



# EAA Chapter 21 NEWSLETTER

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March 2007

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## Message from Experimental Aircraft Association Chapter 21 President

Hello everyone.. Many of you are reading this newsletter and setting history without possibly knowing it. You are doing this by reading the newsletter electronically. You are doing this not just for historic purposes. As discussed at the last meeting on Feb. 7, we are making changes to provide for activities you the members have told us are your primary interests. We realize not everyone has a computer right now - or even wants to read the newsletter electronically. Nonetheless, the newsletter is available by email, and back copies are available on the EAA21's website. You could even get to it by going to a library having internet access if you do not now have home internet access. At our March meeting on the 14<sup>th</sup>, webmaster Steve Eberhart might be persuaded to discuss system requirements to access the internet and the information waiting there for you at EAA21. There are plans to include progress reports with photos on airplanes in process of building and restorations by our members and possible others in our area. In addition, those of us with a recently completed homebuilt, like me with an RV-7, might have a story or two about a recent fly in spot we enjoyed. Our photographer, Don Taylor could show up at any time with his camera and pictures for all to see. It is an exciting time in general aviation as we stand in the starting blocks of new air traffic control system legislation in Washington. I look forward to hearing more about this and some of your fellow members are well versed in it currently. This is of real interest to us all. I have written all my legislators. Have you?

Hope to see everyone at the 14<sup>th</sup> meeting where there will be food, and beverages.. And there will be another educational, fun quiz. Prizes and more.

Members should wear their EAA name tag. If you lost yours, ask Bill Gowin about getting a new one. Guests are welcomed.

Larry



### Editor's Comment:

If you received only a paper copy of this newsletter, and would prefer receiving it by email, please let me know your email address. Email me at [eaa21nleditor@hotmail.com](mailto:eaa21nleditor@hotmail.com). If you did not receive a paper copy, but would like to in the future, please let me know that, too. (Current members only, please)

Of course if you do not have email, you will continue to receive a paper copy of the newsletter.

Pete



## User Fees—A funding scheme that won't work

I have been viewing with alarm the proposal being made by the airlines and FAA to replace the funding mechanism for the National Airspace System (air traffic control and airways) from fuel taxes to something that includes increased fuel taxes and a direct user fee system. This is something that has the potential to ground me and many of you permanently because of high costs.

Of most immediate concern is the increase in fuel taxes that will accompany the new direct user fees. This will increase the amount I pay in federal fuel taxes from less than a dollar per flight hour to more than \$3.50 per flight hour. I suppose if I call approach control to overfly Evansville Regional I'll have to pay a fee for that, too.

I have a report prepared by Ruth Marlin, an official with the National Air Traffic Controllers Association, that compared the funding structures of ATC systems of the major industrialized countries of the world. It shows "user fees" to be unstable, and will likely result in less revenue for the FAA than the current U.S. mechanism.

Nav Canada, the ATC service provider up north, experienced a loss of revenue in 2002 because the Sept 11 terrorist attacks in New York, and a SARS scare in Ontario caused traffic to decline. Then in 2003 their major user, Air Canada, went into the Canadian equivalent of Chapter 11 bankruptcy. So Nav Canada raised their user fee rates. Air Canada is no longer in bankruptcy, in fact they're doing better financially than ever. But Nav Canada is still losing money. They added new fees in 2006.

Marlin's report states: "The instability of user fee based systems...shows that Air Traffic Service providers have opted to increase fees when their users can least afford it... [however] History has shown that during periods of industry strength, airlines tend to

regard providers as over collecting fees and the pressure for rate reductions...is as aggressive as the cry for rate cuts during a decline." *leaving the Service Provider—and General Aviation—holding the bag.*

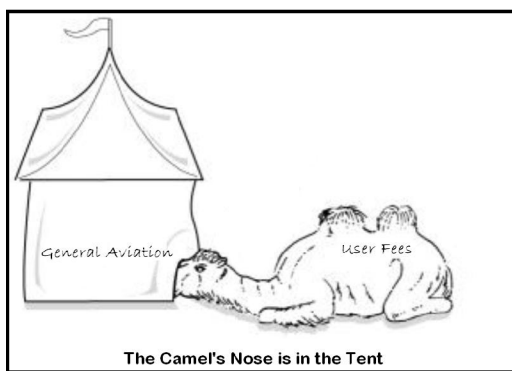
The report goes on: "Experience has shown that the structures are primarily designed for continued traffic growth and cannot be sustained in a market downturn, and there is considerable risk that providers will become overburdened with debt."

### My Experience with Canadian user fees

In August 2002, when I moved to Evansville from Anchorage Alaska, I flew my Luscombe through Canada.

I landed at three tower controlled fields in Canada: Whitehorse, Yukon, Edmonton, Alberta, and Saskatoon, Saskatchewan. I also filed VFR flight plans for every leg—since these are required in Canada. Other than that I had no interaction with Canadian ATC.

Once I had established my residence in Evansville, and got all my mail forwarded from Anchorage, I discovered Nav Canada sent me a bill for \$17.42, payable in Canadian funds. I thought at the time the amount was so minor it probably wasn't worth the time and effort it took them to prepare and send the bill. I paid it immediately.



I related this story to one of the controllers at Evansville Tower, and he wondered what recourse Nav Canada would have had if I had chosen to ignore the bill. Would they have spent a lot of time, effort, and money trying to get that \$17.42 out of me?

*Submitted by Pete Wiggin*

### EAA Chapter 21 Meeting Minutes, February 7, 2007

Meeting started at 7:10PM.

Larry asked that all members turn off their cell phones; that they were a distraction when the meeting was in progress.

Larry talked about sending our newsletter via E-Mail to members with e-mail addresses, and a post card to members without e-mail service. He said this would cut our cost considerably.

Larry gave the floor to Steve Eberhart to talk about the new website that EAA 21 will be putting on line in a few weeks. There will be a page on the website where members can post and update their projects.

Larry talked about the new sport pilot license, how people are not going to renew the medical, and just fly sport planes. Les Bryan asked if the club could get an Aviation Medical Examiner to talk at one of the meetings about getting your medical.

Wayne Ray said he will give a talk next month on flying to Sun 'n Fun, and what to expect when you land there.

This month's Mr. Handshake was Jim Schmitt. Half pot was won by Wayne Ray. Door prize was won by John Rudolph.

Meeting was adjourned at 8:00PM

Submitted by Gary Zimmerman, Secretary, EAA Chapter 21

## Legal Questions

“Do you have any knowledge if having one’s passengers sign a release before flight will release the pilot of any liability?”

-Dr. Grill (John Bassemier)

Every time you buy a ticket on an airline, you are entering into a contract with the airline and yourself. Basic contract law implies that they agree to get you from point A to point B, do their best not to lose your luggage and be on time, and you in return pay them for the ticket. You didn’t sign anything, but by paying the funds and accepting the resulting ticket, you’ve entered into a contract.

The same basic concept is implemented when you offer to take passengers on your airplane. The difference is that no money is exchanged. You agree to fly them safely, and in return, they agree to fly with you. If that weren’t the case, they probably wouldn’t get in the airplane with you! I’m sure that you could draft some sort of limit of liability and have people sign, but if they were to ever contest it in the legal process, you would probably be found liable in the end.

Why wouldn’t your liability release hold up in a court? By definition, as Pilot In Command, it is your responsibility to ensure airworthiness of the aircraft by performing a thorough preflight. This should include a visual inspection of everything from spinner to tail, ensuring all your documents are on board that are required (AROW), and making sure that all the maintenance items are current. Also included in your duties as PIC is to make sure you meet the medical requirements for your medical. Basically, no matter what happens on the airplane, it’s your responsibility. So, if you had a bad landing, had an engine failure, crashed into a wall, or even if you encountered turbulence and your passenger’s seat belts weren’t fastened, you could be found liable if they were injured.

You mentioned the reason as being insurance. Some determining factors of insurance risk are pilot ratings, amount of experience (flight time), and complexity of aircraft. Certainly one way for you to reduce your premiums would be to have an instrument rating. A recent phone call to Avemco for an insurance quote, including \$60k in hull value and \$500,000 Liability with \$50,000 per person for a private pilot with 300 hours and 100 in type in a 1970 Cessna 182 was \$1500 per year. With the addition of an instrument rating the insurance premium is reduced to \$1300 per year. Other ways to reduce your insurance premiums is to participate in a Wings program and most of all, stay current by continuing to fly regularly.

So, to answer your question, can you have your passengers sign a liability release? Yes. Would it be enforceable? Probably not.

“Can a student pilot taxi an airplane with another passenger on board?”

-Les Bryan

Let’s look at the definition of logged time. You can log from the time you start the engine with the intention of flight to the time you shut down the engine at the end of a flight. If you don’t have any intention of flying the aircraft, then you can’t log it as flight time. So, if you’re just taxiing an aircraft, say to get fuel, then you are not intending to fly the airplane, thus you can’t log the flight time. If you can’t log it as flight time, then one could reason that you don’t have to have a pilot certificate.

It is this instructor’s opinion that a student pilot can taxi an aircraft with a passenger, so long as he has no intention of flight. Always remember, however, that your insurance company may say differently!

Have a question? Want to get recurrent again? I’m available most weekends for instruction. Call me at (812) 480-6898 or email me at [judolph@rudolphweb.com](mailto:judolph@rudolphweb.com).

### Chapter 21 Monthly Treasurer's Report February 2007

|                   |                                    |             |                |
|-------------------|------------------------------------|-------------|----------------|
| February 1, 2007  | Beginning Balance                  |             | \$2,140.53     |
|                   | Receipts                           |             |                |
|                   | Interest                           |             | \$0.45         |
|                   | Dues—                              | 17@\$15 ea. | \$255.00       |
|                   | Half Pot 1/10                      |             | \$9.50         |
|                   | Future Dues                        |             | <u>\$30.00</u> |
|                   | Total                              |             | \$294.95       |
|                   | Disbursements                      |             |                |
|                   | Newsletter Printing                |             | \$51.15        |
|                   | Postage (300)                      |             | \$117.00       |
|                   | Feb Meeting Expenses - food/coffee |             | <u>\$9.60</u>  |
|                   | Total                              |             | \$177.75       |
| February 28, 2007 | Ending Balance                     |             | \$2,257.73     |
|                   | Balance ONB 02-28-07               |             | \$2,257.73     |

Submitted by Bill Gowin, Treasurer

# EAA Chapter 21

Send Your Dues Payment To:

Bill Gowin — Treasurer  
204 Harper Ave.  
Evansville, IN 47714

**Address Service Requested**



Pete Wiggin — Newsletter Editor  
eaa21neditor@hotmail.com

If your address label doesn't say 2007, your \$15.00 EAA Chapter 21 dues are OVERDUE

## Upcoming Chapter 21 Events

**Wednesday March 14 — 7:00 PM — Skylane Airport**  
**EAA Chapter 21 Monthly Meeting.**  
(See Page 1 for more information)

**Tuesday April 17 — Monday April 23 — Lakeland, FL (KLAL)**  
**Sun-'n-Fun Fly-In**

**Monday July 23 — Sunday July 29 — Wittman Field (KOSH)**  
***EAA AirVenture Oshkosh 2007!***

