

CPA FLIGHT LINES

Vol. 2, No. 1

January 1985



Walt Barbo in his beautiful
red and white Cessna T210 Centurian.



COLORADO PILOTS ASSOCIATION, INC.

P. O. Box 38555 Denver, CO 80238

News Briefs

New meeting place for January 17 will be the Holiday Inn at Arapahoe Rd. and I25. The speaker will be Berry Chrysler who will show WWII movies of the Ploesti air raids from the waist gun window of bombers.

There will be a Safety Program at Aurora Airport on Saturday Jan 9th sponsored by Aurora Aviation and Bruce Hulley, APC. The new film "Aviation Then and Now" will be shown. Aviation insurance for pilots, aircraft owners and instructors will be presented by Hal Gamble and CPA President Vern Foster. Mick Wilson will discuss aviation accidents in Colorado. Breakfast will be available for you by the Black Sheep Squadron of the CAP for a nominal fee. This should be a good presentation

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Publication Notice

The CPA Flight Lines is published once each month. Articles for the CPA Flight Lines are sought from members and other persons or organizations. Stories and articles can include flying tips, rebuilding and restoration experiences, special trips, activities, etc.

All articles should be sent to:

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so don't miss this one.

The US Pilots Association's winter meeting will be held in San Antonio, Texas, February 22, 23 and 24. Activities scheduled for the 22nd include a barbecue at Kerrville airport a tour of the Mooney Aircraft factory and a short flight to San Antonio International Airport. Transportation will be provided to the Menger Hotel. Social hour and dinner at Casa Rio Restaurant on the "River" will be the evening entertainment. Saturday the 23rd will start with a seminar on engine care presented by Al Hundere, Chairman of the Board of Alcor, Inc. The rest of the day you can visit the many historical sites in San Antonio. The guest speaker for the buffet dinner will be Edna Gardner Whyte, noted aviation woman pioneer. Sunday 24th you can depart at your leisure. Registration deadline for Kerrville will be Jan 25 the cost will be \$4.50 each for the barbecue plus \$28.00 each for registration fee to cover the plant tour, group bus transportation to the hotel, Friday night dinner and the Saturday night buffet dinner. Send check to USPA, Bob Worthington, 23 Eagle Pass, Canyon, TX 79051: phone (806)655-1233. For more info call Don VanderPloeg in Denver: phone 753-1480.

COPY DEADLINE

JANUARY 25

President's Message

We look to 1985 as a year of expansion for CPA and increased involvement of many more members in the large number of planned activities. CPA continues to be involved in the state legislative activities to establish the Office of Aviation in the Division of Local Government.

One new highlight of our plan is to initiate the Area Representative Program. This program will provide pilots away from the metro area a local contact who can represent CPA in coordination of activities, provide newsworthy items for publication in our communications, handle membership applications, etc..

The area representatives thus far appointed include: Lucille Bledsoe, Wray, John Warrender, Greeley, Dan Hofmann, Sterling, and Merle Entz, Salida. Additional area representatives will be assigned and will be announced in next month's Flight Lines.

Several weeks ago the Stapleton Director of Aviation proposed a landing fee of \$25 on transient general aviation aircraft plus a \$50 per month surcharge on each general aviation aircraft based at Stapleton. December 5 Frank Gallo and I represented the CPA at a meeting of Denver City Council. This fee topic was on the agenda. I stated the CPA position in opposition to the proposal. Similar opposition was stated by AOPA and FBO representatives.

The Director of Aviation will publish a proposed rule concerning fees at a future date. Sufficient time will be allotted for responses from interested parties. We are monitoring this subject and will keep you informed of any changes.

Finalization of the various committee programs and plans is to occur at the January 3 board meeting. These exciting plans are a tribute to the work and expertise of the committee chairmen. You will like what you see as the year unfolds. We will be launching these programs under full takeoff power in early January.

Your ideas and assistance are solicited and will be much appreciated. We have many great committee activities in which you might enjoy participating. Just give me a call or write a note and I will see that you are assigned a job you will like.

Have a good 1985. Fly safe. Fly smart. Remember we can't use the altitude above us, the runway behind us or fuel that is not in the tanks!



The meeting place for the **January Meeting** has been changed to the **Holiday Inn** at I-25 & Arapahoe Road

An Interesting Fact

The Colorado Chapter of the 99's was founded in 1941.

Goals

The Colorado Pilots Association Board of Directors is approaching the new year with new direction. A committee has drafted and the Board has adopted the FY 1985 Goals and Objectives which follow.

MISSION STATEMENT

Colorado Pilots Association is an organization of pilots and aviation supporters dedicated to the furtherance and enhancement of general aviation interest in the state of Colorado.

GOAL #1: Encourage safety in general aviation flying.

ACTIVITIES:

- Sponsor aviation safety symposiums, meetings, and safety clinics as a means to educate on pilot safety.
- Support pilot safety programs initiated by others including the FAA, CAP, and various pilots associations and organizations.
- Contribute to an awareness of aviation safety by use of the CPA Newsletter to publicize accident information and as a forum for accident prevention articles.
- Counsel Federal, State and local organizations on safety implications of aviation related programs.

GOAL #2: Promote the growth of general aviation in the State.

ACTIVITIES:

- Support aviation education programs as a means of providing understanding, support, and advancement of aviation interests.
- Provide leadership and support efforts of others in removing barriers to effective growth and economic health of aviation.
- Give recognition to activities and accomplishments in aviation through actions such as awards, letters of recognition or appreciation, and publicizing in the press and electronic media.
- Support AOPA, USPA, and other aviation groups and organizations in programs to foster growth of aviation.
- Support state aviation historical organizations in preserving the record of aviation in Colorado.
- Establish and maintain a record of activities and accomplishments of Colorado Pilots Association.
- Promote legislation favorable to the growth of general aviation at the Federal, State and local level.
- Encourage the construction and improvement of air facilities in the state.

- Support policies, practices and technological changes in aviation which have the effect of minimizing or reducing costs of general aviation flying.
- Sponsor, encourage and support fly-ins to promote increased use of aircraft and increase acquaintance between pilots and the aviation community.

GOAL #3: Assist Federal, State and local government on general aviation matters.

ACTIVITIES:

- Provide advice to Federal, State and local governments on programs and plans which affect the aviation community.
- Participate in advisory committees and panels to provide information on and further the interests of general aviation.
- Assist the state of Colorado in its efforts to create a state aviation organization.

GOAL #4: Guard and protect the rights of pilots.

ACTIVITIES:

- Oppose actions which would unreasonably limit general aviation access to airports (i.e. curfews, TCA's, rights to operate, etc).
- Seek removal of burdensome regulations and oppose proposed new regulations which would have the effect of reducing rights of pilots.

Proposal to Increase General Aviation Landing Fees at Stapleton

By Walter A. Barbo, Manager
FAA Denver Airports District Office

Predictably, the issue addressed in last month's CPA Flightlines about Denver's intent to increase general aviation landing fees did not go unnoticed. A Denver City Council meeting, December 5, on the issue attracted such general aviation notables as AOPA's Jeff Gilley and Hank Newman. Needless to say the council was urged to reject the proposed increase. Would the increase be an unacceptable burden to general aviation? Would it cause a significant diversion of general aviation aircraft which operate there?

Denver's objectives are clear. Though airport representatives speak of increased fees to make general aviation pilots "pay

their fair share" of airport costs, underlying is a greater interest to divert general aviation activity as a means of relieving airport congestion and cost of delay to air carrier aircraft.

Cost of delay is significant to an estimated \$40.0 million per year which is the second highest delay cost of any airport in the country. This is the urgency behind Denver's efforts to construct a new runway and the urgency to divert general aviation from the airport.

Air traffic records, however, show that there has been, and continues to be, a mass exodus of general aviation aircraft from Stapleton [including the author who moved his aircraft in 1983 after nearly five years at Stapleton]. The decrease in general aviation activity is shown by the following aircraft operations data:

<u>Actual</u>	Total Ops	G/A Ops	%G/A
FY 1970	362,583	189,059	52.1
1975	396,928	172,062	43.4
1980	485,695	109,329	22.5
1984	441,296	71,708	14.6

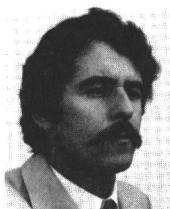
Forecast

FY 1985	521,087	65,050	12.5
1990	522,938	50,000	9.6
1995	525,273	50,000	9.5

Since 1970, general aviation activity decreased from a level of over 50% to less than 10% by 1990. General aviation operations are at a current level of about 65,000 per year and are expected to stabilize at about 50,000 per year and remain at that level for the foreseeable future. Further reductions are unlikely regardless of pricing policies, because of the inelasticity between the remaining airport use and fees which may be charged for operations from the airport. Those users who would be sensitive to fees [including the author] have already relocated and operate from outlying airports. So, the proposal to increase fees may achieve very little.

The proposal to increase fees is certainly within the airport's rights under conditions of grants received from the Federal Government, providing it does not deny access to general aviation pilots or charge discriminatory fees. To the level that fees represent the fair share of airport operating costs, they would not be considered discriminatory. The airport could legally increase fees.

Would not a much more attractive solution be to divert general aviation traffic by making the reliever airports so attractive that they would entice traffic away? This would require continued or increased attention at relievers to such things as airport access, passenger and pilot facilities, all-weather capability [and reliability]. Perhaps some increase in fees may be necessary at Stapleton. But, the reliever alternative seems more attractive.



Aviation Law Insights

By
J. Scott Hamilton

This is the first installment of what will be a regular monthly column on topics of practical concern to aircraft owners and pilots as seen from the viewpoint of an experienced aviation lawyer.

The author, J. Scott Hamilton, Esq., is a long-time supporter of the Colorado Pilots Association and a nationally-recognized authority on aviation law. A charter member and past President of CPA, he bases both his airplane [the highlymodified Cessna 175 which appeared on last month's cover] and his law practice [which is limited to aviation law] at the Jeffco Airport. He teaches Aviation Law at the University of Denver College of Law and Aviation and Law & Risk Management in the Aerospace Science Department at Metropolitan State College. He is also writing a book on practical aviation law for aviation managers, aircraft owners and pilots. Many of the articles in this series to be published in CPA Flight Lines are condensed from the manuscript for that book. Both this column and the book will be characterized by the blend of scholarship and practicality which has become the author's trademark.

The first several months of this column will focus on various aspects of FAA enforcement activities. This is a particularly timely topic because under orders from U.S. Secretary of Transportation Elizabeth Dole, the FAA is conducting an extensive program of surveillance and inspection of general aviation operations which is certain to be accompanied by increased enforcement activity.

FAA ENFORCEMENT

When the FAA has reason to suspect that an individual or aviation company has violated one or more of the Federal Aviation Regulations [FARs], the FAA can choose from a variety of penalties to punish the violator. These include:

1. Administrative dispositions

When the FAA considers the violation to be minor and of little consequence, but too serious to ignore altogether, it may dispose of the case administratively through issuance of a "Warning Notice" or "Letter of Correction".

a. Warning Notice

Being issued a Warning Notice by the FAA is very much like

receiving a warning from a police officer in a traffic case. The notice outlines the facts about the incident and indicates that it may have been a violation of the FARs, but that the FAA has decided not to file formal charges.

b. Letter of Correction

When such a minor violation involves a condition which has been since corrected [for example, if the FAA inspector found an aircraft's ELT battery out-of-date and the owner immediately rectified the discrepancy] the FAA may issue a Letter of Correction again outlining the facts

Aviation and the State

As was briefly mentioned in the last issue of "Flight Lines", the state's Aviation Planning Staff is attempting to assemble a new Colorado Airports Directory. We envision a directory with an entry for each publicly accessible airport identified on the state's Airport Systems Plan. Each entry will include a new aerial photograph of the site plus a page of descriptive data concerning the available facilities, services and communication frequencies.

At this time I would like to share with CPA the format we are proposing to employ. Then, at the January meeting, I will be available for input from each of you. Naturally, I would also welcome any comments you would care to send directly into the office.

We have planned on printing the directory at 8.5" x 5.5", loose ring bound at the side of each page. Each page will provide an aerial photograph and facility information for one airport. I have included for your review, a first generation sample entry for the Jeffco Airport.

In addition to the airport

entries, listed alphabetically by associated city, the directory might also contain FAA and NWS telephone numbers, a listing of commercial broadcast stations, and conversion tables for time zones and temperature. Also, a short section on mountain flying and emergency survival techniques would prove particularly helpful for pilots from out-of-state.

The front-end work for the directory is already underway. We have photographed approximately 70% of the sites to be included and plan on completing the photography next spring. With the aid of CPA and the airport manager's organization, the compilation of narrative information should be completed at the same time. With luck, a new Colorado Airport Directory could be available as early as summer 1985.

Your questions, comments and input are heartily requested and certainly required. Please feel free to give me a call at 866-2352 on this or any other aviation matter at any time.



Dennis W. Mewshaw
Aviation Planning Staff

Continued from p. 7

of the incident or condition, the likelihood of a violation, the corrective action taken, and stating that no enforcement action will be taken as a result.

If either a Warning Notice or Letter of Correction is issued, this becomes a part of the airman or company's permanent record at the FAA Aeronautical Center in Oklahoma City. This record is always consulted by FAA inspectors investigating alleged violations, and if it appears that an

airman or company under investigation has a previous administrative disposition such as this on their record, the penalty will be harsher, next time, on the theory that "last time we were nice guys and gave them a break, and they obviously did not learn their lesson from that, so this time we have to hit them harder to get their attention". Current FAA policy [the so-called "get tough" enforcement policy] has discouraged administrative dispositions of all but the

Continued on page 10



CITY: Denver
 AIRPORT NAME: Jeffco (BJC)
 LAT.: 39-54-28 LONG.: 105-06-53
 ELEVATION: 5654

MANAGER: Dave Gordon PHONE: 303-466-2314
 DISTANCE/DIRECTION FROM ASSOCIATED CITY: 10 NW

RUNWAYS:	2/20	11L/29R	11R/29L	FUEL:	100/100LL/JETA
LENGTH:	3601	7498	4000	ATTENDED:	24 hrs
WIDTH:	75	100	60	CREDIT:	MC;VISA;AE;
SURFACE:	ASPH	ASPH	ASPH	REPAIRS:	Major
LIGHTS:	MIRL	MIRL		STORAGE:	Tie, Hgr
PATTERN:	*Right Traffic to <u>20</u> , <u>29R</u> , <u>11R</u>			FOOD:	No
BEACON:	Yes			GROUND TRANSPORTATION: C-CAR; TAXI; R-CAR	

FSS: DEN 303-799-7000

RADIO FREQUENCIES

<u>COMM.</u>	<u>NAV.</u>	<u>IDENT.</u>
APP: 118.6 (1300-0500Z)	ILS: 111.7	1-BJC
TWR: 123.95 (1300-0500Z)	VOR: 117.0	DEN
GRND: 121.7	NDB:	
UNICOM: 122.95		
ATIS: 126.25 (1300-0500Z)		

REMARKS:

- * Right Traffic during Tower OPS only
- * Control Zone effective 1300-0500Z
- * Caution - Numerous birds on and in the vicinity of airport
- * RWY 11L - REIL, VASI (V4L) RWY 29R - MALSR, REIL, VASI (V4L)
 for RWY 29R MALSR key 118.6 3 times for low, 5 times for medium
 and 7 times for high; for RWY 11L VASI key 118.6 3 times

Continued from page 8

most picayune cases, with legal enforcement action in the nature of either a certificate action or civil penalty being preferred.

2. Certificate action

When the violation is one of an operational nature (rather than, for example, a mere delinquency in record-keeping) FAA policy prefers the suspension or revocation of the FAA certificate held by the airman and/or the company involved. The election between revocation or suspension and (if suspension is elected) the duration of the suspension imposed is determined by the FAA attorney handling the case, with the advice of the inspector who conducted the investigation. Factors considered by the attorney in reaching this decision include:

a. Precedent

Penalties previously imposed by the FAA and upheld by

the NTSB on appeal in similar cases serve as a guideline for future penalties.

b. Current FAA enforcement priorities

In the course of its safety regulating duties, the FAA looks for patterns appearing in investigations of accidents, incidents and violations and, as a matter of policy, targets certain types of misbehavior which may appear to be "getting out of hand" or otherwise causing particular concern for increased emphasis in inspections and related enforcement actions. When an alleged violation falls within an area which has been designated by FAA management for such special emphasis, penalties harsher than those previously applied for such a violation may be sought, on the theory that precedential punishment has proven insufficient to deter such violations.

c. The "horror factor"

The FAA attorney's subjective "gut" feelings about the



This photo was taken on the ramp at Jackpot, Nev. This beautiful aircraft finished 3rd in Class A. Left to right: John and Collette Simmance, Carol and Ian Hastie.

seriousness of the violation also plays a role in his selection of a penalty. Few FAA attorneys are pilots or have any other practical background in aviation, so this evaluation is often practical background in aviation, so this evaluation is often affected by views expressed by the investigation inspector and any sensationalized publicity which may have appeared in the news media regarding the violation.

3. Civil penalties [fines]

The FAA attorney has the option of imposing a fine instead of taking certificate action in most cases. For operational violations, however, the "get tough" enforcement policy encourages the use of certificate action. If, however, the attorney elects to proceed by way of civil penalty [fine], the agency may charge the violator up to \$1,000 per violation. Most incidents give rise to more than one regulatory violation, if only because anytime any FAR is violated, the FAA almost invariably adds a residual charge of a violation of FAR 91.9, careless or reckless operation, on the theory that it is careless or reckless to violate any FAR. For continuing violations, the FAA may count them on a per flight or per day basis. Thus, if the airplane in the earlier example with the expired ELT battery were flown a dozen times after the battery expired and before it was replaced, the fine could be \$1,000 per flight for the expired battery plus \$1,000 per flight for a careless or reckless operation, or, in the alternative, if this situation were allowed to exist over a period of thirty days, each day could count as a violation of each of these regulations, so

that in either event, the potential fine could quickly build to an astronomical number. As though this were not enough, former FAA Administrator Langhorn Bond (who believed that the airlines were cutting corners on certain required maintenance simply because it was cheaper to pay the FAA such fines than to fix their airplanes) requested Congress to increase the FAA's authority to \$25,000 per violation and to add criminal penalties as well. Although Administrator Bond is long gone from the Washington scene, that proposal is reportedly alive and well somewhere in the halls of Congress and may yet appear one day in the law, perhaps slipped through unnoticed as a rider on some other proposed legislation.

4. Summary seizure of aircraft

If the FAA has any reason to feel concerned about the ability of the violator to pay such a fine [do you look like the kind of person who might have \$30,000 in your pocket to pay a civil penalty?], the FAA also has the power to seize on the spot the airplane involved in the violation and literally hold it for ransom until the fine is paid or bond is posted to cover the fine.

If the FAA attorney elects to proceed with either a certificate action or a civil penalty action, the accused individual or company will eventually receive a hearing, through procedures described below.

5. Re-examination

If an accident, incident or report of an FAR violation causes the FAA to be concerned about the competency of an airman or company, the FAA may require the certificate holder to submit to re-examination

in the area of concern. This may include a repetition of written, flight or other practical tests required for certificates held by the person or company. The FAA must have some reasonable basis for requesting such re-examination, but if they do you have no right of appeal and must submit to the re-examination, at your own expense. If you refuse to submit to re-examination upon reasonable request, that in itself is a FAR violation for which the FAA may suspend or revoke your certificates. An example of when re-examination may

be called for would be if, during the conduct of instrument flight operations, ATC observed you having some difficulty executing a published missed approach procedure, the FAA might then require you to submit to another instrument flight test with the concentration on instrument approach and missed approach procedures, as a condition of keeping your instrument rating.

Next month's column will discuss the FAA investigation process and what you can do to protect yourself from enforcement action.

Aviation Education in the State

If you know where Ports of Call is located, you are most likely familiar with Emily Griffith Opportunity Schools's Aircraft Training Center. The facility, situated north of the club's terminal, faces Montview Boulevard.

There are many names associated with the concept and development of the center, but none are more prominent than that of Francis L. Gallagher, the school's first aircraft instructor and subsequent coordinator of Opportunity School's Technical Training efforts. Gallagher, a 35 year veteran of the Denver Public Schools, retired in 1982. His contributions to the industry won him a place in the Colorado Aviation Hall of Fame the same year.

Emily Griffith Opportunity School with an offering of 350 courses traditionally develops training programs to meet the employment needs of business and industry.

In fact, the school's first aircraft training classes were formed out of such need. During the WW II years, Denver was selected as a sight for



Frank L. LeBoeuf, Instructor, tests students progress in his Private Pilot Ground School and Simulator Course.

Boeing Aircraft Company's B17 and B29 modification center. The war birds were

brought here to install armament, radios and other essential tactical equipment. Opportunity School, with its diversified training savvy was called on to help supply the riveters, sheet metal workers and hydraulics personnel necessary to get the job done. This was the beginning of Opportunity School's important role in serving the aviation industry.

In August, 1946, Emily Griffith Opportunity School received the Federal Aviation Administration's approval to offer a complete training

program for anyone interested in becoming an airframe and airpower mechanic.

In 1967, the Denver Public Schools' Board of Education approved construction of a 13,500 square foot aircraft repair and training complex at Stapleton International Airport. Students enrollment doubled when classes were moved from downtown to the new location in January, 1968. The school was now established and well on its way to becoming one of the finest training centers in



Art Burnett, Department Representative, addresses students during the school's Annual Job Fair. Civilian and military recruiters counsel with the students and explain job opportunities in their respective areas.

the nation. A few years later, the center was certified as an approved Aircraft Maintenance Technician School and Repair Station by the FAA.

The increasing demand for qualified mechanics helped build enrollment and the center began to suffer growing pains. There was nothing

to do but add more space. As a consequence, an additional 12,000 square feet of classroom, laboratory, study and storage space was added in 1972.

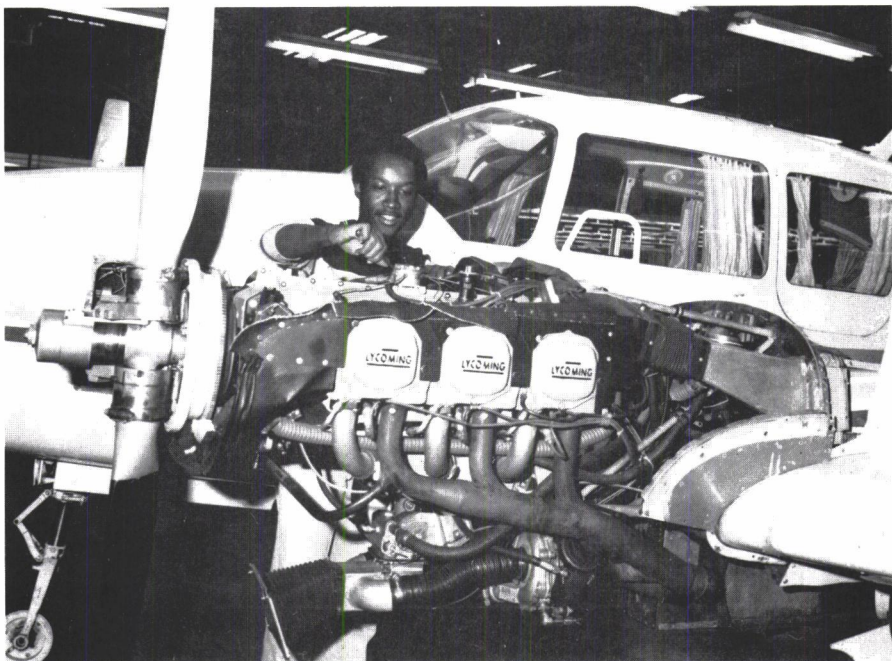
Operation of the complex is administered through the Technical, Trades and Industrial Education Department of Opportunity School. It is under the direction of Colo Z. Halmi,

Department Coordinator. On site supervision is in the hands of Arthur W. Burnett, a former flight engineer for Frontier and Woud Airlines. A staff of 14 people keep the center humming from 8:00 am to 11:00 pm. Both day and evening classes are offered.

The training program is

offered tuition free to Denver residents. Non-residents are required to pay the current tuition of \$335 per semester [about 15 weeks]. Both residents and non-residents are charged a shop fee of \$30 per semester.

The school offers Aircraft General Mechanics [a 450 hour prerequisite course],



The Aircraft Training Center is not only a school, it is also one of the few FAA approved school/repair stations in the nation.

Aircraft Airframe Mechanics [800 hours], Aircraft Powerplant Mechanics [900 hours] and Private Pilot, Ground School and Simulator [hours vary]. Day classes are conducted from 9:00 am to 4:00 pm and evening classes from 4:30 pm to 11:00 pm.

Persons interested in obtaining additional information may call 322-7747 or visit the installation at 8301 Montview Boulevard.

By Ralph S. Latimer
Public Information Specialist
Denver Public Schools, EGOS

Flight Line, Lines.

This is your line of communications, let us hear from you.

If you have some information or an unusual experience that would be of interest to the members of the CPA, send it in. We need your help!

Send it to Ken Monahan, 3733 S. Lewis Ct.,

Denver, CO 80235.

From the Gringos

By Wayne Thetford

There is not a lot of news this month from the Gringos. We just barely got settled down from our Mexican trip when the holidays hit.

Walt Bell's Mooney has been in Kerrville, Texas for the past two months getting its gas tanks re-sealed. Walt had planned on flying it to Florida to spend Christmas with his folks. Well Kerrville is not real easy to get to by air carrier, so Lisa and I cranked up the old Comanche and took Walt to Texas.

It turned out to be a real nice trip. After we left Kerrville, Walt headed toward Orlando hoping to make New Orleans before dark and we

dropped in on my brother in Azle, Texas. The following day we flew to Oklahoma and visited relatives in two different parts of the state.

Going into the new year the Gringos don't have any set plans, but we are looking forward to the CPA activities coming up. It looks like a good year to be a CPA member.

There is some interest developing in a Spring trip to San Carlos, Mexico. It is a great place for fishing and scuba diving, and most if not all of the Gringos are certified scuba divers, so it looks like a trip is building, if you are interested give me a call.



The meeting place for the **January Meeting** has been changed to the **Holiday Inn** at I-25 & Arapahoe Road

See you There!!

Printing of the flyer courtesy of



Tumbleweed Press

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CPA

