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February 13, 2015

**VIA EMAIL**

Andrew Moore  
Executive Director  
National Agricultural Aviation Association  
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Dear Andrew:

This is a quick narration note that you can edit however you feel appropriate to attach to the video we provided.

The first section of the video involves foundational stills and evidentiary materials utilized in connection with the filming of the visibility study. These foundational stills involve the exemplar aircraft that is the same as the one Stephen Allen was flying at the time of his death. The photographs were taken of the subject location that were going to be put into the visibility study for foundational purposes to make certain the study was accurate. The photographs are not only of the location, but of other landmarks in and about the area, including the PG&E tower that Mr. Allen would have flown over on his approach to the property where he was ultimately going to drop seed. This is a well-known PG&E tower that has been out there for years and a landmark he was familiar with. He also provided excerpts from the NRG manual that show the types of towers they can sell that have the aviation hazard markings by color and visibility balls.

After the foundational stills, we utilized a helicopter to videotape what a strobe light looked like on a tower at different distances so the strobe light could then be inserted into our visibility study in order to demonstrate how effective a strobe light was in making a tower visible. These shots were at increasing distances to demonstrate just how effective the strobe light would be.

The next section of the video indicates the incident site which shows what it would look like with only the MET tower without any lights whatsoever. This portion of the video shows Mr. Allen flying past and over the PG&E tower and then decreasing his altitude and approaching the gray tower. It demonstrates how invisible the tower is in the circumstance without any type of hazard lighting. The MET tower is a replica put on the video from the original tower itself so it would show the view that Mr. Allen would have had at 125 mph.



The next section of the visibility study shows how the MET tower becomes visible at a substantially further distance when it is marked with strobe lights as well as hazard colors and hazard balls. This section of the visibility study is shot with a camera in an exemplar aircraft flying at the altitude Mr. Allen would have been flying based upon the impact with the MET tower. He was at 175 feet traveling at 125 mph when he struck the tower. This section of the visibility study demonstrates that had this tower been outfitted with strobe lights, the incident never happens because it becomes visible long before a pilot could see the tower. It also demonstrates that the red and white hazard markings and spheres only provide a pilot 3-4 seconds earlier visibility. The purpose of this visibility study is to demonstrate just how effective strobe lights are and should be placed on MET towers of this nature. This portion of the visibility study has the same approach over the subject field area approaching the PG&E tower on the starboard side then once clearing it, dropping to approximately 175 feet. Strobe lights make this MET tower visible before the pilot even gets to the PG&E tower landmark. It would give the pilot in the neighborhood of 25 seconds to see the tower and prepare for avoidance.

The last aspect of the visibility study is to demonstrate the difference between the MET tower without any type of strobe light or hazard markings on it and just how much of a difference strobe lights make, as well as the hazard marking compared to when there is nothing there for the aviator to see. Had the subject MET tower that was 207 feet been properly marked, and had it been outfitted with strobe lights, there is little doubt that Steve Allen would have missed it and had ample time to prepare any type of avoidance maneuver. The visibility study underscores the importance of these MET towers being marked, and in particular with strobe lights.

Hopefully the above narration of the video is helpful to you and you can edit it and attach it to the video so it makes sense to the viewer. I have been asked to author a commentary for the *WestLaw Journal* on this case. Please let me know what site I can reference in the article so individuals can go online and see it. The more we put this out there to individuals in the industry, the less they can take the position they were unaware of the difference hazard lighting would make for aviation pilots.

Very truly yours,

**DREYER BABICH BUCCOLA  
WOOD CAMPORA, LLP**

By 

Roger A. Dreyer

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