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Code of Conduct for Balloon Operations in Napa County

Balloons Above the Valley Hot Air Balloon Launch Site
Use Permit P19-00303
Planning Commission Hearing September 2, 2020

CODE OF CONDUCT FOR BALLOON OPERATIONS IN NAPA COUNTY

Introduction

In 1980, the Board of Supervisors directed the ballooning community to organize itself for the purpose of providing a central contact point for local residents, landowners and government officials, and to be a clearinghouse for information sharing among balloon companies regarding concerns and complaints about specific balloon operations or operators. Since that time, the Professional Balloon Pilots Association of Napa County, Inc. (PBPANC) has served that role. The major public agencies which have contact with the balloon industry (Police Dispatch, Sheriff's Department, Community Resources/Recreation and Parks, Fire Department, Unified School Districts, CDF, State Department of Fish and Game, and the FAA) have all adopted policies of referring questions, concerns and complaints about ballooning to the Pilots Association for investigation, mediation and management. Recently, private organizations such as the Farm Bureau have developed a similar working relationship with the Association. All of these parties agree to continue using PBPANC as the referral of first resort in addressing individual complaints from residents and landowners.

The voluntary oversight of the balloon operators by PBPANC has been successful in maintaining a balance between the needs of the industry and the needs of the local community. The Napa Valley balloon industry has, like its wine industry counterpart, acquired an international reputation for unsurpassed quality, experience and safety. PBPANC itself is a model for other locations where ballooning takes place, and has taken a leadership role at the state level on a variety of issues over the past three decades. Recently, however, as Napa County continues to deal with the impact of growth in many sectors, most notably the increase in wineries, vineyard acres, hotel rooms, restaurants, traffic, etc., the balloon industry has determined the need to codify some of the operational guidelines which have developed over the years and to make these available to the community.

The following Code of Conduct has been voluntarily adopted by the commercial balloon companies that operate in Napa County. Because of the nature of hot air ballooning, the industry cannot guarantee 100% compliance with every aspect of the code on every flight day. However, the industry is confident that it can deliver satisfactory compliance and will continue to address areas of concern as they arise. Based on past experience, and for the purposes of assessing the level of compliance, the balloon industry goal is for valid complaints to constitute less than 5% of the total flights flown annually.¹ The Code of Conduct also recognizes that the Pilot-in-Command is responsible, under Federal law, for passenger safety, and that some tolerance for deviation from the Code may be necessary in the case of urgent or unexpected situations.

GROUND OPERATIONS

- 1) Greet everyone you encounter with a smile and a "hello".
- 2) When driving onto property where you already have permission to land, be sure to follow any and all rules or procedures that have been requested by the landowner.
- 3) When driving onto property where you do not have prior permission, use the following procedures:
 - Look for landowner, tenant or anyone else on the property.
 - Politely introduce yourself and your company; present a business card or other written material with contact information.
 - Explain your mission and ask permission for the balloon to land and for you to drive onto the property to retrieve it. Explain how long you will be and what activities will be going on.
 - Relay any special instructions to your pilot by radio.
 - In rare cases that it may be necessary, explain any degree of urgency without creating alarm.
 - Ask if they would like to be notified when you leave.
 - Invite them to come and observe.
 - Always follow all directions given for use of the field.
 - If landowners or residents are not home, leave a note and a brochure and invite them to call the company if they have any questions or concerns about your visit. Follow up as soon as possible with a return visit or phone call to make sure they received your note. If there is a neighbor visible or observing, make contact with them, tell them you are leaving a note, and leave contact information with them as well.
- 4) Always leave gates and passageways as you found them, unless otherwise instructed by the landowner or common sense dictates otherwise. If you are unsure, always ask.

¹ As has been the case historically, a valid complaint meets the following conditions: is referred to PBPANC; contains the name, address and phone number of the complainant; cannot be quickly resolved to the satisfaction of the complainant; and does not allow chronic complainers intentionally to skew the statistics.

- 5) Drive very slowly upon entering any private property. When crops are present, drive slowly enough that you do not create dust.
- 6) Avoid parking within close range of any residences. If necessary to do so, keep all noise to an acceptable level; keep radios turned down and avoid any shouting or loud talking.
- 7) Park chase vehicles and vans off the roadway, two wheels off to the side, two wheels on, to allow traffic to pass.
- 8) NO SMOKING ever allowed in launch or landing sites.
- 9) Do not drive or land on crops or landscape. Landings should take place on roads, unplanted areas, harvested or fallow fields, and other areas that will not be damaged.
- 10) During the rainy season, do not drive onto wet or muddy fields. Do not drive on vineyard roads that have been planted with cover grasses. Walk or hand-carry the balloon out of the vineyard rather than drive into the vineyard.
- 11) Passengers should be supervised at all times. Never allow them to pick crops, smoke, litter, wander and explore, take souvenirs of any kind, make noise or behave inappropriately. Alert them to any uneven terrain.
- 12) In the rare instance when there is any damage to property or crops, report it immediately to the pilot-in-command, a responsible person on the property if available, and upon your return, to your immediate supervisor and your company owner. Assure the landowner that the damage will be taken care of and the situation resolved to their satisfaction. Be sure that your company informs PBPANC of the incident and its resolution. The applicable balloon company (or PBPANC if the balloon company fails to perform) shall be responsible to reimburse the property owner for any damages incurred.
- 13) RESPECT THE LANDOWNERS' RIGHTS. You are on their land. Their reasons for wanting privacy are not your concern. Respect their wishes. If passenger and aircraft safety are at issue, explain to the reluctant landowner that landing is necessary for a specific reason. Tell them that the pilot or company owner will speak with them once the landing is complete. Advise them that the pilot and crew will follow their instructions regarding equipment retrieval once the landing and deflation are completed.
- 14) If confronted with a complaint or serious concern, get as much specific information as possible and assure the landowner that they will be contacted by a responsible person and a resolution found. Make certain that you identify yourself and your company and give them a phone number to contact. Always try to understand the landowner's position from their point of view. Be courteous, professional and never confrontational.
- 15) In the rare instance that a landowner refuses access to a chase crew, the pilot will walk the passengers off the property and arrange with the landowner an appropriate time for the balloon to be hand-carried off the property, in accordance with Federal law.

FLIGHT OPERATIONS

- 1) Pilots must keep abreast of the current PBPANC files regarding sensitive flight corridors. Comply with the minimum altitudes required by FAR § 91.119.
- 2) Launch only from property from which you or your company have obtained advance permission.
- 3) Use quiet burners when over-flying residential areas, known sensitive areas, and livestock.
- 4) Avoid flying low over or landing in or near vineyards where active sulfuring, spraying or like activities are taking place. Observe and respect all Posted Re-Entry Notices.
- 5) Avoid long, slow approaches which require "hovering" for a long period of time over residences.
- 6) If you anticipate needing to land in an area where you do not have known prior permission, advise your ground crew as early as possible to allow them to make advance contact with the resident or landowner.
- 7) Report any and all damage to the property owner and take responsibility for seeing that all damage is taken care of by your company. Remember that what may not look like damage to you may in fact be damage – driving on cover crops, knocking off young tendrils from a vine, coming into contact with a wind machine. If there is any doubt, REPORT it to the property owner and invite him/her to visit the landing site with you, so that he/she can make the assessment, not you.

- 8) Do not impede agricultural activities by your landing, parked vehicles or deflation. This is particularly important during harvest.
- 9) Make sure that you and your crew follow the ground operations guidelines outlined above.

INDIVIDUAL COMPANY RESPONSIBILITIES

- 1) Go over the Code of Conduct in detail with every new employee. In addition, make sure that the Code of Conduct is reviewed as part of the annual industry-wide training session sponsored by PBPANC. Employees should be advised that failure to follow these rules is cause for termination.
- 2) Immediately report any and all third party damage occurring as the result of a balloon flight and/or ground operations to PBPANC, along with a description of how the incident was resolved.
- 3) Maintain accurate records of all launches and landings. A compiled report of these data must be submitted quarterly to PBPANC.
- 4) Participate in the annual crew/pilot training sponsored by PBPANC.
- 5) Immediately report to PBPANC for distribution, or send a blast email to all companies with a copy to PBPANC, any new or different information about a flight corridor, launch or landing site, etc.
- 6) Provide to your chase crews materials with company name and contact information to be given out as needed to residents, landowners or others who request it.
- 7) Require every passenger to sign a Release of Liability that includes the owners of land used for launch and landings as part of the list of entities being released from liability.
- 8) Procure and maintain at all times liability insurance that meets or exceeds the requirements of the State of California as outlined in AB2430, and follow the notification and filing requirements of that legislation.
- 9) Place the identifying 12" high N number, as prescribed by the Federal Aviation Regulations, of each company balloon on the bottom of each gondola for identification purposes. Display the company name on each balloon chase vehicle.
- 10) Follow the guidelines outlined in PBPANC's Standards of Operation and Standards of Business Ethics.

PBPANC RESPONSIBILITIES

- 1) Respond promptly to inquiries, concerns or complaints from landowners, citizens or public officials. Keep a record of all calls/contacts and how they were handled. Provide a copy of the log to the County Board of Supervisors on a quarterly basis.
- 2) Disseminate new landowner information quickly to all Napa Valley balloon companies and pilots, or ensure that it is done by the company/pilot involved.
- 3) Publicize the PBPANC phone number to the local community.
- 4) At least once a year, contact public agencies, including Police Dispatch, the Sheriff's Department, Community Resources/Recreation and Park Department, Fire Department/CDF, State Fish and Game, the FAA local FSDO to ensure that they have the PBPANC contact information on file.
- 5) Sponsor an annual industry-wide training session for crew and pilots working for Napa Valley balloon companies.
- 6) Provide the opportunity for local pilots to meet during the flying season to share landowner, weather and other pertinent information.
- 7) Compile and maintain the quarterly reports of launch and landing data submitted by individual balloon companies.
- 8) Maintain a log of any and all reported third party damage that occurs as the result of a balloon flight or ground operation.

- 9) Assist any landowner who needs help in identifying a balloon, its owner and its pilot. Balloons are required by the FARs to carry an identifying N number in the size and location specified by the regulations. PBPANC maintains records on the N numbers of every balloon used by Napa Valley balloon operators.

For further information, please contact
The Professional Balloon Pilots Association of Napa County, Inc.
P.O. Box 2206
Yountville, CA 94599
707-944-8793