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July 31, 2013

Supervisor David Chiu
President, San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Ordinance Amending Police Code to Prohibit Aerial Advertising over the 34th America's Cup

Dear Supervisor Chiu,

The Aircraft Owners and Pilots Association (AOPA) represents nearly 400,000 pilots and aircraft owners nationwide, 42,008 of whom live in the State of California. AOPA recently learned that the San Francisco Board of Supervisors passed an ordinance, which amends the Police Code to prohibit the use of aircraft, self-propelled, or buoyant objects to display any sign or advertising device in the airspace over the 34th America's Cup course. AOPA opposes the implementation of such a ban and strongly urges the city to take immediate action and rescind this ordinance, ensuring the Federal Aviation Administration (FAA) retains sole authority over regulating airspace.

Regulation of the National Airspace System is the sole responsibility of the FAA, which is defined by United States Code 49 § 40103 - Sovereignty and use of airspace. As such, the FAA holds the regulatory authority to control the use of navigable airspace and regulate all operations in that airspace in the interest of the safety and efficiency of the public. Allowing the FAA to uphold this mandate is crucial to the effective and free use of airspace across the country and should not be preempted by state or local legislation.

AOPA implores the Board to take immediate action and recognize the FAA's authority and obligation to regulate navigable airspace as Congress intended and move to rescind any ordinance that would restrict aerial advertising during the 34th America's Cup or any other event. We would encourage the Board to look to the FAA as the primary resource in all airspace management and authority.

Sincerely,

Melissa McCaffrey
Senior Government Analyst
Air Traffic Services