



WORKBOOK

PRACTICAL AVIATION & AEROSPACE LAW

J. Scott Hamilton
Sarah Nilsson

SEVENTH EDITION



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AVIATION SUPPLIES & ACADEMICS
NEWCASTLE, WASHINGTON

J. Scott Hamilton is an adjunct professor and course developer at Embry-Riddle Aeronautical University, formerly assistant professor and faculty chair. He previously served as general counsel for the Civil Air Patrol, then as the national organization's chief operating officer. Prior to that, he served as senior assistant attorney general for the State of Wyoming. While practicing aviation law in Colorado, he also was a faculty member at the University of Denver College of Law, as well as Metropolitan State College of Denver. He is an experienced pilot and skydiver who served as a HALO instructor in the Green Berets. Hamilton is widely published on aviation law and has received many honors, including induction into the Colorado and Arkansas Aviation Halls of Fame.

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In 2017, Sarah published *Drones Across America* with the American Bar Association, a textbook devoted to Federal, State and local unmanned aircraft regulations, laws, and ordinances. Since 2015, she has been interviewed by news media on TV and radio and has presented at numerous conferences and symposia across the nation for The Citadel, the Arizona Attorney General's Office, Arizona Geographic Information Council, and the Air and Space Law Forum of the American Bar Association, to name a few.

Practical Aviation & Aerospace Law Workbook, Seventh Edition
J. Scott Hamilton, Sarah Nilsson

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PREFACE

This WORKBOOK is designed to be used with the textbook *Practical Aviation & Aerospace Law, Seventh Edition*, in aviation and aerospace law courses offered to students preparing for careers in the aviation and aerospace industries. It helps you practice applying the legal principles discussed in the text to the kinds of decisions you will be making in the “real world” of aviation and aerospace as business and airport managers, pilots, maintenance personnel, air traffic controllers, security personnel, and the like.

Many of the workbook questions are based on real dilemmas our clients have faced over the years, while others are the product of a fertile imagination. In the classroom or online, your professor may introduce hypothetical changes to the facts given here, challenging you to analyze the effects that changes in facts (sometimes subtle) have on strategies and outcomes, and may bring particular, actual cases into the discussion.

This edition of the workbook also adds some suggested online research assignments that your professor may assign, usually to either explore changes that may occur after the textbook is published, or to take a more global view of the particular topic.

Because the workbook is closely keyed to the text, we suggest that as soon as you have read a chapter in the text, you work through the workbook questions on that chapter while it is fresh in your mind.

PART I

Administrative Law

1

REGULATORY AGENCIES AND INTERNATIONAL ORGANIZATIONS

Review Questions

1. You are the human resources director for a regional U.S. airline. One of your duties includes screening new pilots and maintenance personnel applying for jobs with the airline. As part of the process, your staff should check the FAA's records on each applicant's certificates, ratings, accident history, and FAR violation history. Where would they find this information?
2. You are an engineer for an avionics company that is designing a new navigational system for civil aviation use. What organization establishes the technical specifications for radio aids to navigation? In what series of publications would you look to find these specifications?
3. Your aircraft has been involved in an accident. What agency or agencies will investigate the accident? What agency will determine the *probable cause* of the accident?
4. An agency of the U.S. government is presently experimenting with and assisting in the development of technical standards for the components of the next generation air traffic control system (NextGen). What agency is responsible for that work, and where is it being carried out?

5. An agency of the U.S. government is conducting research and experimentation on methods for detecting airframe ice and conveying the information to the flight crew in a useful format. What agency would be responsible for such experimentation? If that research and experimentation leads to a new technology, what agency of the U.S. government would establish the airworthiness standards for incorporating that technology into U.S. civil aircraft?

6. An emerging nation wishes to enter into an agreement with the United States to facilitate regular airline service between the two nations. Which of the so-called “five freedoms of the air” would this involve? What agency of the U.S. government would it deal with to negotiate a treaty to provide such service? Once the treaty has been negotiated, is any further action by the U.S. government required to bring it into effect?

7. The treaty (discussed above) providing for reciprocal air service is now in effect. The other nation wishes to designate its new national airline to provide a portion of the service under that agreement. Does the U.S. government have any say whether that airline will be permitted to provide that service to the United States? If so, how?

8. What has proved to be the most intractable problem facing international civil aviation on which to gain global agreement? Why?

9. Does the National Transportation Safety Board (NTSB) have any aviation responsibilities not relating directly to aircraft accidents? If so, describe.

10. Does the National Aeronautics and Space Administration (NASA) have any aviation responsibilities other than technological and aerodynamic research and development? If so, describe.

11. What are the powers of the Civil Aeronautics Board (CAB) today?

12. To what extent, if any, may state governments regulate the routes served and rates charged by airlines?

13. Which agency of the U.S. government regulates labor relations in the airline industry?

14. What authority, if any, does the National Labor Relations Board (NLRB) have over labor relations in:
 - a. The airline industry?

 - b. Aerospace manufacturing?

 - c. General aviation?

15. Which agency of the U.S. government has the primary responsibility for regulating aviation safety?

16. Describe and distinguish FAA and NASA responsibilities in regulating commercial spaceflight operations.

17. Distinguish U.S. Customs and Border Protection (CBP) responsibilities from those of Immigration and Customs Enforcement (ICE).

18. You want to determine who owns a particular aircraft. Which agency of the U.S. government would have that information, and where would it be found?

19. Until Congress passed and the president signed the Airline Deregulation Act of 1978, which agency of the U.S. government regulated airline economics (routes served and rates charged)?

20. Which agency or agencies of the U.S. government operate radio aids to air navigation?

21. Are there any privately owned and operated radio aids to navigation in the United States?

22. If the FAA and its counterpart agencies in other nations were interested in collaborating to make civil aircraft certification standards globally uniform, what organization would logically coordinate that effort? Where is that organization headquartered?

23. Why did the nations represented at the 1944 Chicago Conference not agree to the “five freedoms of the air” then proposed by the United States? If a similar conference were held today, do you think the international community would take the same position? Why?

24. Which agency of the U.S. government and which office of that agency is responsible for the production of aeronautical charts?

25. NASA research relating to general aviation focuses on what areas?

26. Which agency of the U.S. government is responsible for the day-to-day screening of airline passengers, baggage, and cargo?

27. That agency is now included in what federal department?

28. Is the regulation of workplace safety and health conditions in the U.S. preempted (regulated exclusively by) the federal government, or do the states have a role?

29. What federal agency is responsible for assuring the coordination and sharing of intelligence relating to threats against transportation?

30. What federal agency and what office of that agency is responsible for screening foreign applicants to U.S. flight schools for security risks?

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This supporting workbook is designed to be used with the *Practical Aviation & Aerospace Law* textbook to provide a comprehensive instructional package for undergraduate and graduate aviation law courses offered to students preparing for aviation careers. It aids in application of legal principles set forth in the textbook to the kinds of decisions students will make in the real world of aviation as managers, pilots, mechanics, aircraft owners, air traffic controllers, air safety investigators, and others involved in aviation as a profession or hobby.

The updated and expanded seventh edition reflects statutory and regulatory changes, including law topics surrounding the burgeoning fields of unmanned aircraft systems (UAS) and commercial spaceflight. With a concise format that mimics the textbook, this combination workbook/study guide breaks down a complex field of law into understandable examples and problems to solve—ultimately helping readers retain the learned concepts. Many of the workbook questions are based on real dilemmas faced by the authors' clients, in their combined practices' experience. Others are the product of a fertile imagination...yet they give aviation law students an idea of what can happen in real industry situations.

This *Practical Aviation & Aerospace Law Workbook* enhances the value of the textbook, serving as an excellent teaching tool—taken together, the two complement each other perfectly in the classroom.

Dr. J. Scott Hamilton is an Adjunct Professor and course developer at Embry-Riddle Aeronautical University, who has practiced aviation law and taught at several colleges, and is also an experienced pilot.

Dr. Sarah Nilsson, also with Embry-Riddle, is an Assistant Professor and a practicing attorney in Arizona, specializing in aviation/aerospace and business law.



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