



HIGH FLIGHT *Newsletter*

Lakeway Airpark, Inc.
November/December, 2001

Message From Your President ...Ken DeBower

Would you believe the Christmas season is upon us already? Time flies when you're having fun. And we are having fun!



The **great news** this month is that we have had our **Instrument Approach Procedures restored**. Many individuals at LWAP struggled with this for over a year. We put together a (sort of) coalition consisting of LWAP, Murfee Engineering Company Inc., Lakeway PD, Lakeway MUD, The Hills Golf Course, the FAA FSDO in San Antonio, the FAA Ft. Worth Flight Procedures Office, and a number of sub-contractors. The two approaches, which we have had for some years but which had been NA'ed by the FAA when our paint stripes were covered by our new asphalt, are now fully operational. Many thanks to all involved, and special thanks to the people at Murfee Engineering for their hard work and guidance.

Our legal battles continue. We have served the plaintiffs with the first round of interrogatories. There will, of course, be more. We are defending a civil suit and a criminal action and have successfully defended another criminal action, all of these arising from actions taken by Messrs. Skinner, McCutcheon, and one other. So far, these actions have cost the Airpark approximately thirty five thousand dollars but this amount is now climbing. We have no choice but to defend the Airpark since we are powerless to make these things go away.

We still **need volunteers** to help with ramp check and other duties. Check our list of committees in this issue. ***Please sign up early and often.***

****As always, on the second Saturday of each month, we meet for workday at 8:30 a.m.** This month's workday is December 8th. The workday gatherings are always great fellowship and the volunteer help is greatly appreciated.

We hold our Board Meeting at 9:30 after workday activities. **All Members are invited.** We will be voting on changes to our by-laws, which will give us some

Message From Your President - continued

control over deviant Members. See the proposed changes below. This is important, so make your thoughts known.

Each Thursday before our workday, we meet for dinner. This week we will meet at **Rosie's at 6:30 p.m. on December 6.**

Safe flying and a Merry Christmas to all.



Proposed Changes to the Bylaws ...Ken DeBower

Organizations such as Lakeway Airpark, Inc., normally evolve through time as new ideas and old errors come to light. This is both normal and frightening, since the law of unintended consequences is always lurking.

Having stated the obligatory caveat, these proposed changes to the bylaws will be discussed and/or voted on this week. The meeting may be lively.

The complete text of the current bylaws can be found at our website www.onr.com/user/3r9 and then by clicking 'Online Documents'.

Article II, Section 1 A becomes:

A. **CLASS ONE.** Class One Members shall consist of the holders of record title to tracts of land with residential improvements that abut or form a part of the property used by the Corporation in the operation of Lakeway Airpark and who are current in the payment of annual dues and fees. In the event that the homeowner plans to access the runway via a private taxiway, then the homeowner must have signed a Lakeway Airpark Homeowner Taxiway Agreement in the form approved by the Board of Directors.

In the paragraph following D. **CLASS FOUR:**
Add 'real' before 'property owners'.

Article II, Section 3 becomes:

Section 3. **Term of Membership.** The term of a membership shall be for one (1) year, such year being the Corporation's fiscal year as defined in Article V, except as provided in sections 13 and 14 below.

Article II, Section 4, paragraph is shortened to:

At the time of the payment of each Member's annual dues, the Secretary shall issue a certificate to each member evidencing that the membership has been renewed and specifying the date to which it is current.

Article II, Section 13 is new:

A failure to pay annual dues or such monetary assessments as may be ordered by the Board of Directors may result in termination of membership and a cancellation of the membership certificate at the option of the Board of Directors.

Proposed Changes to the Bylaws - continued

Article II, Section 14 is new:

The Board of Directors may, by a two thirds majority vote, refuse to issue or renew and may revoke an existing membership, based on the opinion of the Board of Directors that the affected member of perspective member has or will:

- a. Attempt to harm, defame, or otherwise adversely effect the Airpark or its relations with the community; or
- b. Has failed to comply with or violated any terms of such members Lakeway Airpark Homeowners Taxiway Agreement; or
- c. has flying skills or habits that are an unacceptable safety risk to the Airpark or the surrounding area; or
- d. has not paid all dues, fees, and assessments with 60 days of their due dates.

Article IX is new:

Article IX: FEES TO NON-MEMBERS

The Board of Directors may impose a fee of \$25.00 per crossing or usage of Airpark Property to any person who occupies or owns land bordering the airport and is not a member of the Airpark in good standing. The Board of Directors shall take all reasonable efforts to notify non-member owners or occupants of property adjoining Airpark property of this fee. Failure to notify any person of this fee shall not affect such person's liability to pay the fee.

Maintenance Machinations

From the Maintenance Officer ...Ken DeBower

Running an airport with a payroll amounting to \$0.00 per year can be challenging. Nevertheless, run this airport we must. To that end, the following Committees and chairpersons have been defined and volunteered for:

Rest Room and Shack Foyer – Dab Cauley
Trash Pickup – Wayne Wagner
Grass Mowing – John Reinschmidt
Coke Machine – Bill Kulpa
Flowerbeds, general policing, ant control – Richard Shultz
Communications – Ginger Baldwin
Shack, Lights, and Fountain – Mark Mims
Fuel – Joe Bain
Parking Lot and Ramp Policing – Bill Thompson
Membership and Parking List – Ken DeBower
Hangar Communications – Bill Thompson
Ramp Check Duty – Wayne Wagner

We are always in need of volunteers for all jobs. Please call any of these Chairpersons when you can help. And many thanks to all our volunteers.

Web Places to Visit ...Ginger Baldwin

If your mailbox is anything approaching “normal” for the average aviation aficionado, it is often overflowing with aviation periodicals. One way to keep up with current aviation events as they happen – as opposed to getting “old news” by the time your magazines are delivered – is to subscribe to AVflash, a twice-weekly aviation newsletter summary put out via e-mail by AVweb. The subscription is free; all you have to do is sign up at www.avweb.com. The newsletter contains brief articles with links to full stories. It's in plain format, so no long-time-loading html clutter or pop up ads interfere with your reading. While they do have advertisers, they are all listed, with links, at the bottom of the newsletter. You don't even have to look at them if you don't want to, although they often contain special offers and discounts you might not otherwise know about. Monday's issue also features “Short Final”, amusing anecdotes provided by readers, often the highlight of the letter. Thursday's edition has Picture of the Week (reader submissions are solicited), and Question of the Week, where you can link to an interactive poll regarding various aviation issues. Log on and check it out if you haven't already. A great way to get “real time” information on GA.

Garmin Offers On-Line Updates

As the owner of a Garmin III GPS, I've always found it expensive and somewhat of a nuisance to subscribe to GPS updates through the mail. Well, now there are no excuses... Garmin recently announced the availability of on-line updates for most of its GPS models at \$35 per update. It's still a little pricey – although greatly discounted – to subscribe to update every 28 days, but the \$35 per upgrade price is less intimidating and more flexible than the mail subscription choices previously offered. Check <http://shop.garmin.com/aviation/databases/> for more details.



Local GA News and Notes ... Ginger Baldwin

As you may know, last year, the City of Austin agreed to construct GA t-hangars next to the Signature FBO. Original estimates had them finished by the end of July, 2001. July came and went, and October was the next prediction. Because of 9/11 events and weather delays, a new estimate for completion and occupancy in December was given. The most recent letter from ABIA officials now says January 15. It does appear, however, that lease rates will remain at or below the \$300 per month range. There are 3 sizes of hangars, and all are spoken for at this time, although there is a waiting list if you are interested. For additional information, you can contact Frederick Scott, Manager of Administration and Business Development, at 512-530-7507.



Aircraft Owner Liability for Air Crashes

(Part 7 in a Series) ...John C. "Rusty" Allman
"THE CURRENT TREND"

The current trend in the courts, even in states that have aircraft owner liability statutes, is to interpret such statutes as being designed to promote safety and regulate aeronautics, rather than to create individual tort liability. A good example of the modern trend can be found in the *Brown* case cited previously and discussed here:

Brown v. Astrin - The Current Trend

The Browns were homeowners in Alabama. A student pilot flying a rented airplane crashed into their house. The Browns sued various parties who were involved for damages. As it turns out, the student pilot who crashed into the house had rented the aircraft from a FBO. The student made arrangements with his CFI to rent the aircraft from the FBO. The student was not an employee of the FBO. The instructor was self-employed and was not an employee of the FBO. The only relationship between the student pilot and the FBO was the fact that the FBO rented the aircraft to him. There was no evidence that the FBO knew of any defect in the aircraft. The FBO was considered an "owner" and a "bailor" under the definition of "operator" under Alabama law. The court held that the FBO could not be found liable, notwithstanding the broad definition of an "operator" under that state's laws. *The court explained that the modern trend in the law is not to impute liability to aircraft owners for the acts of others over whom they had no control.*

Interestingly, the plaintiffs (probably looking for a deep pocket) tried to argue that a teacher-student relationship existed between the FBO and the student so that the FBO should be held liable for the student's mistakes. The court also rejected this argument and explained that laws do not usually impute liability from the negligent student to the innocent teacher. (In many states an instructor can have liability exposure if the instructor negligently instructs a student as to a procedure and the student follows the negligent guidance and causes an accident). *Moral of the story* - the current trend in the law (but not the rule in all states) is to protect innocent owners against liability exposure for the negligence of others who are using their aircraft.

Editor's Corner

...Ginger Baldwin

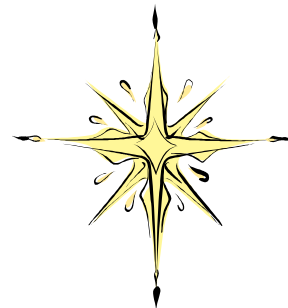
As Ken pointed out, 3R9 has now had its two instrument approaches reinstated. For instrument-rated pilots based at or visiting Lakeway, this is a victory to be enjoyed on all those overcast days so prevalent here in winter and spring. We all owe a great deal of thanks to the Airpark Members involved in getting the approaches back. Great work, guys – what an achievement!

Ken also mentioned **VOLUNTEERS**. Any of you who have ever served in any capacity in a non-profit organization know how difficult it is to get things done – even the "little things" – on a shoestring or non-existent budget. While I'm still getting a handle on producing *High Flight* on a regular basis and in a consistent format, I hope it's obvious that my "money is where my mouth is". I firmly believe in supporting organizations that benefit me, in whatever way I can. If you fly into 3R9, even on a periodic basis, you are benefiting from the blood, sweat, and tears of a handful of Lakeway Airpark Members who make sure things get done, no matter what. Volunteers are what makes this Airpark work, and it isn't fair to force the same core group of folks to do all of the work all of the time.

So what are we talking about here? Does that mean you *always* have to be doing something for the Airpark? Does it mean you should hold an office or show up for *every* Airpark function? Not necessarily. But please do take a look at Ken's list of contact folks in this issue. Is there an area where you can contribute? Call up and offer to help. Nobody is asking you to take on the world. However, the only way Lakeway Airpark can remain a viable community asset is if we all pitch in to make sure it stays that way. I encourage you to get involved, take an interest in your Airpark and help out where you can.

Keep flying, and don't forget to drop me a line if you have something to contribute to the newsletter. Merry Christmas to all, and to all a good flight...

You may reach Ginger at gingered@gate.net or via fax at 512-472-3971 or snail mail at 111 Morning Cloud St., Lakeway, TX 78734.





Lakeway Airpark, Inc.

115 Flying Scot , Lakeway, TX 78734

Ginger S. Baldwin, *High Flight* Editor

Ph: 261-3404 Fax: 472-3971 gingered@gate.net

We're on the Web: www.onr.com/user/3r9/