



HIGH FLIGHT *Newsletter*

Lakeway Airpark, Inc.

September/October, 2001

Message From Your President

...Ken DeBower

Our nation and our world suffered a great shock this last month, an act none of us could have even imagined. We are blessed, however, that our nation is strong and is being lead by strong leaders. I have no doubt that America will eventually emerge stronger and better. Our hopes and prayers are with the many innocent people who have been hurt so much.

Little has happened at the airpark these last two months. At least the hot weather has finally departed and we are seeing a lot more flying activity.

The improvements requested by the FAA have all been accomplished. We were scheduled for an inspection on September 12. That, of course, was postponed, but should happen soon.

Our legal battles continue, though very little has been done since my last message. 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.

We still need volunteers to help with ramp check. Ramp duty runs for a week, and effort and time required are minimal. Please call Wayne Wagner (261-0331) or me (261-4320) to volunteer.

As always, we meet at **8:30 a.m. the second Saturday of each month for workday**, then hold our **board meeting starting at 9:30. All members are invited.** The workday gatherings are always great fellowship and the volunteer help is greatly appreciated. Each Thursday before our workday, we meet for dinner. **This week, to be different, we will meet at the El Arroyo on Bee Cave Road, for dinner at 6:30 p.m.** -- Safe flying to all. -- Ken

Airpark Polo Shirts

Cora Wagner has agreed to spearhead the "fall order" for Lakeway Airpark polo shirts. Last year's order sold out quickly. If you want to make sure you get the size you want, please give Cora or Wayne a call at **261-0331**.

Aircraft Owner Liability for Air Crashes

— (Part 6 of a Series) ...John C. "Rusty" Allman

"DANGEROUS INSTRUMENTALITIES" and "OLD FASHIONED LAWS"

Without a special state statute imposing liability on aircraft owners, an innocent owner who loans, rents or leases an aircraft to another party is usually not held liable for the negligence of that party in most states. (*Brown v. Astrin Enterprises & NAFTA et al*, 989 F. Supp. 1399, 1406, N. D. Alabama, 1997). In the old days, many states did hold owners liable for air crashes on the theory that an aircraft was a "dangerous instrumentality". The belief was that the law should hold the owner responsible for whatever harm was created by their "contraption". Modern laws usually do not impute liability to owners unless they have some personal negligence or are the employer of the party who was personally negligent.

A fair number of states have, over the years, enacted specific aircraft owner liability statutes for the protection of their citizens that have not been repealed. These laws purport to hold an innocent owner vicariously liable, when the owner grants permission to another to use the aircraft. Among the states that have aircraft owner liability statutes, some intentionally impose liability on the owner without limitations. Others have limitations of liability, so that a passive owner, who had no actual control of the aircraft at the time of the crash and was not personally negligent, will have only limited liability exposure.

In California, an owner can theoretically be held liable for the permitted use of his aircraft but his damages are limited to \$15,000 per injury or death with a maximum of \$30,000. The owner is not exposed to punitive damages for the permitted user's misconduct.

Thus, in California, if the owner's airplane is involved in an accident, which injures or kills four people, the purely passive owner can only be held liable for the maximum amount of \$30,000. If the owner is personally negligent there is no such

Aircraft Owner Liability for Air Crashes

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limitation and the owner has full exposure if his employee causes the crash.

Contact Rusty at airlaws@austin.rr.com

What's In a Name?

Anybody who's been flying for a day or two knows the name "Jeppesen". Their name is practically synonymous with charts and sectionals, just about from day one of your flight training. The recent buyout by Boeing had some folks concerned about continuity. But have you visited their web site lately? Jeppesen offers so much more than the charts we often take for granted. They have recently tried to make their web site more effective, efficient, and user friendly, too.

They have online training for Jepp charts, NOTAMs and ALERTS, complimentary airport diagrams for over 100 towered airports, AOPA Magazine Chart Clinic reprints, Test Prep and Updates online, plus, their improved Online Store. An Online Training subscription gives you unlimited access for 90 days, and it includes interactive activities and exercises, with graded feedback. It's easier to find what you want in their Online Store, too.

The next time you're grounded because of weather, maintenance, scheduling conflicts or some other flight problem, surf on over the www.jeppesen.com to see what's new.

Speaking of Airport Diagrams...

Most of you are probably aware that AOPA offers NOS airport/taxi diagrams for more than 330 airports on their web site. FREE. Although AOPA appreciates your Membership, the online airport diagrams are free to everyone and are just a mouse click away. While the FAA is working hard to include airport diagrams in AFDs, and instrument approach plates include diagrams, you might not always have access to those. So when planning your next trip to an unfamiliar area, the AOPA airport/taxi diagrams can save you a lot of guesswork. This may sound rather basic, but given the increase in the number of runway/taxiway incursions, it's a cheap and (if you use it) effective piece of insurance when you land. Check it all out at www.aopa.org.

Editor's Corner

-- Ginger Baldwin

Like everyone else, I was stunned by the events of September 12. All my so-called problems pale in comparison. And "business as usual" will never be quite the same.

I hope the tragic events of the past few weeks have not been too hard on any of you. I hope we will not take flight for granted. Mostly, I hope aviation organizations and government officials can work together so that future rules and restrictions implemented as a result of this are fair and doable.

In the meantime, I am thankful we're not in enhanced Class B airspace. Take advantage of that fact and the great fall weather by flying in it. And be sure to let me know if you've got information you'd like to see in the next High Flight issue!

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