

AIA Airshow Panel

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Paul A. Lange

- ▶ Paul A. Lange is the managing member of the Law Offices of Paul A. Lange, LLC, with offices in Stratford, CT and New York, NY. The four lawyers and three staff in his boutique firm focus their practice on representing businesses and individuals in aviation regulatory and commercial matters; FBO/airport disputes; aircraft sales and leasing; employment law; and insurance defense and coverage litigation as well as handled a number of airshow accidents over the years.
- ▶ Paul has over 30 years of experience practicing aviation law, having begun his legal career with the FAA. Among his leadership activities in a variety of aviation and legal organizations, Paul is a past Chair of the NBAA Regulatory Issues Advisory Group and a member of the NATA Air Charter Committee, through which he advocates on behalf of the aviation industry before the FAA, DOT and NTSB. He also serves as a director on the audit committee of the New England Air Museum. Paul holds FAA issued ATP and CFI, A, I & M certificates, and is widely published in aviation regulatory matters applicable to air carriers, repair stations, FBOs/airports, pilots and mechanics.

Jerry Ruth

- ▶ Jerry Ruth is the Aviation Practice Leader for Chubb Commercial Insurance for all Aviation related risks in North America. In January 2016, ACE Limited acquired Chubb. Jerry had joined the former ACE USA's Airport and Special Risk Unit back in December 1998. In April 2006 he became a Vice President with responsibilities in underwriting, management and business development within the former Airport and Special Risks Unit, which specialized in underwriting of commercial airport risks, airline products risks and aircraft owned and operated by government entities. January 1, 2012 he was promoted to Senior Vice President of Aviation and Aerospace, managing the Aviation Division in North America.
- ▶ Prior to his tenure with ACE USA, Mr. Ruth served as an Underwriter at Phoenix Aviation Managers, where he was underwriting airport and municipal aircraft related risks. Mr. Ruth began his aviation insurance career as an underwriter at Southern Marine and Aviation Underwriters, Inc. in 1988.

Alan Farkas

- ▶ Alan L. Farkas is a partner in SmithAmundsen's Chicago office. He has been successfully litigating complex, high profile aviation and commercial matters for 25 years. He advises corporations, pilots, airports, and municipalities on regulatory and statutory compliance, formation and organization and liability protection. In the courtroom, he defends clients against claims of negligence, breach of warranty, premises liability and product liability related most often to personal injuries, death or property damage. His clients operate through the U.S., Europe and Australia. Alan has also become deeply involved in representing pilots and manufacturers of model aircraft, drones, and unmanned aerial systems (UAS). Alan serves as the Chair of the EAA Legal Advisory Council; he is a Board Member of the Education Foundation for the Chicago Area Business Aviation Association, and he is an active member of several other aviation and community organizations.
- ▶ Alan earned his J.D. from Washington University School of Law and his B.A. from the University of Denver. He is licensed to practice in Illinois and Missouri and several Federal trial and appellate courts throughout the United States.

Outline of Presentation

- ▶ Airshow Sponsors must meet high standards in order to obtain an airshow waiver from the FAA
- ▶ Goal of this presentation: to educate about the process in order to allow people to understand all of the components that go into planning an airshow
- ▶ This panel will look at case law in direct response to the regulatory, insurance, and liability aspect of putting on an airshow event.
- ▶ Through questions and videos, we will explore the organizational framework, risk and liability profiles of airshow accidents using actual examples.

Regulatory Resources

- ▶ Airshow Event Ground Operations Plan
- ▶ FAA FSIMS 8900.1 CHG 86 - Chapter 6: Issue A Certificate of Waiver or Authorization for an Aviation Event
- ▶ Advisory Circular- Aviation Events

Air Show Event Ground Plan

- ▶ In order to have an airshow on an airport, the airport operator and the sponsor of the airshow must have the approval of the FAA FSDO.
- ▶ In addition to a waiver (Form 7711-1 Certificate of Waiver or Authorization) they must submit an airshow event ground plan to the FAA Regional Airports Division Office for approval

Guidelines for Ground Plan

The following guide provides information to assist airport operators in developing an air show event ground operations plan. The plan should address:

- ARFF capability during commercial operations at airport:
 - Pre-positioning during air show preparation to allow timely response and clear access to the movement area
 - Availability of appropriate index equipment/manning during the air show
 - Hazardous Material (HazMat) plan for the air show (hydrazine, LOX, smoke, etc.)
- Integrity of Runway and Taxiway Safety Areas during commercial operations:
 - Placement of Temporary Arresting Systems
 - Military Flight Demonstration Team centroid placement (e.g. use of vehicles or other non-frangible device to mark aiming point for aerial demonstrations)
- Verification of pyrotechnic device placement and safety of planned operations:
 - Location – RSA/TSA/OFZ
 - Timing – After placement prior to detonation during air show

Guidelines Continued

- Public Protection – crowd line located to provide public safety prior to and during pyro detonation (fragment patterns)
- Condition of Safety Area post-detonation (ruts, humps, depressions, etc.)
- Movement Area maintenance – crowd barrier, FOD control, noise, jet blast, marking, signage, lighting operation and visibility
- Fueling operations – location and situation
- Public protection – crowd lines during air show and/or during commercial operations
- Appropriate airport related NOTAMS drafted
- Air show related vehicles in movement area – training/licensing of operators
- NAVAIDS operation / Wind Indicators
- Airport Emergency Plan (AEP) contingencies
- Airport Operations plan for self-inspection before, during and after air show
- Mitigation of Wildlife Attractants affected by air show
- Changes to airport marking, lighting and nav aids (approach slope) to accommodate air show – appropriate marking for closed runways

Advisory Circular 91-45C

FAA
Federal Aviation Administration

Advisory Circular

AC 91-45C
MAY 2018

**WAIVERS:
AVIATION EVENTS**

AC 91-45C
MAY 2018

INTRODUCING

**WAIVERS:
AVIATION EVENTS**

Certificate of Waiver Application 7711-2

FAA
Federal Aviation Administration

Certificate of Waiver Application 7711-2

Applicant Name: _____
 Aircraft Type: _____
 Flight Date: _____
 Flight Time: _____
 Flight Location: _____

FAA/ATIS

APPROVED FOR TAKEOFF
 Certificate of Waiver/Authorization

Certificate of Waiver or Authorization Form 7711-1

FAA
Federal Aviation Administration

Certificate of Waiver or Authorization Form 7711-1

Applicant Name: _____
 Aircraft Type: _____
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FAA/ATIS

APPROVED FOR TAKEOFF
 Certificate of Waiver/Authorization

Civil Liability

- ▶ AIRCRAFT OPERATIONS - midair collisions, performer mishaps
- ▶ AIRPORT PREMISES - ground operations, taxi incursions

Civil Liability

- ▶ AIRCRAFT OPERATIONS
 - ▶ Ingress/egress
 - ▶ Sponsor owned/operated aircraft
 - ▶ Taxi/runway incursions
 - ▶ Performers' conflicts
 - ▶ Spectator injuries
 - ▶ Controllers
- ▶ AIRPORT PREMISES
 - ▶ Marking, signage
 - ▶ Notams
 - ▶ Surface Conditions
 - ▶ FOD
 - ▶ Weather
 - ▶ Hangar Collapse
 - ▶ Ground operations/line service
 - ▶ First Amendment
- ▶ PEDESTRIAN
 - ▶ Vehicle/Aircraft Separation
 - ▶ ADA issues
 - ▶ Tickets/gate security
- ▶ AUTOMOTIVE
 - ▶ Sponsor owned/operated
 - ▶ Theft/vandalism
 - ▶ Marking/signage
- ▶ ENTERTAINMENT
 - ▶ Thrill rides/bouncy houses
 - ▶ Games/contests
 - ▶ Movies/concerts - IP, Contracts
 - ▶ Advertising/promotions
- ▶ FOOD SERVICE
 - ▶ Contamination
 - ▶ Injury/burn
- ▶ CAMPING
 - ▶ Shelter
 - ▶ Utilities
 - ▶ Ground Hazards
 - ▶ Sanitation
 - ▶ Fire hazards
- ▶ VENDING
 - ▶ Product liability
 - ▶ Taxes
 - ▶ Theft
 - ▶ Contracts
- ▶ WORKERS COMP
- ▶ LABOR/EMPLOYMENT


Pilot Qualifications



Civil Liability

- ▶ AIRCRAFT OPERATIONS
 - ▶ Ingress/egress
 - ▶ Sponsor owned/operated aircraft
 - ▶ Taxi/runway incursions
 - ▶ Performers' conflicts
 - ▶ Spectator injuries
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 - ▶ Product liability
 - ▶ Taxes
 - ▶ Theft
 - ▶ Contracts
- ▶ WORKERS COMP
- ▶ LABOR/EMPLOYMENT

Security/Theft



Civil Liability

- ▶ AIRCRAFT OPERATIONS
 - ▶ Ingress/egress
 - ▶ Sponsor owned/operated aircraft
 - ▶ Taxi/runway incursions
 - ▶ Performers' conflicts
 - ▶ Spectator injuries
 - ▶ Controllers
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Resources

- ▶ Evans v. Lima Lima Flight Team, Inc., 869 N.E.2d 195, 311 Ill.Dec. 521 (Il. App. 2007)
- ▶ Everett v. BRP-Powertrain, GmbH, & Co. KG, 2015 WL 5254555 (E.D. WI. 2015)
- ▶ Dixon v. City of Livermore, 127 Cal.App.4th 32 (Ca. App. 2005)
- ▶ St. Louis Flying Club v. St. Louis County, 866 S.W.2d 929 (Mo. App. 1993)
- ▶ Slora v. Sun %2Cn Fun Fly-In, Inc., 173 So.3d 1099 (FL. App. 2015)
- ▶ Estate of Corbitt ex rel. Corbitt v. Experimental Aircraft Ass'n, 146 Wash.App. 1073 (Wa. App. 2008)
- ▶ U.S. Specialty Ins. Co. v. LeBeau, Inc., 847 F.Supp.2d 500 (W.D. NY. 2012)
- ▶ Wickersham v. City of Columbia, 481 F.3d 591 (8th Cir. 2007)
- ▶ Doctor v. Pardue, 186 S.W.3d 4 (Tx. App. 2006)
- ▶ Hatch v. V.P. Fair Foundation, Inc., 990 S.W.2d 126 (Mo. App. 1999)
