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LAW UPDATE

Florida Aviation

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NBAA Issues Roundup – Facts and Commentary

By J. Christopher Robbins, Esq.

October is near, and that means the NBAA convention is approaching. Recently, we have been the only law firm in the country that is both an NBAA member and an exhibitor. In any event, prior to the convention, I have taken to doing a short round-up of current issues. Here's this year's facts and commentary on the NBAA issues of the day:

Fuel prices

This is perhaps the single biggest issue this year. The NBAA's position, as presented to Congress, is that speculation is a primary factor driving up fuel prices. The NBAA is asking Congress to take swift and decisive action to end oil speculation. They might as well ask Congress to take swift and decisive action to end Christmas.

All but Arab sheiks and would-be Russian dictators loath high prices for fuel. But blaming oil speculators is short-sighted. Even if speculation was the cause spiking prices, how do you stop it? Should we send speculators to prison? Issue fines? Confiscate their profits?



Let me ask the NBAA: What is a speculator? Isn't a speculator one who buys low and sells high? Should we also imprison speculators who invest in other commodities, stocks, and real estate, too?

The point to make is even assuming that speculation is the problem, you can't stop it in a free society. And you shouldn't try. But the good money is on other causes undergirding the spike in oil prices. It's higher Asian demand. It's population growth. It's the increasing cost of exploration. And the price is, in fact, now dropping as demand drops.

Watch now as the cry to string up speculators by their toe nails will decrease proportionate with the drop in oil prices. And with petroleum already down 20% from its all-time-high of \$147 a barrel, expect this clamor to die out.

And as to our beloved industry group, the NBAA's cry to Congress is embarrassing. They bring out the banner of free markets and



free skies when it suits them (as with airport user fees). But on this issue, they sound like Marxists and are standing side-by-side with Nancy Pelosi and Harry Reed. It's gibberish. They have lost credibility. They need to accept macro-economic realities and save the propaganda for issues that they can actually make an impact upon.

For the record, the NBAA doesn't return my calls on this or any other issue. So much for being their only lawyer-exhibitor.

See NBAA Issues, page 2

Congestion

I have already addressed congestion from an economic standpoint in the accompanying article on New York airspace. But one issue that I didn't resolve is whether technology – instead of landing fees – is a potential fix.

The very word congestion denotes disorder. One thinks of a crowd of people, perhaps a swarm of bodies in a train station or subway platform. For me, the worst congestion I remember was attending a Tampa Bay Bucs game. Never again; it was my first and last NFL game. I'd rather watch on television. Whatever the context, congestion is unpleasant, unavoidable, and beyond your control.

What the concept doesn't convey is the fact that traffic (the better word, and the one we use in the air), is often a good thing. People are going places. Business is being done. Lives are being enriched. Each plane, each person, each occupied seat represents a decision to go, to do, to move and shake. Those who oppose traffic oppose progress. Bottom line: traffic isn't a nuisance; it's a challenge. If we can put a man on the moon, we can figure out how to land a few more aircraft each hour at JFK.

Let's look first at the issue of minimum separation times.

On the one hand, I take great comfort on a return trip from Europe knowing that the nose of the next 777 or 757 is several minutes behind my tail.

On the other hand, I have no such luxury or illusion on any state highway travelling in

my automobile. There, seconds – or factions thereof – are all that divide you from the thousands of pounds of steel, glass, and upholstery immediately behind you on the road.

The fact is, high-speed automobile crashes are only slightly more palatable than high-speed air crashes. Yet we do not require three-minute separation on the highway. The rule on the road, as every driver's education graduate knows is: you must be able to brake safely within the distance between you and the car in front of you. But good luck asking a FedEx MD-11 to come to a full-stop behind a Lear 60. I'd like to see that.

While we can't stop in the air, we can certainly swerve. The challenge of avoiding other aircraft seems like something current technology should be eminently prepared to resolve. And perhaps even without human intervention. If a Boeing on-board computer can land a 777 without a pilot, and a NASA probe can drill into the crust of Mars and dig out an ice cube, why can't we trust the FAA to safely maneuver higher numbers of aircraft into parallel and intersecting runways?

Consider this: they already let us, while on GPS approaches – and without any guidance or supervision whatsoever – descend to within 600 feet of a stationary object (read: the ground).

I do not profess to be an expert on current FAA equipment and technology. But for \$15.5 billion (that's why we're probably paying them next fiscal year), it would be nice if they could find in their bag of tricks a way to

get everyone into New York without have to take a number or pay for the privilege.

FAA Funding – still taxpayers' responsibility

There is hoopla this year about landing fees and other user-charges (see the article in this issue about New York airspace). The objective is to transform our airspace system into one that looks more like Europe's. In such a system, a great deal of the funding comes from aircraft owners, not taxpayers.

While these movements are afoot here, let's start with the facts: US taxpayers are still paying nearly 100% of the bill. The Congressional Appropriations Committee just approved next year's FAA appropriation bill. And as always, taxpayers will pay it.

Under the measure, which has yet to be voted upon by the full Congress, the FAA would receive \$15.5 billion next fiscal year. That's a \$590 million increase over current funding levels.

So do not let the FAA poor-mouth at this year's convention. Their funding is secure, as it's always been. What is troubling is that all of the pending proposals, auctions, and user-fees will, if enacted, be above and beyond the huge burden carried by the taxpayers. If we're moving to a user-fee system, it should relieve at least some of the taxpayer obligations. If we're staying with taxpayer financing of this airspace system, let us have free and unfettered access to the skies. It will be a mistake to let the FAA have a blank-check on both sources of funding. ■■

Questions on FAA Regulations? The Answer is often Yes. No. Maybe.

We've all been in those no win situations in life where one person tells you to do something one way, and someone else sends you in another direction. When it comes to FAA regulations it often seems the left and right hands are connected to different brains. The confusion and inconsistency associated with conflicting FAA directives comes with a hefty price tag, according to a recent survey by the National Air Transport Association (NATA).

With nine FAA regions, ten Aircraft Certification Offices, and more than 80 Flight

Standards District Offices, the lack of consistency between them is costing aviators time and money. The survey shows how widespread the problem is for the industry. Nearly nine out of ten NATA members surveyed said they have been impacted by inconsistent regulations.

NATA members estimate that general aviation businesses incur hundreds of millions of dollars in costs annually when previously approved actions undergo reinterpretation. Individual instances of Federal Aviation



Regulations either being delayed or changed range from \$10,000 to more than \$2,000,000 in costs, not including legal fees.

And don't expect a quick turnaround while waiting to resolve a discrepancy. Only 7% of the survey respondents had a resolution within 30 days; 20% waited 30-60 days; 19% waited 61-120 days, and 51% waited more than 121 days for a decisive answer from the FAA. ■■

Airspace Economics 101

By J. Christopher Robbins, Esq.

It is mid-afternoon on Long Island. It is my first trip as a newly-rated instrument pilot to New York State. The flight up from Florida was uneventful. In fact, it was just beautiful with perfect weather and only a slight headwind. If not for the headwind, we would have made from Tampa Bay to Long Island in our turbocharged Mooney without a fuel stop.

Our first days' destination was Republic Airport in Farmingdale. Our plan: land, spend the night, drive to New York City, and celebrate my friend's bachelor party at McSoreley's. The following day: return to Republic, fly to Dover International Speed, take in a Nascar race at The Monster Mile, fly home. It's a weekend combining flight, fast cars, friendship, and food. As a boy, I wouldn't have imagined such a trip possible in my lifetime.

New York Airspace Congestion

As it turned out, the greatest adrenaline rush didn't come at the Monster Mile or at McSoreley's. It came climbing through 1,000 feet in JFK's busy airspace, heading to Dover.

"262RV what are you doing?" barked the controller. Right turn to 060. Expedite! I corrected and listened to the man. He was hot. Right now, I was his least favorite blip on the radar. I was expecting to hear that loathsome instruction I've heard directed to other pilots before:

"November-two-six-two-romeo-victor I have a land-line number I'd like you to call. Tell me when you're ready to copy..." Gulp. I am about to become a client of my own law firm as they seek to suspend my certificate.

Luckily, that's not what happened. He bought my explanation. Clearance had said one thing. He said another. That's my story and I'm sticking to it, your honor. This is the busiest airspace I've ever flown in. Between the congestion, the flood of international arrivals, security concerns, and lingering memories of 9/11, I can understand why this guy has no sense of humor.

Airspace Auctions

In fact, congestion is such a problem lately, that there have been three recent reported near misses in JFK-EWR-LGA-TEB airspace this year. To pay homage to the dearly-departed George Carlin, this statistic begs the questions: If there were three reported near-misses, what was the number of unreported near hits?

In any event, the FAA has determined (and I question this) that technology cannot solve the congestion problem. You can't cram any more planes up there, they say. And thus they have a new solution: reduce congestion by reducing the number of aircraft.



That's indisputably logical, if not indisputably circular. It's the methods that raise my eyebrows: The FAA proposes to reduce the number of planes by auctioning off landing spots. Don't have a spot? Don't land in New York. Leave it to New Yorker's to roll out the red carpet.

The auction would be the first of several the FAA has said it wants to conduct. It has also said that selling the slots to land and take off at LaGuardia, Kennedy and Newark will immediately solve their congestion problem. And they are probably right.

Economics of Airspace

The issue is that Part 121 operators, to the exclusion of everyone else, will be paying for these slots. Arguably, that makes sense, too. They're the only ones with high-volume regular flights that would need regular landing

spots. And it is effectively a user-fee, generally the fairest type of tax a government can impose. Those who use the resource should pay for the resource.

Predictably, the airlines oppose the idea. Already cash-strapped, the user fee will cost millions. And they say this is a poor time to raise the costs of operating, with fuel at record highs. Are you deliberately trying to bankrupt us, they want to know?

No surprise, the Air Transport Association has now sued. They say that regardless of the merits of the idea, the FAA needs Congressional authority to carry out this plan. That might be

true. The FAA has previously refused to hold auctions like the one proposed for New York. They went on record in the 1980s saying that they needed congressional approval first to hold similar auctions. So which one is it folks?

The undergirding issue is the trust fund which pays for the FAA and our airspace system. How will the FAA of the future raise its money? Part 121 operators believe this auc-

tion foreshadows a world where they – and not taxpayers or GA aircraft – bear an ever-larger responsibility for funding. Death by a thousand cuts, they say.

As a pilot and lover of the free market, I struggle with this problem. I want airspace to be free and unencumbered. Yet someone needs to pay for this phenomenal and luxurious system that we have. Who better to pay for it than those availing themselves of it?

I didn't opposing landing fees at large airports for the same reason. Don't want to pay? Don't have to land there. That's the New York way. And while I will sincerely miss the days of yore if the tide turns the other direction, I cannot call the FAA's proposal unfair. It is a balanced and workable solution for New York and other busy corridors. In other words, someone in the industry is certain to hate it. ■

Robbins Equitas Aviation Industry Involvement



Chris Robbins

**NBAA
61st Annual Meeting and Convention
October 6,7,8
Orlando, Florida**

The Aviation Practice Group of Robbins Equitas will again be exhibiting at the National Business Aviation Association Annual Meeting and Convention. Last year more than 32,000 attended the Atlanta convention. Make sure you stop by and visit us at Booth #1693. Attorneys **Chris Robbins, Hunter Chamberlin, Oliver Janney and Dan Crowe** will be in attendance to share their insight on industry trends. ■■

**Very Light Jets Summit
November 10 & 11
Miami, Florida**



Hunter Chamberlin



Oliver Janney



Dan Crowe

Robbins Equitas Attorney **Oliver Janney** will give a presentation at the 2nd Annual VLJ Summit in Miami. The summit will explore the latest developments in the VLJ sector and new business opportunities in business, private and commercial aviation in Latin America and the Caribbean. It will provide the platform for manufacturers and operators to explore all aspects of this sector such as technology, operations, regulations, and financing. Mr. Janney's presentation will focus on U.S. laws and regulations that impact international aircraft transactions. ■■

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FAA Proposal on Registration of Aircraft

By J. Christopher Robbins, Esq. The Florida Bar, Aviation Law Committee

We try to inform our clients and other interested parties in the aviation industry of regulatory developments that may affect us all. To that end, we think you should be aware of the FAA's notice of proposed rulemaking issued to amend the requirements for the registration of aircraft.

Basically, all aircraft owners that desire to maintain their registration will have to re-register their aircraft within a specified time period. The FAA is proposing to terminate all certificates for currently registered aircraft and then to reissue certificates for those aircraft that are eligible for registration. The new certificates will be issued with staggered expiration dates, and, once those terms expire, renewals will be granted for successive three-year terms. Upon sale of an aircraft, the purchaser will have a limited time to complete the registration process and reserve the N-number before the certificate is cancelled. Upon expiration of a Dealer's Certificate, the N-numbers of aircraft registered on that certificate will be cancelled if application for registration has not been made.

The rationale for this change is an increase in the number of aircraft on the Registry whose owners cannot be positively and accurately identified in a timely manner. Removing the N-numbers of the unqualified aircraft is expected to eliminate a large pool of questionable N-numbers. The FAA estimates

that about one-third of the 343,000 aircraft currently registered are no longer eligible for registration. The FAA also pointed to increasing user needs for accurate and current aircraft information and concerns of homeland security.



We disagree that this is the best method of achieving these objectives. If the FAA is interested in purging the rolls of obsolete N-numbers, a simple letter to owners, which requires a response by return mail, would be preferable. By contrast, the FAA's proposal will be costly and time-consuming. The continuing commitment to register and re-register periodically could be a paperwork nightmare and one borne by both aircraft owners and the FAA.

Moreover, historically, aircraft registration has enjoyed permanence and convenience, unlike registration of vessels and automobiles. It seems imprudent to upset this established

See Proposal, page 2

practice. Finally, we are concerned that the FAA's proposal, aside from being inconvenient, will open the door to a host of new fees associated with their proposed required, periodic re-registration.

If you have questions about this rulemaking, or any aspect of aviation law, please contact an attorney with our Aviation Law Practice Group: Chris Robbins, Hunter Chamberlin, Oliver Janney or Daniel Crowe. To voice your opposition to this FAA proposal, contact your Congressman and Senators. Email, addresses and phone numbers can be obtained at: http://clerk.house.gov/member_info/index.html ■■



Chris Robbins

Opposition Mounts to Peak Period Pricing



General aviation trade groups are unified in voicing their opposition to the FAA proposal to charge peak period pricing in an attempt to cut airline delays at congested airports. The key part of the proposal would allow a two-part landing fee based on operations and aircraft weight. The National Business Aviation Association calls the proposal a “bad idea with no positive consequences and the limitless possibility of unintended negative consequences.” The Airline Owners and Pilots Association says it “does nothing to improve the national air transportation system and could in fact hurt general aviation’s access to airports.” The National Air Transportation Association termed the idea “a short term fix to a long term problem” and suggested the FAA pursue “runway expansions and airport improvements to aid traffic flow at the most congested airports.” ■■

Customs Proposes Changing International Manifest Rule for Private Aircraft

In the spirit of homeland security the Bureau of Customs and Border Patrol has proposed placing a burdensome requirement on private aircraft arriving and departing the United States. Presently, when a general aviation pilot is preparing to enter U.S. airspace, a passenger list with 60 minutes notice to Customs is required by phone and a flight plan with updates to the air traffic control system. Customs is provided a manifest and identification upon arrival. General aviation departures do not require a manifest under the current rules.



The proposed change would require an electronic filing at least 60 minutes before arrivals and departures for the Department of Homeland Security to compare a private aircraft manifest to a terrorist watch list. If enacted, this change would affect about 280,000 flights annually at an estimated cost of \$8.8 million. ■■

Robbins Equitas Aviation Industry Involvement

Robbins Equitas Aviation Practice Group pilots **Hunter Chamberlin** and **Dan Crowe** made the trip to Lakeland, Florida in April for the 34th annual Sun 'n Fun Fly-In. Chamberlin and Crowe met with representatives of DayJet, a pioneer in the Air Taxi industry; one of Cessna's leading sales representatives, Ian Murphy; and several other aircraft manufacturers' exhibits. The U.S. Air Force's Thunderbirds helped attract large crowds on Saturday and Sunday, the final days of the six-day event. Sun 'n Fun President John Burton said daily attendance was down about 5% the first four days, but the big Thunderbird crowds helped push attendance to near 160,000 for the event. Poor weather north of Florida and high gas prices may have contributed to the decline. Aviation gas was priced at about \$5 a gallon, one dollar higher than last year. The 2009 Sun 'n Fun Fly-In is scheduled for April 21-26 in Lakeland, Florida.

Aviation Group attorney **Oliver Janney** addressed the International Air Taxi Convention in Fort Lauderdale, Florida in January. Janney's remarks "Making the Next Generation in the Air Charter Marketplace a Reality" detailed the market factors that combined to spawn the air taxi industry. Janney discussed 8 key areas in the industry: airport infrastructure development, security, air traffic system, information technology, safety management, environmental stewardship, weather forecasting, and global collaboration. He discussed the business models of some of the industry participants, including: DayJet, Linnear Air, Earthjet, Imagineair and JumpJet. Industry challenges for the future include: economics, expanding production of Very Light Jets, airport improvements, expanding service regions, reducing bureaucratic hurdles and accelerating the next generation of the air transportation system.

Robbins Equitas Attorney **Hunter Chamberlin** will be in attendance at the Florida Aviation Trades Association (FATA) Annual Meeting & Trade Show. This year's show, "Navigating Your Aviation Business", will be June 9-11, 2008 at the Hyatt Regency Pier Sixty-Six Hotel in Ft. Lauderdale. Mr. Chamberlin will be available to meet with FATA members about the legal challenges facing their operations. To schedule a meeting please call 1.866.862.6878.

Robbins Equitas — Our Aviation Law Practice Group represents companies in every sector of the industry. Our clients include manufacturers, FBOs, part 135 and 121 operators, repair stations, management companies and pilots. We offer a full range of transaction and litigation services, including defenses in FAA and NTSB matters. Our attorneys are available to speak to you on any aviation matter. You can reach us by email at www.aviation-law.org or call us toll free at 866.862.6878. ■■



Hunter Chamberlin



Dan Crowe



Oliver Janney

Congress Raises Commercial Pilot Retirement Age

Since 1959, U.S. commercial pilots were forced to retire at age 60. Commercial pilots can now postpone retirement until they turn 65 with the January passage of the Fair Treatment for Experienced Pilots Act (FTEPA) by Congress. The FAA had proposed

the change, which would have taken from 18 to 24 months to take effect had Congress not passed the legislation. Under the FTEPA, both pilots on a domestic flight may now be up to age 65. The International Civil Aviation Organization standard for international

flights since November 2006 remains the same: if one pilot is under 60, the other may be up to age 65. The legislation is not retroactive, but airlines do have the option of rehiring pilots under the age of 65. ■■

Airline Maintenance Company Opens Shop at Tampa Airport

A major player in the airline maintenance industry has signed a lease with Tampa International Airport to take over a hangar vacated by US Airways five years ago. Pemco World Air Services, headquartered in Dothan, Ala., contracts with airlines for maintenance services and safety checks. Pemco plans to eventually have a Tampa workforce of approximately 400. Southwest and Northwest are reported to be likely Pemco customers at the Tampa hangar. Pemco has been in the commercial maintenance and modification business for over 50 years, providing parts, engineering and precision components to the industry.

Companies like Pemco represent a growing trend in the industry. According to the Department of Transportation, the amount of maintenance dollars outsourced by the top US airlines went from 37 to 64 percent from 1996 to 2006. Airlines typically pay about \$65 per hour for their own maintenance employees. Companies like Pemco charge in the mid \$50 range. Repair work performed in Latin America costs in the mid \$20's.



Maintenance work performed outside the country has come under fire in Washington and from union leaders. U.S. Senators Claire McCaskill (D-MO) and Arlen Specter (R-PA) have unveiled a bipartisan amendment to the Federal Aviation Administration Reauthorization Act that would significantly increase government oversight of airline repair work performed abroad. "This should be a national security and consumer safety concern for the flying public. It is absurd to think that we are crisscrossing this country in airplanes that are serviced in facilities with no required standards and no FAA inspections," McCaskill said. ■■

PilotMag & PilotLounge.com

Denver publisher Gates L. Scott is rolling out two new ventures aimed at the aviation industry. With the bi-monthly PilotMag, Scott will focus on creating excitement in the general and business aviation communities with a less conservative editorial approach. At PilotLounge.com aviators will have a social networking place on the web to exchange stories and photos of their adventures. PilotMag will debut in July at the 2008 Airventure Oshkosh, where they plan to give away a new Gobosh G700s LSA to spark interest. ■■

Florida Aviation Law Update



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FAA Proposes New Rule to Give Inspectors Unfettered Access to Aviation Company Property, Spaces

The new provision clarifies existing rules and expands certain other provisions. "The Fourth Amendment does not fly"; generally, there is no expectation of privacy for an aviation business.

By **J. Christopher Robbins, Esq.**
Florida Aviation Law Committee Member

The FAA has proposed a new rule to clarify the authority of aviation safety inspectors (ASIs) to access your company's facilities. The new rule is similar to the old rule: They can generally pay you a visit whatever they wish, with or without an appointment.

As any high school civics student can tell you, this would seem to be an exception to the traditional protection against searches and inspections by government agencies. The Fourth Amendment of the U.S. Constitution typically requires government inspectors to obtain a search warrant

and to have probable cause before they enter your property (at least without your consent).

Alas, this protection typically does not apply to the aviation industry. To coin a new phrase: "The Fourth Amendment Does Not Fly." The courts have consistently held that ASI searches are civil and administrative in nature. The government's compelling interest in public air safety trumps the aviation business owners' and employees' privacy interest.

To some extent, this is not an unreasonable. See *Inspections*, page 2.



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Effective Business Contracts Prevent Financial Losses and Protect Companies

By **Hunter Chamberlin, Esq.**

"Get it in writing." It is a common refrain from lawyers and non-lawyers alike. There is good reason for this. You and your business act at your peril if you do not develop effective forms and contracts and have your customers sign them. Contracts, work orders, invoices, and many routine and non-routine documents serve critical purposes. They help you minimize disputes and confusion, they make it easier to collect unpaid accounts, they

Inspections, from page 1.

onable exception. TSA should not need a warrant to search every passenger and his baggage. But the same exception permits ASIs to conduct ramp checks and inspections of hangars, repair shops, cabins, cockpits, or any other space, (including your office in some cases) within the airport environment.

Incidentally, this broad discretion on the part of the FAA was not originally intended. Congress' first grant of power in 1958 was quite narrow. Even today, the statute is more limited than the FAA would lead us to believe. It states that ASIs may:

“Inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation...” 49 USC § 44713.

By contrast, the law says nothing about giving ASIs access to private airport spaces. It does not contemplate clandestine entry into hangars. It certainly does not authorize stakeout operations on private pilots, like a notorious one conducted in Billings, Montana in 2001. Barrie v. FAA, 16 Fed. Appx. 9 (10th Cir. 2001).

You may find it hard to believe, but the same law requires the FAA to only employ inspectors who “advise and cooperate with the air carrier during that inspection and maintenance.” In other words, Congress has mandated that ASIs work with the industry, not against them.

As with many matters relating to the FAA, the proposed rule is more a creature of custom than of law. The latitude of ASIs has never receded over time, only expanded. If they have a Form 110A, they can usually come in.

Consequently, we expect that this latest rule will be approved. And since most dealings with ASIs are cordial – if not friendly – we continue to recommend meeting every inspector with a smile and a cup of coffee.

Contracts, from page 1.

protect you from products liability, lawsuits, and claims. They almost always improve your bottom line.

Here are a few examples of aviation companies who did not take their lawyers' advice:

An aircraft broker who worked months to close a deal for a Hawker 700 lost his \$150,000 commission because he did not have a written contract with the buyer.¹ Not surprisingly, the buyer testified in court that the broker agreed to work for free. Since there was nothing in writing to contradict this, the court ruled in favor of the buyer.

A fuel provider lost \$432,000 after it sold that amount of Jet A to a bankrupt company. It did not have a written agreement with the company.¹ The fuel provider's lack of paperwork prevented it from collecting accumulated assets from the bankruptcy court trustee.

A court ruled that a Cessna dealer had no rights after Cessna suddenly terminated its distributorship after years of doing business.¹ That was because he never signed a multi-year contract. Cessna was free to cancel the arrangement at any time, the court said, as there was nothing in writing that said Cessna couldn't.

You should know that at any given time, our Firm is handling several aviation cases in court in which folks are battling over matters that *should have been pre-determined in written agreements*. No matter how hard we push the message, it seems that the victims are always betting the farm on the goodwill of others. That would be a good strategy if goodwill were a constant. But it isn't. As a lawyer, I have also learned that even some good people will behave badly when large sums of money are at issue, especially when they feel their livelihoods are at stake.

There is another risk of oral agreement and handshake deal-making: it is Florida's “statute of frauds.” Most states, including Florida, have legislation that prevents a court from enforcing certain types of oral agreements – even when you can prove that they existed. The biggest risk is when a deal will be in force for over one year. Such a transaction is at risk of being legally unenforceable.

To conclude, every company in the industry, small or large, needs to develop the standard forms and contract with which you transact business. This is wise to avoid disputes, to keep clear of the “statute of frauds,” to help collect on delinquent invoices, to protect you from negligence and product liability, and to increase your bottom line.

In some sub-sectors of our industry, like manufacturing and distribution of aviation-related goods, these documents are complicated, as they must address issues relating to products liability. Aircraft management and part 135 operators also have somewhat technical forms, as they set forth the complex array of payments and obligations. But for many of businesses, it is not rocket science and the forms are quite simple.

Our law firm offers a variety of retainer packages for aviation-industry clients. They start as low as \$300.00 per month, and will give you access to our team, our experience, our forms, and our resources. You may contact me by e-mail at hunter@floridalawyer.com or by phone (800.934.5999) if you have any questions.

¹ Omni Jet Trading v. Heerensperger, 1997 U.S. App. LEXIS 23523 (4th Cir. 1997).

² Butler Aviation Int'l v. Whyte, 6 F.3d 1119 (5th Cir. 1993).

³ General Aviation v. Cessna Aircraft Co., 915 F.2d 1038 (6th Cir. 1990).



Meet J. Christopher Robbins, Esq., director of the *Robbins Equitas* Aviation Law Department

J. Christopher Robbins is an aviation attorney and a member of the Florida Bar's Aviation Law Committee. He is a former federal judicial law clerk to the Honorable Tu M. Pham, United States Magistrate Judge. He is an instrument-rated pilot. He has written articles on aviation law for major publications, including the *Tampa Tribune*. This year, Chris was a panelist at the American Bar Association's aviation law symposium in New York. Chris' clients include aircraft parts manufacturers, part 135 and 121 operators, repair stations, aircraft brokers, and corporate flight departments. Chris is available to speak to you if your company needs corporate counsel or has a legal matter or project to discuss. E-mail Chris at chris@FloridaLawyer.com or call him, toll free, at (800) 934-5999.