tenant farmer.

Intractable Logistics

The requirement for submitting an exhaustive list of customers 30 days in advance eliminates the possibility of walk-in customers. The majority of tandem skydiving customers sign up less than 30 days in advance of their jump. If Free State Brewing Company had to apply 30 days in advance to sell me a hamburger, you can imagine that they would sell far fewer hamburgers. Having to submit the personal information of all customers 30 days in advance is a highly unfavorable requirement for skydiving businesses, and its inclusion in city policy could be construed as a deliberate way to exclude skydiving businesses from choosing to operate at Lawrence Municipal Airport.

Electronic waiver services (Smart Waiver, for example) allow instant access to completed waivers. This both allows walk-ins and ensures the City can obtain all waivers for those who have or will make a jump.

Collection of Personal Information

In this era of data privacy breeches, it is clearer than ever that the collection and storage of personal information is an enormous responsibility. Likewise, consumers are becoming more weary of giving out their personal information. There is a very real possibility that potential customers will walk away upon learning they must give contact details to a city government.

To inspire confidence in the consumer and in potential skydiving operators, I would like to request that the city draft a privacy policy clarifying that access to the personal information of skydiving customers will be limited to city officials and will not be shared except with trusted parties for legitimate legal reasons.

Minor Clarifications

Medical Requirement - Application form - Section 9-a-VII: The USPA does not issue medical certificates. Per USPA Basic Safety Requirement C-1, the three options to fulfill the medical requirement are:

- FAA 3rd Class Medical Certificate; OR

- A doctor's note of physical fitness for skydiving; OR
- The jumper agrees with the USPA recommended medical statement which can be found on page 21 of the Skydiver Information Manual and copy/pasted below for your convenience: https://uspa.org/Portals/0/files/Man_SIM_2018.pdf

“I represent and warrant that I have no known physical or mental infirmities that would impair my ability to participate in skydiving, or if I do have any such infirmities, that they have been or are being successfully treated so that they do not represent any foreseeable risk while skydiving. I also represent and warrant that I am not taking any medications or substances, prescription, or otherwise, that would impair my ability to participate in skydiving.” - **USPA Statement of Medical Fitness - Skydiver Information Manual, page 21**

USPA Insurance Policy - Application form - Section 9-a-VIII: The 3rd party liability policy covering all USPA members can be requested from IPT, a division of Air Capital Insurance. It is not a separate policy for each operator. A good contact for details on this policy is Karen.Moore@ITPInsurance.com (866)-585-4590. A summary of the policy is available here: https://uspa.org/Portals/0/files/INS_ThirdPartyLiabilityOverview.pdf

Thank you for your work on this issue. I hope to jump in Lawrence soon.

Best,

Kevin Dice
USPA - D-37478, Coach, Static Line Instructor
FAA - Senior Parachute Rigger

Bobbie Walthall

From: chacy <chacyanna@gmail.com>
Sent: Tuesday, June 19, 2018 10:18 AM
To: Stuart Boley; Larson@lawrenceks.org; Leslie Soden; Jennifer Ananda; Matthew Herbert; Bobbie Walthall
Subject: Skydiving Operations Application Process

Good morning,

Thank you for your continued efforts toward developing processes and procedures for sponsoring parachuting operations at the airport. It is encouraging to see attention being given to the operations application design. I was able to view and consider the application over the weekend, and wanted to provide some feedback for consideration as part of the tonight's agenda.

First, I would like to express my wholehearted interest in establishing my small business, Missouri River Valley Skydiving (MRVS), at the Lawrence Municipal Airport. The economic growth and positive fiscal impact that our operations will provide to the sponsor airport and city are substantial, and skydiving is a unique aeronautical sport that can make aviation more accessible to the general public, which imparts a great deal of community value and engagement. Lawrence is a wonderful location for a business like MRVS, and the airport is well suited for these operations.

However, I am not eager to submit the application in its current form. I am confused by the registration fees per skydiver. It is unclear how to quantify the fees, and it is equally unclear as to how to justify them. I would request that these fees be eliminated from the application process as they seem undue, and even perhaps a bit mysterious.

I will happily submit a SASO business proposal if there is a process for doing so, one which would include the information I believe you would find pertinent, including an overview of our implementation and focus on safety, our contribution to direct revenue generation, stimulation of local businesses, as well as recreational and general community value.

Please advise whom should receive this proposal. Thank you in advance for considering my feedback this evening.

Sincerely,
Chacy Lancaster, M.D.

Bobbie Walthall

From: William McCauley <kansasdz@gmail.com>
Sent: Tuesday, June 19, 2018 10:14 AM
To: Stuart Boley; Matthew Herbert; Lisa Larsen; Jennifer Ananda; Leslie Soden; Bobbie Walthall
Cc: Gary Peek; martel bundy
Subject: Skydiving Application

Dear Mr. Mayor and Lawrence City Commissioners,

It has come to my attention that on tonight's commission agenda is the newly drafted and proposed "skydiving application", for you all to vote on enacting as the policy of the city. first and foremost you need to ask yourselves one question when reading this proposed application policy. **Is anyone else or any other FAA approved aeronautical activity required to do this and to pay these fees?**

The answer is no they are not! All policies, airport rules and fees are to be applied to all users equally and not by singling out only one type, kind or class of users.

https://www.faa.gov/documentLibrary/media/advisory_circular/150-5190-6/150_5190_6.pdf

"It is FAA policy that the sponsor of a federally obligated airport will not grant an exclusive right for the use of the airport to any person providing, or intending to provide, aeronautical services or commodities to the public and will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct aeronautical activities. The exclusive rights prohibition applies to both commercial entities engaging in providing aeronautical services and individual aeronautical users of the airport. The intent of the prohibition on exclusive rights is to promote fair competition at federally-obligated, public use airports for the benefit of aeronautical users.

The exclusive rights prohibition remains in effect as long as the airport is operated as an airport, even if the original period for which an airport sponsor was obligated has expired. The granting of an exclusive right for the conduct of any aeronautical activity on a federally-obligated airport is generally regarded as contrary to the requirements of the applicable Federal obligations, **whether such exclusive right results from an express agreement, from the imposition of unreasonable standards or requirements, or by any other means.** Existence of an exclusive right at an airport limits the usefulness of the airport and deprives the public of the benefits that flow from competition.

1.1. The following are definitions for the specific purpose of this AC.

a. Aeronautical Activity. Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. **Activities within this definition, commonly conducted on airports, include, but are not limited to, the following: general and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, parachute or ultralight activities, and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities.** Activities, such as model aircraft and model rocket operations, are not aeronautical activities.

f. Exclusive Right. A power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express agreement, by the imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an exclusive right. "

Why should or would any skydivers not be afforded the same rights as any other FAA approved aeronautical activities? If I wanted to fly my airplane here from Dodge City to watch the KU football games, would I be required to submit in writing, thirty days in advance, and provide all the information as contained in the proposed application? Would I be required to pay a fifty dollar application fee and twenty dollars per head of the additional people whom might be traveling with me? Is KU or life flight required to comply with this policy? Or how about the Airport Board members who do the sightseeing flights for make a wish, are they required to submit an application such as this? Are they also required to have a special permit for their activity due to the volume of aircraft they will be using and pay a fifty dollar fee and twenty per head?

The answer is no I would not and nor any others like KU, Life Flight, or the Airport Board's sightseeing flights are required to comply with any of this! Only those seeking to conduct recreational skydiving are required to comply with this and it is not a reasonable condition, it is unjust, unfair, and economically discriminatory to skydivers!

https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_150_5190-7.pdf

"These Federal obligations involve several distinct requirements. **Most important is that the airport and its facilities must be available for public use as an airport. The terms imposed on those who use the airport and its services must be reasonable and applied without unjust discrimination, whether by the airport sponsor** or by a contractor or licensee who has been granted a right by the airport sponsor to offer services or commodities normally required to serve aeronautical users of the airport. **Federal law requires that recipients of Federal grants (administered by the FAA) sign a grant agreement** or covenant in a conveyance of property that sets out the obligations that an airport sponsor assumes in exchange for Federal assistance. The FAA's policy recommending minimum standards stems from the airport sponsor's grant assurances and similar property conveyance obligations **to make the airport available for public use on reasonable conditions and without unjust discrimination.**"

" **The FAA suggests that airport sponsors establish reasonable minimum standards that are relevant to the proposed aeronautical activity with the goal of protecting the level and quality of services offered to the public. Once the airport sponsor has established minimum standards, it should apply them objectively and uniformly to all similarly situated on-airport aeronautical service providers. The failure to do so may result in a violation of the prohibition against exclusive rights and/or a finding of unjust economic discrimination for imposing unreasonable terms and conditions for airport use.**"

The City of Lawrence took over 35.5 million in federal AIP funding and it signed an agreement to make the airport open to the public without unjust discrimination and reasonable conditions to ALL users! This proposed application policy is not applied to all users, only one class of user, skydivers. Most of the currently enacted policies or this proposed application that has been drafted is relevant to the proposed activity, nor is it being applied uniformly and objectively.

https://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf

"h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport."

I would respectfully request that you all vote this down and demand that the airport users simply comply with the FAA regulations as published and are required by Federal Law to lawfully operate aircraft and conduct skydiving activities. All pilots, parachute riggers and skydiving operators/skydivers not only are required to follow all applicable Federal Aviation Laws and regulations, they have a vested interest in doing so, because the FAA can conduct a ramp check (meaning they show up at the airport and do inspections) of all the aircraft, pilot, skydivers and equipment for compliance with Federal Laws and be fined or taken to court by the FAA for non compliance. You have allowed an biased, unreasonable, and corrupted handful of individuals to draft these biased policies after wasting thousands of tax payer monies and taking ten years time of denial and delay to do so. Let's not forget ignoring an FAA safety study as well. I've personally requested to lawfully access this airport for ten years now and this application wants an additional

thirty days notice now, for what? All of the requested info takes a matter of minutes to verify, not thirty days! In the interest of fairness and not risking legal action, additional cost of tax payer monies, and additional delay to an approved activity please vote this down and it would be in the best interest of the city to have an unbiased group take a look at this and the enacted policies that were just voted on.

Thanks for your time and consideration.

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Wes McCauley
Kansas Dropzone
785-766-3338

Bobbie Walthall

From: Gary Peek <peek@industrologic.com>
Sent: Tuesday, June 19, 2018 9:09 AM
To: Matthew Herbert; Jennifer Ananda; Leslie Soden; Larson@lawrenceks.org; Stuart Boley
Cc: Bobbie Walthall; wes@marketmediallc.com
Subject: Comments on document "Application Information for Skydiving Use Permit by City of Lawrence"

Please include my comments below in the agenda for tonight's meeting.

Members of the City Commission of Lawrence Kansas,

The following are my comments on the document "Application Information for Skydiving Use Permit by City of Lawrence" linked in the document "CITY COMMISSION MEETING AGENDA June 19, 2018" on the City of Lawrence web site.

First of all, I thought that the city of Lawrence was making very good progress toward having skydiving at the Lawrence airport after hearing of the results and events at the February 6th, 2018 meeting.

However, I am saddened to find that someone or some group is still attempting to delay the process by creating yet another requirement.

No other aviation activity at the Lawrence airport is required to obtain such a permit, so this is clearly discriminatory.

Try as I might, I cannot imagine why the City of Lawrence would risk the loss of federal funding for their airport in order to prevent skydiving on the airport.

1. Liability insurance for skydiving is not available, period.
2. No other aviation activity at the Lawrence airport is required to carry such insurance. (Perhaps there is some confusion between liability insurance and "trip and fall" insurance.)
3. There is no "USPA Insurance Policy". (Members do have 3rd party insurance in the amount of \$50,000)
4. Pilots flying aircraft for skydiving are not required to be USPA members. There is no such thing as a "USPA Medical Certificate" or a USPA pilot rating.

What is the definition of an "Event" as mentioned in the document?
Is this application only for exhibition jumps?
Who created this document?

If you have any questions, feel free to contact me.

Gary Peek
United States Parachute Association (USPA) Central Regional Director (BOD)

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