

[REDACTED]

From: THOMAS [REDACTED]
Sent: Friday, January 08, 2016 1:19 PM
To: regrenew@state.ma.us; RegReform (ANF)
Cc: [REDACTED]
Subject: 702CMR 4.15 & 4.16 Parachuting Regulations
Attachments: BPA OM 2015.pdf; USPA SIM 2016.pdf; JUMP-PILOTS-MANUAL.doc

Here is a summary of our suggestions delivered at the MADOT *Listening Session* on Wednesday, January 6th at 10 Park Plaza, along with some additional detail and reference information:

Tandem Skydiving is a rapidly growing extreme sport. Customers typically pay from \$250 to \$400+ (w/ video) for a Tandem Jump.

The United States Parachute Association (USPA) has developed the *Basic Safety Regulations (BSRs)* for Skydiving. (attached)

The USPA is, however, a *volunteer* membership organization which has *no regulatory authority* over any person or corporation.

The USPA is equally a *lobbying* group advocating *against regulation* of the sport on all governmental levels.

A questionable safety regulation found on page 7 of the USPA's *BSRs* is that experienced skydivers can jump in "unlimited" wind conditions.

Since all Tandem Instructors are experienced skydivers, we question how tandem jumping under "unlimited" wind can be safe for the *paying tandem customers*?

From the USPA's *Skydiver's Information Manual*, first page:

"Warning - *USPA has no involvement in the conduct or operations of any skydiving center, parachute center, or drop zone.*"

According to the USPA's *Safety & Training Advisor Handbook*, page 3:

"*Skydiving continues to be conducted with minimal control and supervision by local, state and federal agencies.*"

Our requests:

- Keep all of the MADOT regulations 702CMR 4.15 & 4.16 currently in place. Do not dilute or eliminate them.
- Enforce the regulations currently in place:

1. The area used as a Drop Zone shall be unobstructed and with a distance of at least 150 yards from the target to the nearest obstruction or hazard.
2. The Drop Zone, during all jumps, shall include a clearly defined landing area at least ten yards in diameter with a small disk in the center.
3. No person shall make a non-emergency parachute jump from any aircraft within one mile horizontally from any pond, lake, river or ocean unless the jumper wears an adequate Flotation Device.

Note: The proposed Drop Zone at Chatham Municipal Airport does not meet the distance of 150 yards clearance from the target to the nearest obstruction or hazard.

- Enhance the current regulations to more directly address Tandem Skydiving:
 1. If an exception to a regulation is made, a *written waiver* with appropriate justification should be issued. Public comment prior to a waiver issuance would be appreciated.
 2. Define the term "*Congested Area*" and restrict Tandem Skydiving "*over or into a congested area.*"
 3. Define "*Obstructions and Hazards.*"
 4. Define and add "*Suitable Overshoot Areas, free of Major Hazards to at least 3 sides of a Drop Zone*" as an increased safety margin.
 5. Set a *specific clearance distance* from electric power lines. (see note below under BPA)
 6. Set *Wind Speed and Wind Gust Limitations* for Tandem Jumps.
 7. Suspend Tandem Skydiving *after two gusts above the limit have taken place within five minutes.*
 8. After Tandem Skydiving has been suspended, it will not be resumed for at least thirty minutes during which time no gusts above the limit have occurred.
 9. Require appropriate *wind speed and wind gust instruments* for all Tandem Drop Zones with a daily log retained.
 10. Make Injury Reports requiring medical attention from Tandem Jumps *mandatory.*
 11. Collect and make available to the public injury and damage data by Drop Zone.
 12. Consider *mandatory rest periods* for Tandem Skydive Jump Plane Pilots.

Notes / Background:

- *British Parachute Association:*

The British Parachute Association's *Operation Manual* is attached. It is a source of useful data and regulations that are mandatory, unlike the voluntary USPA guidelines. Of particular interest are Sections 7 and 8 on "Parachute Landing Areas" and "Parachute Limitations."

- Key Take-aways are:
 1. The BPA has a larger Parachute Landing Areas (500 meters in diameter), bordered on at least three sides by suitable overshoot areas.
 2. 800 meters clearance from power lines from the center of the PLA.
 3. Wind speed limits of 15 knots for Students, 20 knots for Licensed 'A' parachutists and above.

4. Injury Reports are required. Failure to submit an Injury Report to the BPA can result in loss of insurance coverage.
5. The BPA Jump Pilot Manual (attached) requires Tandem pilots to have a break from the aircraft of at least 30 minutes after four hours of flying and restricts pilots to a maximum of eight hours flying in any one day.
6. Tandem Skydive Pilots can fly a maximum of 100 hours in 28 days and 900 hours in one year.

- The USPA

The USPA's safety guideline that experienced skydivers can jump in "unlimited" wind conditions for me calls into question the industry group's commitment to safety.

The USPA's *Director of Safety and Training* is Jim Crouch.

Attached is an article written by *Director of Safety and Training* Jim Crouch in a trade journal, clearly showing the dangers of jumping in gusty winds.

http://parachutistonline.com/safety_training/safety_check/answer-blowing-wind

Jim Crouch is also the *owner* of *Virginia Skydiving Center* - a Tandem Skydive Operation.

After reading the article, it raises the question - Do the USPA's *BSRs* adequately protect unsuspecting, novice tandem passengers or are the *BSRs* written to limit the liability of Tandem Skydive Operators (like Jim Crouch) from customer injuries suffered as a result of jumping in gusty wind conditions?

To us, this article shows there is a need for MADOT to include specific wind speed and wind gust limitations on Tandem Skydiving for the safety of the unsuspecting, novice passenger.

The USPA's Drop Zone clearances from hazards are inadequate when compared to current MADOT and British Parachute Association standards. In my opinion, this is an attempt to introduce for-profit Tandem Skydiving Operations into as many airports as possible. While claiming on the one hand that today's parachutes are more precise, the USPA minimizes the risk of conflict with aircraft in the traffic pattern and on the ground due to the limited maneuverability of parachutes in windy, gusty conditions. Safety dictates larger diameter

Drop Zone clearances than those put forth by the volunteer membership USPA.

In their over 50 year history, the USPA has failed to ever comprehensively document injuries requiring medical attention from tandem skydiving. Their policy goes so far as to destroy all original copies of the few injury reports it receives and advises group members (Drop Zones like Virginia Skydiving Center) to not retain any copies. The guidelines and policies of the USPA clearly are focused on avoiding litigation.

There is a need for MADOT to document Tandem Skydive Injuries and accidents, and make that information available by Drop Zone to the public.

Jane and I are interested in participating in the Regulation Review further and are available to attend meetings and discussions in person or via link.

Thanks for your time and consideration.

Tom and Jane Wilson

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[REDACTED] Tom
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From: noreply@formstack.com
Sent: Friday, January 08, 2016 8:46 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 01/08/16 8:45 PM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes:: Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation::
RMV
Sectaries Office
DPS
DUI
DCR

Describe the regulatory issue or observation::

RMV & Sectaries Office: The process of a person transferring a personnel vehicle to there business is in need of review. I am unsure of what CMR's need to be addressed. I spent over 32 hours recently trying to transfer my truck. The issue being that I needed an IRS form to verify my business. Why cannot the RMV recognize my certificate of business with the state of MA. I would think one state entity would recognize another's. additionally the last day I was at the RMV they did not have the phone number of the one person to enter my company in a database and emailed them. I then sat for hours waiting. This cost me money in my tame and I would argue is an unfair and unreasonable tax.

DPS: This applies to the fact that after submitting a renewal request for a hoisting license the license was not received for over 3 months well after the license expired. If the state is to have licensing they must be prompt with renewal.

DUI: The policies on how a company is held liable for unemployment need to be addressed as they relate to casual hires. Currently if I bring on a person as a casual hire - minimizing there need for unemployment if they list my company as bring them on for say 8 hours I am expected to pay unemployment. This has created a situation where I refuse to hire

unemployed people. The current structure is working against its intent. Additionally if I call to contest it is always impossible to get in touch with someone.

DCR: currently the DCR forestry program is interpreting the forest cutting laws as they see fit to bypass town wetland oversight on state projects. They are making people doing mechanical work that does not remove residue to file a cutting plan. The actual regulations clearly state that this is only required if material leaves the property or is used for economic value. The plan is not the issue but the abutter notifications often is. This interpretation by the oversight agency to make life easier for there own purposes is an alarming abuse of power.

Suggestions for improvements to the regulation::

RMV & Sectaries Office: Mandate that different state agencies recognize other state agency document and ensure that there is a cross agency coordination on forms, filings, and fees. More importantly it should not take a week for a person to conduct business at the RMV.

DPS: Do not require a license if they cannot manage the processes in a timely matter. Preferably manage things in a timely manner.

DUI: Make it feasible to challenge fillings or recognize that casual hires are different that part-time. This use to be the case.

DCR: Have them enforce the cutting laws for forestry as they are written not as they adjust them to meet there needs. This is shameful.

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