

# The Alameda Aero Club Newsletter

## December 2005

### New Private Pilot

Club member Ed Laski met with DPE Rich Batchelder November 19, 2005. The weather was beautiful and Ed's flying was definitely better than average, leading Mr. B. to award him his very own Temporary Airman's Certificate.

Congratulations Ed!

John Ewing, CFII

### President's Corner - Odds & Ends

Everybody's welcome at the next Board of Directors meeting, Wednesday, December 14 at 7:00 p.m., in the back room of McGrath's Irish Pub, 1539 Lincoln Avenue, Alameda. Peter Barnato, a CFI and friend of AAC, has graciously offered us use of the space for the last three years. The only cost is the occasional pitcher of beer. Thanks, Peter.

We'll discuss how our new maintenance arrangement is working. Our Treasurer, Chad Scott, will give a preliminary report on the figures. I don't have the totals for November, but my gut feeling is that we're doing a lot better than before.

It would be ideal if we could replenish funds for major expenses like overhauled engines, repainting airplanes, and insurance. Then, we'd address our wish list--- new interiors for at least three of the 172s, and avionics upgrades (think approach-certified GPS) for at least one of our fleet, and maybe another airplane. It's becoming clear there is a gap between pilots trained on steam gauges, like me, and the new generation of pilots familiar with newer technologies. I read that New Zealand is requiring pilots of airplanes with GPS systems to demonstrate proficiency using the equipment. As a neo-Luddite, the thought of the FAA making a similar rule makes me shudder.

**Thinking back and an appeal:** while I'm very glad we did it, purchasing 05D was a bit of a gamble. We really didn't have the money, so we took on debt. We promptly repaid those who were kind enough to loan the club money, but it meant we had no cushion for unexpected expenses. So we've been playing financial catch-up for the last several years. However,

the purchase of the 05D means that members have an additional airplane to fly---important now that we have no lease-backs.

Speaking of leasebacks, here's the appeal: anybody know of any airplanes sitting idle out there? Given our growing membership, we might keep 2-3 more airplanes flying. The Club offers airplane owners an honest, straight-forward deal. We take \$5 per tach hour to cover bookkeeping and web-based scheduler costs and the owner gets the rest. I hasten to add that the owner won't get rich and might even lose money. It is a way of subsidizing the cost of ownership. If you know someone interested, have them contact me.

Steve Bevitt, President

### It Takes a Village

When I retired 1½ years ago I thought life might slow down. Instead it really took off. On October 14, 2005 I got my private pilot's license and now I say thank you for the instruction, both official and unofficial, from instructors and fellow pilots of the Aero club.

Ben Freelove deserves a medal for patience and I wish him well with his new flying career. He will always be my instructor because his voice continues to ring in my ear just when I need to hear it.

Members loaned me books, check lists, DVD's, provided detailed accounts of their check rides, do's and don'ts, personality profiles of FAA examiners and it all paid off. I might add just like flying there is always a surprise or two and something to learn. Hence the hook that keeps bringing us back to the airfield.

After my check ride all I wanted was to get "back home" to OAK and let it all sink in. I'm a PILOT! Since that day I really have come to experience the joy of flying as never before. I have the controls and can plan my flights according to what I want to work on and where I want to go and how much I want to stretch my wings. I love it all.....the planning, the flying, making those log book entries, learning, talking to other pilots, the feeling of confidence followed by the humbling of all there is to learn.

Thanks to all my fellow pilots in this great Aero Club.

Judy Barron

## Maintenance Update

Our newer, sleeker, more efficient maintenance program is rolling right along. Stan says our fleet is in much better shape than most clubs, and we are making improvements as we do regular maintenance, to fix neglected areas and make further maintenance easier. We have saved lots of money over the monthly average of last year; the first month rang in at less than 25%. There will be major expenses now and then, but the savings should allow us to bank for them. Much of the credit goes to club members who stepped up with help on large and small tasks, saving us hours, learning and enjoying at the same time. Following Steve's example of presidential "Attaboy"s, we'd like to give big gold stars to, in alphabetical order, Ben Barron, Steve Bevitt, Kurt Borowski, Francis Cummings, Joe Killian, Oliver Meier, Chad Scott, Jay Smith, and Christian Ueland. I hope no one has been forgotten! They answered the urgent and not-so-urgent calls for assistance, and we hope the many whose schedules did not allow stepping forward, especially on short notice, will be able to do so on other occasions. We'll put out calls when assistance is needed.

There is pride that comes with knowledge of how to keep these things flying, and this pride can extend to the planes themselves, and to the club. Putting one's hands on nuts and bolts could lead to a desire to keep the planes in good shape and presentable. Making one little spot on a cowling or belly white again leads to visions of clean aircraft - as clean as you'd want them to appear if your best friends were going to fly in them. Every bit makes a difference in how pleasurable and easy it is to work on and fly them. Many hands make light work, and folks who help need not be previously trained, whether for "real" wrenching or just supporting the concept.

**Ginny Wilken, Maintenance Officer**

## Tis the Season

We're heading into a season of holiday parties, and for many of us, that means more late nights and a little more wine than usual. This makes it appropriate to review the regulations governing alcohol and flying. Many pilots have learned the hard way that those regulations apply not just in the cockpit, but also in the driver's seat.

First, the rule we all know. Section 91.17 provides that "[n]o person may act or attempt to act as a

crewmember of a civil aircraft – (1) Within 8 hours after the consumption of any alcoholic beverage; (2) While under the influence of alcohol; . . . (4) While having .04 percent by weight or more alcohol in the blood.” 14 C.F.R. § 91.17(a). This means that you can't fly if you've consumed alcohol within 8 hours of a flight, now matter how little you had, and no matter how low your blood alcohol content (BAC) is at the time of your flight. Nor can you fly if you're still under the influence or have a BAC over 0.04, even if your last drink was more than 8 hours before your flight. The rule exists for the simple reason that alcohol impairs your cognitive and motor skills, and makes you much more susceptible to disorientation and hypoxia. See AIM 8-1-1(d)(1). Indeed, the AIM recommends “at least 12 to 24 hours between ‘bottle and throttle’” for safety.

Note too that the rule proscribes both acting and attempting to act as a crewmember. You need not leave the ground to violate the rule. In Administrator v. Smith, NTSB Order EA 3808 at 6 (1993), the NTSB found that a second officer with a bad hangover had attempted to act as a crewmember where he “arrived at the airport in his flight uniform, boarded the aircraft, and made several radio transmissions.” “His behavior suggested that he intended to act as a crewmember,” the NTSB concluded, and thus he had violated the rule.

The FAA and NTSB have no tolerance for pilots who mix alcohol and airplanes, as another pilot discovered. In Administrator v. Taylor, NTSB Order EA-5003 (2002), the NTSB upheld the revocation of a pilot's airman and medical certificates because he taxied his airplane from one part of an airport to another while intoxicated. There, the pilot knew he couldn't fly and so was attempting only to move his airplane to an overnight parking space on an unlighted airport when he taxied into a ditch. Id. at 4. The NTSB did not rely on § 91.17, the rule that expressly governs alcohol and flight operations, to uphold revocation of his airman certificate. Rather, it found his action reckless under § 91.13(b) because “airmen possessing the requisite care, judgment, and responsibility, that is, who can be relied upon not to knowingly compromise aviation safety, do not take the controls of an aircraft for any purpose while under the influence of alcohol.” Id. at 11 (emphasis added).

The NTSB also found that the Federal Air Surgeon was justified in determining, from this single instance, that the pilot did not meet the mental qualification standards set out in 14 C.F.R. §§ 67.107(b)(3), 67.207(b)(3) and 67.307(b)(3). See Taylor, NTSB Order EA-5003 at 5. This instance constituted “misuse of a substance” that made the pilot “unable safely to perform the duties or exercise the privileges of the airman certificate . . . held . . . .” See § 67.307(b)(3)(i). According to the

NTSB, the pilot's actions "were so patently inappropriate that they demonstrated not merely a lapse of judgment, but an inability to conform his conduct to the dictates of law and safety once some amount of alcohol had been ingested." Taylor, NTSB Order EA-5003 at 8. Thus, it upheld revocation of the pilot's medical certificate as well.

The rules go beyond you, and beyond airplanes. You may not carry in an aircraft "a person who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs . . ." 14 C.F.R. § 91.17(b). There are exceptions to this rule for emergencies and persons under medical supervision, but generally it's not ok to be the designated pilot for a plane full of drunks.

Moreover, the FAA requires that you report to its Civil Aviation Security Division any "motor vehicle action." See § 61.15(e). This includes: a conviction for "violation of any Federal or State statute relating to the operation of a motor vehicle while intoxicated . . . impaired, or while under the influence of alcohol or a drug," § 61.15(c)(1); the cancellation, suspension or revocation of a driver's license "for a cause related to the operation of a motor vehicle" under the same conditions of impairment, § 61.15(c)(2); and the denial of a driver's license for the same reasons, § 61.15(c)(3). The FAA wants to know if you're being unsafe with alcohol even off airport grounds. Although having a "motor vehicle action" does not itself trigger automatic consequences under the rules, failure to report a motor vehicle action within 60 days is grounds for denial, suspension or revocation of your certificates, §§ 61.15(e), (f), as is having two unrelated "motor vehicle actions" within three years is grounds for suspension or revocation of your certificates. § 61.15(d). Disclosing a "motor vehicle action" on your next application for a medical isn't sufficient: the report must go to the Civil Aviation Security Division. See Administrator v. Rose, NTSB Order EA-4946 at 3 & n.4 (2002). And by the way, the FAA checks the National Driver Register, see FAA Website (<http://asi.faa.gov/duidwi/faq.htm>), so don't think you'll be able to hide an unreported incident.

Finally, when you applied for and/or received your airman certificate, you consented to submit to a BAC test (like a Breathalyzer) at the request of a law enforcement officer. Refusing to submit to such a test requested under § 91.17(c) (and its California law analogue, Public Utilities Code section 21407.1) is grounds for denial, suspension or revocation of your certificates. See 14 C.F.R. § 61.16. Further,

under California's implied consent law, refusal to submit to a BAC test can result in a fine and suspension of your driving privileges for up to a year. See Cal. Veh. Code § 23612(a)(1)(D). According to the NTSB, this is a reportable "motor vehicle action" because it is "related to the operation of a motor vehicle while intoxicated," even if you are never convicted of drunk driving. See Administrator v. Kraley, NTSB Order EA-4581 at 3 (1997). So refusing to take a BAC test, even one completely unrelated to aviation, may nonetheless affect your privilege to fly.

The moral to this story is you should enjoy yourself this holiday season, but keep alcohol as far away as you possibly can from cars and airplanes.

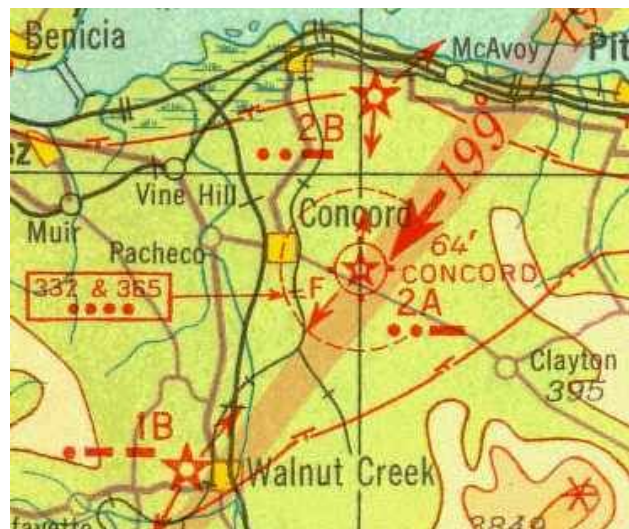
This article is not intended to constitute legal advice, and neither AAC nor the author are acting as legal counsel in publishing it.

**Frank Riebli, Attorney at Law**

## **Abandoned and Little-Known Airfields**

Here's a link to a great web site mentioned in the latest Cessna Pilots Association e-newsletter. It's a collection of abandoned and little-used airports around the country. The site's author, Paul Freeman, has compiled descriptions and images of more than 1,300 airfields.

[http://www.members.tripod.com/airfields\\_freeman/](http://www.members.tripod.com/airfields_freeman/)



**1933 airways map of original Concord Airport**

**Dave Penney**

**AAC Board Members 2004/2005****President**

Steve Bevitt president@alameda-aero.com

**Vice President**

Mike Klinke vicepres@alameda-aero.com

**Treasurer**

Chad Scott treasurer@alameda-aero.com

**Secretary**

Ginny Wilken secretary@alameda-aero.com

**Membership Officer**

Judy Barron membership@alameda-aero.com

**Maintenance Director**

Ginny Wilken maintenance@alameda-aero.com

**Deputy Maintenance Director**

Ben Barron maintenance@alameda-aero.com

**Newsletter Editor**

Jay Smith newsletter@alameda-aero.com

**Web Master**

Brad Dispensa webmaster@alameda-aero.com

**Chief Pilot**

Ben Freelove chiefpilot@alameda-aero.com

**Volunteer Coordinator**

Chad Scott activities@alameda-aero.com

**Non-Board Member Officials****Colonel Video**

Ginny Wilken videos@alameda-aero.com

**Bookkeeper**

Dona Lynch kotb@alameda-aero.com

**Plane Captains****4312R**

Jay Smith 12r@alameda-aero.com  
650-591-0342 ext. 235: Tuesday, Wednesday 11:30  
a.m. - 9 p.m., Thursday, Friday 9 a.m. - 6 p.m.  
510-547-8428: all other days and times

**854AC**

Kurt Borowski 4ac@alameda-aero.com  
510-523-8757

**739UL**

Greg Savidge 9ul@alameda-aero.com  
415-279-2061

**6605D**

Ben Barron babarron@comcast.net.  
510-527-4830