

EAA MILE HIGH CHAPTER



PRESIDENT
KIRBY WHITE
423-5134

VICE PRESIDENT
FRED SEAL
659-1589

SECRETARY
KIRBY WHITE
423-5134

TREASURER
CATHY SHEEON
232-9535

NEWSLETTER
KIRBY WHITE
423-5134

VOLUME 10, ISSUE 3, MARCH, 1987

THIS MONTH: This month's meeting will be held on Saturday, March 14, 1987 at the Rocky Mountain Energy Center at 7:30 P.M. The program will be a slide presentation by Ted Wilkinson of aircraft that he has photographed in museums around the country. He has been taking pictures for many years, so it should be a good presentation.

LAST MONTH: With 43 members and guests attending despite the icy roads and the fact that it was Valentine's Day, the meeting of February 14, 1987 was called to order at 7:55 P.M. by President Kirby White at the Rocky Mountain Energy Center. The minutes of the January meeting were approved as published in the Newsletter.

Guests: Guests present were Kelsey Ann Sheeon -- who is the 16 day old daughter of Cathy and Guy Sheeon (which everyone congratulated them for), Marion Thompson -- who is the daughter of Jim Thompson, Joel Oden of Brighton -- who was a guest of Roy Clark and is interested in learning to fly, and Larry Nagele of Littleton -- who is a Chapter 301 member and has built and flown a Vari Eze.

Treasurer's Report: There was none given.

Old Business: Kirby reminded everyone that Treasurer Cathy Sheeon was collecting the dues and still had a few calendars for sale. Cathy said that she had quite a few badges for the newer members.

New Business: Phil Hughes talked about a business trip he was on recently in Connecticut. He was driving to the airport through the town of Windsor Locks, and noticed a small sign that pointed to an aircraft museum. It was two hours before his flight, so he decided to stop in. It was about one-half outdoor museum (like at Pueblo), and one-half indoor museum. About one-third of the indoor space was devoted to helicopters. Phil was glad that he had visited the museum, but unfortunately his time was short and he didn't have a camera with him. He recommends the museum to anyone who is in the area. Jim Thompson asked if anyone knew if the Greeley EAA Chapter was planning a Fly-In Pancake Breakfast this spring. Kirby said he would publish everything he could find out in the Newsletter.

Gene's Corner: Gene Horsman read several articles which concerned the midair collision over Cerritos, California on August 31, 1986. One article dealt with the limitations of the air traffic control radar system. It also showed a drawing of the angles at which the two airplanes collided. Another article said that both airplanes were visible in each other's windshields for at least a minute before the crash. It showed drawings of the view out of both windshields. Cessna has been flight testing its answer

Gene's Corner cont: to the Beech Starship. The new twin is essentially a Citation with a pair of big pusher turboprops on the wings. The "Death Notice" concept seems to be spreading as a hoped for means of saving oneself legally in the product liability game. First Cessna last year issued "mandatory" placards warning of death or injury if certain measures were not taken. Now Airborne has done the same regarding its vacuum pumps. Issued on December 8, 1986, it warns against using vacuum pumps without backups in IFR conditions. A recent study at Stanford Medical School throws in doubt the old "eight hours bottle-to-throttle" rule. Experiments with ten Navy pilots who drank heavily and then tried to fly simulators showed that performance was impaired up to fourteen hours after the last alcohol was consumed -- even when the pilots didn't feel impaired. Gene read a newspaper article that reported several air traffic controllers at Southern California's primary radar center destroyed evidence, falsified reports, and lied to investigators to conceal errors that placed airplanes on collision courses. Federal Aviation Administration officials estimate the agency will spend more than \$16 billion through the year 2000 to complete its National Airspace System plan to modernize the U.S. air traffic control system. Gene read an editorial from Aviation Week and Space Technology that saluted the flight of the Voyager.

Progress Reports: Phil Henninger said that he has been doing some taxi tests recently in his KR-1. He is fixing the little glitches as he finds them, and is looking forward to a first flight in the not too distant future.

A&P: The business portion of the meeting adjourned for coffee at 8:30 P.M. After the break, Gene Horsman showed a couple of videotapes on the Voyager. The first was from the television show 20/20, which had aired as one of their segments and was quite good. The other was a promotional tape that Voyager Aircraft put out, and was also very enjoyable.

AVIATION HAPPENINGS: March 29, 1987 Fly-In Pancake Breakfast from 7:00 A.M. to 2:00 P.M. at the Weld County Airport. Sponsored by EAA Chapter 720. Rain date of April 5, 1987.

MARKETPLACE: Wanted: Interested in a partnership in either an older 172 or a Tri-Pacer. Phil Hughes 798-9820





HQ Report

A RESOURCE PROVIDED AS A SERVICE TO EAA CHAPTER NEWSLETTER EDITORS

Volume III, Number III

March 1987

WASHINGTON REPORT

EAA Washington, D.C. representative, David Scott, reports FAA has announced Airport Radar Service Areas (ARSAs) at Atlantic City Airport, New Jersey; Fort Myers Southwest Regional Airport, Florida; Savanna International Airport, Georgia; and Tallahassee Municipal Airport, Florida. All of these airports had Terminal Radar Service Areas (TRSAs) but under ARSA procedures, all aircraft will now be required to maintain two-way radio communications with an FAA-ATC communications facility within each ARSA. These ARSAs become operational on March 12th. In announcing these new rules, FAA answered the well known objections of all general aviation groups concerning the inability of controllers and equipment to handle the extra work load. FAA says ARSAs are more efficient than TRSAs in controller and equipment use. Although FAA continues to claim that transponders won't be required in ARSAs, many aviation experts who feel that it is only a question of time until they will be required and transponders will have to add Mode C altitude reporting capabilities in line with coming requirements for such equipment at all TCAs.

David also notes that in late February the DOT said that FAA must turn over to the Federal Bureau of Investigation all of their pilot records to be checked with FBI files to see if any pilot has a record of illegal drug or alcohol use that was not reported on the pilot license application. There are some 700,000 names on the FAA records of pilots certificates. The FBI will probably find a few instances where a pilot did not make a full disclosure of prior use of drugs or alcohol. But, it certainly seems doubtful that this exercise will be cost effective. It will require a great deal of manpower and time to make such an evaluation. Pilots who are identified as falsifying their applications will be turned over to the Department of Justice for possible prosecution that may result in criminal charges and at least a suspension of their pilots certificate. This program applies to all pilots.

ASTRONAUTS AT EAA '87

We have received confirmation that Wally Schirra, one of the original astronauts, and his wife will be joining us this summer for the EAA convention. EAA will be honoring the original seven astronauts for their contributions to our country and to aviation in a program we have tentatively named "Return of the Seven." This recognition will be very appropriate as 1987 marks the 25th anniversary of the first manned space flight.

Chapter Administrator Lisa Chapman has sent letters to all EAA and division Chapters which were unable to comply with the basic requirements. These Chapters have been notified that their charters have been terminated and revoked. They have been directed not to use the EAA name, initials or logo in any manner. In today's highly litigious climate, it is necessary to protect all EAA members and Chapters as best we can.

QUESTIONS?? We receive many phone calls from Chapters regarding a wide variety of subjects. However, many are uncertain as to whom they should contact. All offices, located here at the EAA Aviation Center, can be reached at 414/426-4800. For your convenience, these are the extensions most often requested:

CHAPTER	Ext. 4876	Lisa Chapman
DEVELOPMENT/FUND RAISING	Ext. 3063	Greg Anderson
EDUCATION/YOUTH ACTIVITIES	Ext. 3062	Chuck Larsen
GOVERNMENT AFFAIRS	Ext. 3075	Henry Ogrodzinski
INSURANCE	Ext. 4822	Donna Wendt
MEMBERSHIP	Ext. 3068 / 3070	
PUBLIC RELATIONS	Ext. 3067	John Burton
INFORMATION SERVICES	Ext. 3073	Ben Owen

1987 EAA LYCOMING EAA and AVCO Lycoming are looking for new and innovative ideas which will have a positive effect on aviation safety. For the fourth consecutive year, AVCO Lycoming will provide a new 0-235 engine with accessories to the winner of the "Outstanding Safety Achievement Program". The program is designed to recognize those who have made a significant contribution to aviation safety through an aviation safety accessory, an overall contribution to aviation safety or a new aviation item which will lead to safer flying. For more information, contact the EAA Information Services Office. The deadline for entries is July 1, 1987. The award presentation will be made at EAA '87.

WING SPAR UPDATE All members owning or familiar with Citabria, Decathlon and Scout type aircraft are urged to read the NPRM notice in the Hotline section of the February SPORT AVIATION. Expensive 100 hour inspections are being proposed by FAA. Your comments are needed.

ROTORCRAFT PILOT CERTIFICATES The FAA has announced new standards for applicants for rotor pilot certificates that will become effective on May 1, 1987. Any EAA members planning to obtain private helicopter ratings, commercial helicopter ratings, or private or commercial gyroplane ratings, should contact the EAA Government Affairs Office for more information.

NEW FUND RAISING IDEA! EAA will soon announce an opportunity for your Chapter to earn a \$5 cash rebate for every EAA MasterCard and Gold MasterCard application approved for each of your Chapter members. This is an excellent opportunity to get your members involved and earn money for your Chapter's treasury at the same time. There will be more information on this new program in the very near future.

* * * *

Salute to Voyager

For years it has been the tradition at AVIATION WEEK & SPACE TECHNOLOGY to devote this page in the first issue of the New Year to a listing of those individuals who made outstanding contributions in the field of aerospace during the preceding 12 months. At the risk of breaking a time-honored tradition, Aviation Week will postpone its annual Laurels editorial until the second issue of 1987 and devote this column to a single extraordinary event that occurred in the closing days of 1986. That event, of course, was Voyager's spectacular nonstop, unrefueled flight around the world.

The nine-day, 25,000-mi. odyssey Dick Rutan and Jeana Yeager completed in the unique Voyager aircraft, designed and built by Burt Rutan and his talented team at Mojave Airport, Calif., captured the attention of citizens around the world. If one had to cite the single most important accomplishment of this fantastic flight, tops on the list would be the respite it gave a world jaded by a daily diet of turgid reports on the political scandal in the U. S., terrorist attacks and riots in Europe, human rights outrages in the Soviet Union and South Africa, and the interminable fighting in the war-ravaged Middle East and Afghanistan.

News agencies around the world broadcast daily—sometimes hourly—reports of the Voyager crew's progress starting with their harrowing takeoff from Edwards AFB, Calif., Dec. 14; through their nine-day battle against the weather, mind-numbing fatigue and a sometimes cantankerous flying machine, and finally to their triumphant return to California Dec. 23. After several graceful flybys over the large welcoming crowd at Edwards, during which he seemed reluctant to end the flight, Dick Rutan brought Voyager in for a whisper-soft landing on the Edwards dry lakebed.

A Triumph of Spirit

Many questions have been raised about the technological or operational significance of the Voyager flight, as if the undertaking needs to be justified on the basis of the spinoff it will provide to military and civil aviation endeavors. There will be more than a little of both, but why not for the moment just accept the Voyager flight for what it was—a triumph of the human spirit?

The flight culminated a six-year quest by the Brothers Rutan, Jeana Yeager and a team of another 40 persons, many of whom donated their time. Where else but in the U. S. could a project of this magnitude take form during a discussion between two brothers over lunch in a small desert town coffee shop? Once Burt sketched the design he thought would meet the challenge of carrying two pilots more than 25,000 mi. without enroute stops or aerial refueling, the dream came alive and there was no looking back.

The Rutan brothers are unique individuals with many different personality characteristics. But they share an ability to doggedly pursue their dreams and are complementary in many other ways that ideally suited them for achieving this historical feat. Burt brought his design genius to bear on the project, while Dick applied his

piloting skills and extensive operational experience. Jeana Yeager, who also has a solid aviation background, added an entirely different element to the formula and proved to be a steadying influence both during the development of Voyager and throughout the globe circling flight.

It is difficult to estimate the total cost of the Voyager project because so many members of the team volunteered their time and several corporate sponsors donated goods, services and equipment. An estimated price tag of \$2 million has been put on Voyager, but the actual figure could well be less than that. Even if it were double the estimate, it still would be a bargain as well as a tribute to the low-key, cost-effective way things are done around the Rutan Aircraft Factory at Mojave Airport.

Technology Breakthrough

The aircraft was handbuilt over a period of 18 months by Voyager Aircraft, Inc., a company Dick Rutan and Jeana Yeager formed specifically to develop a machine that could complete the record breaking flight. The final product is an unusual twin-engine design—ungainly and yet sleek, streamlined and beautiful in its own way. Its primary breakthrough is the way in which it combines a variety of advanced, and yet state-of-the-art technologies, ranging from its graphite composite and honeycomb structure to its slim 110.8-ft. high-aspect-ratio wing.

In fact, Burt Rutan said early in the Voyager design process that the basic rule was to keep the aircraft simple and avoid using any experimental or otherwise unproven systems or technology. Other than the use of graphite composite for all elements including basic structure, this policy generally was followed. The one exception—an initial attempt to use advanced propellers—almost brought the project to grief when a modified blade broke loose during a test flight and the resultant vibration of the unbalanced propeller tore the forward motor off its mount before Dick Rutan could shut it down.

With the successful globe girdling flight completed, engineers from NASA, the Defense Dept. and various aerospace companies will want to inspect the Voyager airframe and add their assessments to the growing database on composite structural materials. Proponents of high-altitude, long-endurance (HALE) aircraft for various manned and unmanned reconnaissance and surveillance missions will take heart in Voyager's endurance. And, aerodynamicists and structural engineers will draw insights from Voyager's performance, which enabled it to lift a whopping ten times its basic structural weight.

In the final analysis, however, the Rutan brothers, Jeana Yeager and the Voyager team are to be saluted for an even greater achievement—the excitement they generated as their ungainly craft chugged around the world at an average speed of 115.8 mph. It is heartening that the spirit of the early age of aviation could be felt again in a world grown accustomed to the fire, smoke and sonic booms of the supersonic jet and space age.

Another famous aviation brother team—the Wrights of Dayton, Ohio—would have loved it.

—DONALD E. FINK/New York



EXPERIMENTAL AIRCRAFT ASSOCIATION

WITTMAN AIRFIELD, OSHKOSH, WI 54903-3086
PHONE: 414/426-4800

February 18, 1987

Dear EAA Chapter President:

Up here in Oshkosh, temperatures have been well above average for February and we have received very little snow. Nevertheless, winter is still winter...and we are looking forward to beginning our outdoor work in preparation for the 35th Annual EAA Convention and Fly-In. I'm sure many Chapter Presidents have plans for fly-ins and other aviation activities, and herein lies a problem for all of us. We must give great thought to the nature and scope of activities and risks to which the officers of your Chapter and your EAA Headquarters here in Oshkosh are exposed. In the past, both our Chapters and EAA Headquarters have been very fortunate in not being named in too many lawsuits involving injuries or loss of life. However, this is not the case currently.

You may recall an accident that took place during the convention here in Oshkosh several years ago. The pilot of an aircraft parked in the aircraft campground left the cockpit of his airplane while its engine was still running. Unfortunately, the airplane, with no pilot at the controls, pulled out its tie down stakes and ran into a tent. A young woman, who was sleeping in the tent, received severe leg injuries including the loss of a foot. As a result of the accident, an \$11 million lawsuit was filed against EAA. The allegations made against us were the normal legal rhetoric. Although the suit has been settled, we have wasted a great deal of time in litigation. That time, not to mention the expense involved, could have been better spent furthering the causes of aviation.

We had a similar incident at last year's convention which fortunately did not result in injuries. Again, it was the result of a pilot leaving the cockpit while the airplane's engine was running. In this case, the pilot placed his very young daughter in the cockpit to turn the switch on when he propped the engine. The airplane, again in the aircraft campground, severely damaged another airplane when the unqualified young girl was unable to stop it. Although we have not received a summons on this accident, I guess it would not surprise me to learn that some attorney feels that EAA itself was negligent in allowing this accident to occur.

Just recently, EAA Headquarters was dismissed from a \$2 million lawsuit which resulted from a passenger fatality in an accident that occurred several years ago at a Chapter fly-in. Again, we were required to expend

EAA Chapter President

February 18, 1987

Page 2

a great deal of time and money in order to demonstrate EAA Headquarters innocence. One thing about lawsuits...you never know when one will be delivered to you. In this case, it had been over two years since the accident. We, here at Headquarters, had no knowledge of the accident as it had not been reported to us until we received a summons which stated that EAA Headquarters was being named as a defendant in the lawsuit. The summons alleged our lack of responsibility in providing safety and care for an individual who died in the accident. As far as we can tell, a pilot from Canada was visiting a small northwest Chapter fly-in when a very enthusiastic aviation buff asked him for a ride in his Pietyenpol. Unfortunately, the passenger lost his life in the accident.

We were told by the insurance company that the policy in force at that time for Chapter flying activities had an exclusion relative to a pilot taking passengers for rides as part of fly-in activities. As a result, the pilot was not covered. This is understandable, as there would be no way for the insurance company to know the pilots qualifications, the airplane type or the airworthiness condition of the aircraft. As of this date, we have spent some \$25,000 in litigation fees as a result of this accident.

This year, for the first time in history, both EAA and I have been named as defendants in a suit filed by a Chapter and its past officers against us. As a result of the accident I just mentioned, they claim that Headquarters does not provide insurance to cover their activities in the event of injuries or death.

We have all seen the demise of our general aviation industry in the United States and the difficulties other businesses face as the result of the liability and insurance availability crisis. Today, we have some 700 active or semi-active Chapters, and the attorneys have said that these are 700 exposures to litigation. If there ever was a time to closely follow all safety procedures, to avoid assuming additional liability by the co-mingling of your activities with other organizations or groups--whether it be airshows or your Chapter being used for good causes such as fund raising for civic groups--that time is now. It is also time to closely examine your activities in relationship to your insurance. Under some circumstances, one might find that your insurance is inadequate ...that it might not cover your Chapter as you wish...or that the number of people the policy covers results in the insurance being diluted to the point of offering very little coverage for each individual involved.

I have enclosed an attachment for you and your Chapter officers to read. It contains the language and accusations of the attorneys involved in suits against EAA and/or its Chapters. It is typical of such situations and legal accusations. Since you may be a new, incoming Chapter president, I hope that the previous Chapter president passed along the letters he received from me during 1986. Much of the information contained in them and EAA's general policies and practices have not

EAA Chapter President

February 18, 1987

Page 2

changed. I hope it is available to you in your leadership role. I would also like to stress that corporate and Chapter leadership is a very responsible position. It is all too often disheartening to learn that a Chapter president may not be an EAA member, may not attend all Chapter meetings, may not communicate with fellow officers and Chapter members, or uses the Chapter position for self-serving purposes.

We in aviation are facing many challenges and many potential future restrictions. It is very important for all of us that leadership prevail at all levels of our entire organization and throughout the aviation community. By assuming the presidency of your Chapter, you are playing an important role in the future of aviation.

Sincerely,

EXPERIMENTAL AIRCRAFT ASSOCIATION

Paul
Paul H. Poberezny
President

PHP:rjm



" Don't forget to check in with ARSA."

February 1987

"THE FRIGHTENING LANGUAGE OF LAWSUITS"

You have undoubtedly heard about the litigation explosion in the United States. But have you ever wondered how it might affect you personally, not to mention your family, friends, fellow Chapter members and the Experimental Aircraft Association? What if a tragic fatal accident took place at a fly-in which was sanctioned by your Chapter. Did you know that you and your wife could be sued as individuals in conjunction with the accident? This has already happened. In the legal documents filed with the court, you could be accused of "negligently, willfully, wantonly, recklessly, tortiously, intentionally and unlawfully causing death or injury."

Did you know that you could be expected to be responsible for the condition of an aircraft over which you have no control? According to one lawsuit filed against EAA and a Chapter by the plaintiff's attorney, the owner of an aircraft "performed an inadequate annual inspection, failed to adequately pre-flight and test the operation of the aircraft and failed to maintain adequate flying speed (so as to) cause the crash of the aircraft, the death of the plaintiff's decedent and injuries and damages..." The plaintiff's attorneys say that, "The aircraft assembled, maintained and operated by the defendant was unreasonably dangerous and defective in that its ignition system was fouled and it was unstable and under-powered for the wind and weather conditions existing on the date of the accident...and although the defendants (the Chapter and EAA Headquarters) were aware of this defective condition, they failed to correct it or warn the plaintiff's decedent so as to proximately cause the injuries, damages and death herein of complained."

You will note that the above paragraph accuses the "defendants" of being aware of the condition of the aircraft and failing to correct it or to warn the passenger who died as a result of the unfortunate accident. Even though you may have nothing to do with a particular aircraft, you and your family may be sued as "defendants" if a lawyer believes the accident was in any way connected with the activities of a Chapter or any of its members.

As the result of an accident at a fly-in, a number of individuals and organizations are being sued because they "negligently, recklessly, willfully, wantonly, unlawfully, and intentionally, organized, advertised, operated, promoted, and supervised an airshow..." The attorney accuses them of "dictating an unsafe traffic pattern and direction of takeoff in view of the weather conditions. Further, they were aware, or upon the exercise of reasonable care should have been aware, of the existence of turbulence and thermal downdrafts in and about the area of the runway at the time of the air crash and should have warned aircraft invited to attend as visitors of these conditions, especially in view of the under-powered and fragile condition of the aircraft for which the show was intended. Further, they are vicariously liable for each other and the defendants (herein named) to which they owed the highest duty."

"THE FRIGHTENING LANGUAGE OF LAWSUITS"

February 1987

Page 2

In addition to causing an accident and death, the suit claims, "As a direct and proximate result of the conduct of the defendants and each of them, (the plaintiff's decedent) suffered severe physical and emotional pre-death pain, suffering, fright and anxiety compensable in an amount to be proved at the trial."

This is not a hypothetical case. The quotes above come directly from a current lawsuit involving a Chapter and EAA Headquarters. The language is, obviously, frightening to any reasonable individual. Even more frightening is the fact that you, your family, your friends and your fellow Chapter members may be held liable for an event over which you might reasonably believe you had little or no control or responsibility.

We, at EAA, have always stressed the highest standards of aviation safety. In today's highly litigious climate, it is more important than ever that we continue to stress aviation safety. In addition to stressing safety, we must protect ourselves as far as reasonably possible by obtaining adequate insurance for all of our endeavors. As leaders within the aviation community, all of us have significant responsibilities. One of those responsibilities is to protect our Chapter members, our families and ourselves from unreasonable lawsuits. We also must be sure that we are adequately protected by insurance.

If you are planning any Chapter activities, of any kind, please call your risk manager/insurance consultant at EAA Headquarters. He will be able to tell you the type and scope of the insurance protection that would be best for you...and suggest appropriate insurance companies for the policy. If your Chapter is planning any flying activities...be sure to obtain and utilize the Chapter fly-in insurance and manual entitled, "Guidelines for EAA Chapter Fly-Ins" (free of charge) from EAA's Insurance Administrator, Donna Wendt, here at Headquarters.



Chapter 43 Newsletter
c/o Kirby White
8780 West 90th Place
Westminster, CO 80020



Gene Horsman
210 Lookout View Ct.
Golden, CO 80401