



HIGH FLIGHT *Newsletter* Lakeway Airpark, Inc. July/August 2002

A Word From The Lakeway Airpark Board

June 1, 2002 marked a new year for the Lakeway Airpark. Our annual membership meeting was held on June 10th of 2002. During the annual meeting, among other business, new Board Members were elected to manage the Lakeway Airpark. For those of you new to Lakeway Airpark, there are a couple of things to remember as you look over the FY 2002, Lakeway Airpark Board membership. All Board Members are volunteers who donate their time and skills to keep the Lakeway Airpark operating. Secondly, Lakeway Airpark is a privately owned, not for profit, public use airport. What does that mean? Well, effectively, we do not receive any Federal, State, or Local government funding and the Airpark facilities are provided to the public for use on an elective basis.

Therefore, this year's Lakeway Airpark Board members will continue operational work at the Airpark with the a focus on the following priorities: 1) Financially Sound Operations of the Airpark – Short Term and Long Term; 2) Fair, Consistent Business Practices; 3) Lakeway Airpark – A "Good Neighbor" in Lakeway; 4) Good Relationships with Police and Fire Departments; 5) Maintenance of Existing Assets; and, 6) Planning for Future Needs.

Your new volunteer Lakeway Airpark Board consists of: Mark Mims – President; Ken DeBower – Vice-President; Bill Thompson – Treasurer; Wayne Wagner – Secretary; and Board Members Mark Goldberg; Richard Shultz; and Ed Ragan.

Each of you can help keep this Airpark operational. We need volunteers to work on the second Saturday morning of each month. If we continue to have such a low level of workday participation, the Airpark Board will have to consider other, more costly means of delivering the necessary maintenance needs to the Airpark.

In closing, we **all** are responsible for safety and security around the Airpark. If you see any questionable activities around the Lakeway Airpark, immediately call the Lakeway Police Department. Make sure you and the people around you at the Airpark are familiar with safe aviation practices. Some required practices include staying 50 feet away from and off the runway on foot and in cars, proper use of aircraft radio communications as prescribed in the FAA Airport Facility Directory for 3R9 and performing your run-up at the end of the runway instead of on the ramp. Remember, the Lakeway Airpark is operational from Sunrise to Sunset. Any operations outside of this time are subject to city code enforcement actions by the City of Lakeway Police Department.

Happy Flying!
The Lakeway Airpark Board
Mark Mims - President

Airpark Members Want to Know "Who Dunit?"



Bonnie Thompson is coordinating a group trip for Airpark members to the next Mystery Dinner Theater at Calame's Canyonside Dining on Wednesday, August 21, at 7:30 pm. Airpark members will meet at the restaurant at 7:00. The price is \$39.95 per person (plus tax, tip and beverage cost) and includes a great dinner and the play, titled "The Bachelorette". If you are interested in going as part of the Airpark group, please **call Bonnie at 266-3227 by Monday, August 19**, so she can inform the restaurant how many seats to reserve.

Additionally, Bonnie is planning an Airpark "fly-out" in the near future. No word yet on the destination, but rumor has it you will want to take your appetite along. Watch this space for more information as it becomes available.

DON'T FORGET

The monthly "Dinner at Rosie's" will be on **8, 2002, at 6:30 p.m.**



work day will be Saturday,

"Dinner at Thursday, August 8, 2002, at 6:30 p.m." The regular **Airpark August 10**, beginning at **8:30 a.m.**, with a Board meeting to follow at 9:30 a.m. Airpark Members are always welcome to attend the Board meetings.

Keeping Up with NOTAMs and TFRs

Post 9/11 restrictions are confusing and seemingly ever-changing. And even if you have the most current text of NOTAMs and TFRs, they are often difficult to visualize. The following web sites are recommended to help give you a graphical representation of what's going on with TFRs.

<http://airspace.blm.gov/mapping/blm/index.cfm>

http://www.aopa.org/asf/tfr_poster1.html

http://www.aopa.org/asf/tfr_poster2.html

<http://www.faa.gov/ntap/SPECIALNOTAMS/specialnotamlisting.htm>



Of course, all web sites recommend that you double check with your local FSS regarding current NOTAMs prior to each flight (you were doing that anyway, right?), but these depictions of TFRs may be especially helpful.

Web Places to Visit

Regardless of your personal feelings about current US military actions, there can be no doubt that we owe a great debt of gratitude to those serving on our behalf. The Department of Defense has set up a web page where you can "sign" a brief message thanking the men and women of our military troops for their service. The compiled list is sent out to troops at the end of each month. Go to www.defendamerica.mil/nmam.html and sign in, if you're so inclined.

Corrections & Additions

In last edition's "A Soaring Story", there were a couple of errors I would like to correct and there is some other information I want to clarify. First, the engine is manufactured in Austria, not Australia. Second, the glider doesn't really "tend to build up speed on final". The technique I reported on is one Horst developed to allow more speed on final for a higher safety margin. He uses the airbrakes to control the rate of descent.



Additional information that should have been included: In the clean configuration, the aircraft's glide ratio is 1:32; in the landing configuration (with gear down and fully extended airbrakes), it is only 1:5. Also, the

manufacturer of the glider is Aeromot in Brazil. The model is AMT-200 Super Ximango (Ximango is "falcon" in Portuguese). Thanks to Horst Stratmann for setting me straight.

More Restrictions Reported

As reported in AvWeb's AV Flash, the Department of Justice will soon publish a Notice of Proposed Rulemaking (NPRM) and an interim final rule in the Federal Register requiring mandatory background checks for all foreign flight students who want training in aircraft larger than 12,500 pounds. It will affect those seeking first-time training in large aircraft. The interim final rule sets procedures for recurrent and familiarization training. So far, there are no such requirements proposed for renting and driving large trucks...

Today, Michigan, Tomorrow...Who Knows?

The State of Michigan recently passed a law requiring criminal history checks for ANYONE learning to fly ANY type of airplane. Exactly how this will impact single-minded terrorists with evil intentions remains to be seen. However, you can be certain that similar legislation will be popping up all over the US. It will be interesting to see if anything like this is proposed in the upcoming 78th Texas Legislature which begins in January 2003.

New Places to Visit

There's a new café at the New Braunfels airport (BAZ) that recently opened up. They are located at the departure end of R 31 on the east end of the field. Word on the street (in the air?) is that they're trying to institute a 2nd Saturday of the month pancake breakfast. So if you're tired of \$100 hamburgers, why not make a short trip for a \$100 breakfast?

Emergency Info for Non-Pilots

CheckMate Aviation is offering its new E.S.P. (Emergency Substitute Pilot) CheckMate free with the purchase of any combination of an aircraft CheckMate and Aviation CheckBook. E.S.P. is designed to guide a non-pilot in flight if the licensed pilot becomes incapacitated. It is presented in non-aviation, layman's terms. Visit www.checkmateaviation.com for all the details (offer expires 12/31/02).

Aircraft Owner Liability for Air Crashes

(Conclusion) ...John C. "Rusty" Allman
Will the FAA Bring Enforcement Actions Against an Innocent Owner Whose Airplane is Operated in Violation of the FARs?

As discussed earlier, under many states' laws, a "non-operator" owner is not liable for the negligent piloting or maintenance of his aircraft by someone else. This is true as long as the pilot is not the owner's employee and in circumstances where the owner lacks knowledge of any non-airworthy condition. The FAA takes a different approach! The FAA has brought enforcement actions against pilots who are not in control of the aircraft and who merely loaned the aircraft to a friend who then committed the flight violation. How can the FAA justify such broad enforcement action? The Federal Aviation Act defines "operate aircraft" or "operation of aircraft" to include "...causing or authorizing the operation of aircraft with or without the right of legal control of the aircraft". 49 USC §40102(32) Moreover, the FAA has promulgated Federal Aviation Regulations which define "operate" as "...caused to use, or authorize to use aircraft, for purpose... of air navigation, including the piloting of aircraft with or without the right of legal control (as owner, lessee or otherwise)". FAR §1.1.

This Is A True Story

In a fairly recent administration law decision, the Administrator of the FAA affirmed a civil penalty (\$4,000 fine) against the innocent owner of an aircraft, who was not in control or piloting the aircraft at the time of the flight violation. *In re Matter of Fenner*, FAA Order No. 96-17, Docket CP93So414 (May 3, 1996). An owner of a Cessna 182 gave permission to a friend to fly the aircraft while he was out of town. The pilot was operating out of a private grass landing strip located next to the aircraft owner's home. When the pilot took off, he apparently passed close to an Air National Guard "Iroquois" Helicopter, which was conducting a marijuana "search and destroy" mission in the vicinity of the aircraft owner's neighborhood. The pilot of the Cessna then allegedly made repeated passes near the Air National Guard helicopter. The guardsmen reported the pilot of the C-182 alleging that the Cessna had operated too close to the helicopter so as to create a collision hazard. (Of course, one always wonders who got too close to whom). The FAA could not determine the identity of the pilot of the Cessna 182. (The owner refused to divulge the identity of the pilot using his aircraft while he was out of town).

So, wouldn't you know it, the FAA brought an enforcement action against the owner who was out of town at the time of the incident. In a hearing, the owner was held responsible for the use of his aircraft in violation of the FARs by the administrative law judge and it was upheld on appeal!

If the C-182 had been in a mid-air collision, the innocent owner would not have been liable under the laws of in many states. However, the FAA is more dogmatic and emphasizes that while owners may not be cited for all infractions committed in their aircraft, they may be sanctioned for violations by pilots who are using their aircraft with their "permission".

Aircraft Owner Liability for Air Crashes - Continued Can the FAA Bring Enforcement Actions Against Owners for Negligent Maintenance by Others?

The FAA also claims the right to bring an enforcement action against an owner of an aircraft if the aircraft is negligently maintained - even where the owner has no personal control over the maintenance and has hired out the work to a qualified maintenance facility! In an official FAA legal interpretation written in 1991, The FAR Chief Counsel's Office, on behalf of former administrator, James B. Busey, declared that the FAA has the authority to bring an enforcement action against the owner of an aircraft for airworthiness violations. The FAA may do so even where the owner has leased the aircraft to a Part 135 or Part 121 carrier! The chief counsel's office justified this policy under FAR 91.403, which makes an owner "or" an operator of an aircraft primarily responsible for maintaining it in an airworthy condition. Moreover, the administrator cited the definition of "operate" in the FAR (§1.1), which places responsibility on an owner when the owner authorizes the aircraft to be used by another, even without the right of legal control. The FAA's lawyers normally attempt to hold the lessee/operator primarily accountable if the aircraft is actually operated while unairworthy. The FAA Chief Counsel has cautioned, however, that if the owner knows the aircraft is being operated in an airworthy condition that the FAA may also bring an enforcement action against the owner/lessor for the aircraft's unairworthy condition, even though it is not within the owner's control. See *FAA Legal Decision* (1991-27); *FAA legal decision* (1977-29).

CONCLUSION

The Good News: If you're an aircraft owner you may enjoy protection under the laws of many states against air crash liability as long as you're not actually piloting or maintaining your airplane.

The Bad News: Some states are "old fashioned" and have passed aircraft owner liability laws to impose liability for accidents on innocent owners to protect the public against those "daring young men and their flying machines".

The Good News: Careful business planning and skillful lawyering can establish buffers to minimize liability exposure as an aircraft owner.

The Bad News: You can't escape death, taxes or the FAA.

Weather On The Go

Flying to a smaller airport where you can't get a terminal area forecast? You can now get pinpointed weather detail from a free web site. Register for your free My-Cast account on the web at www.my-cast.com, and you can get weather forecasts calculated 8 times per day in four-mile sections on your PC or over Nextel Java-enabled cell phones. You can check animated radar, wx watches and warnings from the National Weather Service, and it's updated every 5 to 10 minutes. This new service even links with NWS data to see the direction of a storm or weather system. Another great aide to pilots in avoiding thunderstorms as well as getting up to date wx info previously unavailable.

Angel Flight South Central - They're on a Mission

Those attending the June 10 Airpark Annual Membership Meeting heard briefly about Angel Flight from our new President, Mark Mims. Angel Flight South Central is one of six volunteer organizations that make up Angel Flight America. Their continuing mission is to provide free transportation to specialized health care facilities for patients in need. Their goal for the immediate future is to serve more people, and they have identified five areas where they always need help: 1) More pilots; 2) More non-pilot volunteers to assist with writing, P. R., office work, ground transportation, etc.; 3) More contacts with hospitals and health care professionals; 4) More speaking opportunities to share the story of Angel Flight; and 5) More funding assistance. If you would like to know more, please visit www.angelflightsc.org, or contact their office by phone (972-458-0700) or email (afsc@angelflightsc.org). You can also visit with Lakeway Airpark President, Mark Mims for additional details. Flying is both a joy and a privilege. How great it is to have the opportunity to "give back" by donating some of your time to help others in need of aviation services through Angel Flight.



Editor's Corner

-- I want to extend a welcome and a big "thank you!" to our volunteer officers and directors. Without their dedication to the Airpark, it's certain that we couldn't continue to operate. I hope that each of you will likewise express your gratitude by pitching in wherever and whenever you can. If you're not sure what needs to be done, you can always contact President Mark Mims, or check a listing routinely posted at the Airpark's shack.

-- The great summer weather combined with vacation days and holidays usually means extra traffic in our skies. This is great, and after all the difficulties resulting from 9/11, I'm happy to hear and see so many GA pilots back in the air. This also means, though, that we've all got to be more vigilant and pay more attention to what's going on around us both in the air and on the ramp. **"See and avoid"** can only save your skin if you always practice it relentlessly, and it can't be stressed enough.

As a responsible pilot, you can never assume that "the other guy" will see you or hear you. You've heard of defensive driving, right? I personally endorse defensive flying, particularly around non-towered airports, such as ours, and especially on holiday weekends with nice weather.

-- Here's one other thought for the day: Your flight's not over until your aircraft is shut down, turned off, and tied down. Don't let distractions cause you to forget what you're doing when you reach your destination. Runaway aircraft are not only embarrassing, they can be downright dangerous.

-- As always, if you've got something to contribute, let me know: gingered27@3r9.org or mail to P.O.Box 9202, Horseshoe Bay, TX 78657.

Until next edition, here's to tailwinds both ways.

-- Ginger S. Baldwin



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Lakeway Airpark Hosts the Texas DPS

Over the 4th of July weekend, Lakeway Airpark served as a base of operations for the Texas Department of Public Safety. A DPS helicopter from Waco, Texas, was used to keep a watchful eye on the Highland Lakes. Pictured from left to right are Texas DPS Sgt. Borland, Sgt. Helms, and DPS Pilot Davis, with Mark Mims of the Lakeway Airpark.

Photo courtesy Ed Ragan.