About the Commentary: The Commentary addresses selected issues within the Code of Conduct to elaborate on their meaning, provide interpretive guidance, and suggest ways of adopting the Code of Conduct. It is intended primarily for implementers, policy administrators, aviation association management, and pilots who wish to explore the Code in greater depth, and will be updated from time to time. Please send your edits, errata, and comments to <PEB@secureav.com>. Terms of Use are available at <http://secureav.com/terms.pdf>.

COMMENTARY TO
AMCC II.c - *PASSENGERS AND PEOPLE ON THE SURFACE*

c. Brief Passengers on Planned Flight Procedures, and Inform Them of Any Significant or Unusual Risks Associated with the Intended Flight,

GA culture tends to downplay risk disclosure, not only to passengers but even to pilots.[1] Consider this quote from John King:

> Right now we are in denial. We must quit lying to pilots. We must tell pilots that aviation is risky. Other industries do a pretty good job of this already. If you go horseback riding or take scuba lessons you will be given a form to sign that says that there are risks involved, you may be seriously injured or killed, and if it happens to you, we told you so. . . . Yet when new pilots show up at the airport to take flying lessons, we tell them *flying is perfectly safe*.[2]

Not surprisingly, for many GA pilots, disclosing risks to passengers is anything but a priority. As one aviation expert put it: "Pilots should inform passengers of what they can do to help themselves and the pilot in the event of an emergency. [But] there is no obligation of informed consent when it comes to riding in a plane. The fact that they [passengers] are incapable of making an informed decision is not my [the pilot's] problem. If you want to learn the risks of flight, go to flight school."[3] And, indeed, because non-commercial GA passengers are not necessarily "consumers" under the law (at least with regard to consumer disclosure regulations), a GA pilot's failure to disclose material risks may not necessarily provide special remedies.[4]

Such views notwithstanding, the AMCC stresses that recommended practices for Part 91 operations would benefit by voluntarily exceeding conformance to airline and charter disclosure requirements, in part because most Part 91 operations can be riskier than airline or charter operations. As one aviation training expert asserts, "not only is it more honest to tell passengers that there are risks involved in flying in small planes, but such disclosure is also more credible and therefore more comforting."[5] Also, a "pilot's failure to ensure that his . . . passenger was advised of a known hazard is indicative of an undisciplined approach to risk management."[6]

There are legitimate exceptions to the responsibility to disclose, of course, including where disclosure may imperil flight safety (such as when a pilot reasonably determines that a passenger is irrational and may become unruly or otherwise disruptive[7]) or when a passenger is incapacitated or an infant. But for the majority of passengers, the AMCC recommends a level of risk disclosure in GA that may exceed customary practices.

Assumption of Risk by Passengers – Passengers should not be required to assume undue risk in participating in GA activities. "A passenger ought to be required only to assume the usual and ordinary (except where a defect in construction or adjustment of aircraft is obvious) perils of

air transport, relying upon airworthiness of machines, full competency of personnel, and the like [particularly since it] is largely the representations of the [airplane's] owner and operator which induce [the passenger] to go up in the first place."[8] As one aviation expert explains, "The important thing is that we learn to think through the risks, and if we decide to take one that is a tad above norm, to take it with full knowledge and *explain it to passengers so they can take the next bus if they don't like the risk*."[9] Assumption of risk by minors is particularly vexing and tenuous because of limitations on their legal capacity to consent.[10]

Passenger Briefing – FAR Part 91 generally requires little more than that passenger briefings address safety belts, shoulder harnesses, child restraint systems, use of portable electronic devices[11] and emergency door operation. Flights with certain higher-risk profiles, such as those at higher altitudes[12] or over water beyond gliding range to shore,[13] may require further briefing. Additional briefing is also required for large and turbine-powered multiengine aircraft and seaplanes.[14]

A printed card containing a passenger briefing is required for Parts 121 and 135 but not Part 91 operations.[15] All preflight briefings required by law do not provide passengers with a flight risk analysis, nor are they intended to.[16] Nonetheless, the AMCC posits that a pilot's obligations to brief passengers transcend such limitations to include (at least) a *moral* obligation.[17] This stance is reflected in the idea that risk disclosure is a passenger "right." For example, consider the following publication by the Alaskan Aviation Safety Foundation.

Passenger's Bill of Rights

As a passenger you *ARE* entitled to ask your pilot:

- have you checked the weight and balance of the aircraft?
- have you checked the takeoff and landing performance charts for the aircraft at this weight and for the airfields concerned?
- have you obtained a weather forecast?
- have you submitted a flight plan?
- are you correctly licensed, rated and current for this flight? e.g. are you qualified to fly in clouds?
- is the aircraft fully serviceable?
- are you fully serviceable and within duty time limits?
- are you carrying an Emergency Locator Transmitter and survival equipment?
- should I make alternative transportation arrangements or delay commitments to allow for weather problems?

Source: Alaskan Aviation Safety Foundation[18]

Adequate Disclosure - *Adequate* disclosure—sufficient to help passengers make meaningful decisions[19] about whether to participate in a particular flight—may require disclosing the relative risks associated with:[20]

i. over-water operations (especially if there is not approved flotation gear available for each occupant),[21] night-time operations,[22] and flights over rugged terrain,[23]

ii. a pilot's limited flight time or experience (relative to the intended flight and flight conditions),[24] and personal (physical, mental or legal) limitations,[25]

iii. inoperative instruments and equipment,[26]

iv. inclement weather,[27]

v. flying at higher altitudes, for passengers with heightened sensitivity to hypoxia (even where the planned maximum altitude does not require the provision of oxygen to passengers),[28]

vi. flying with children, the infirm, and pregnant women,[29]

vii. unreasonable limitations on or absence of insurance covering passengers,[30]

viii. failing to make available or requiring the use of headsets to minimize passenger hearing loss[31] and improve passengers' ability to hear pilot instructions,

ix. preparing for emergency situations,[32] including incapacitation of the pilot,[33]

x. forced landings,[34]

xi. experimental aircraft,[35]

xii. aerobatic operations,[36] and

xiii. ground operations.[37]

A Sample Passenger Briefing - *A Sample Passenger Briefing and Flight Rules* (SPB) is available at < http://www.secureav.com >.[38] The SPB may provide many benefits, including:

- enhancing flight safety by familiarizing passengers with proper procedures and pilot expectations of passenger conduct,
- satisfying (or exceeding) FAA and other disclosure requirements for passenger briefings,
- making passengers feel better prepared and more in control,
- reasonably limiting passenger expectations,
- preparing passengers to make a personal go/no go decision (and, correspondingly, to assume certain risks) by disclosing material flight risks, and
- *possibly* helping to manage pilot exposure to liability in the event of an accident.

DRAFTING CONSIDERATIONS:

✓ *Material* Risks: Some reviewers maintained that it is infeasible and unnecessary to inform passengers of *any significant or unusual risks* of an intended flight because there are an infinite number of potential risks and, they argue, passengers are incapable of appreciating all risks. Other reviewers argued that because the AMCC is intended to be interpreted reasonably,[39] qualifying the text to require only the disclosure of *material* risks is unnecessary and that the subject risks should instead be designated as *common and usual*.

**

[1] "I will always wonder at what point one pilot is morally obligated to prevent another pilot from killing himself and his passengers. Is there a point at which you tell the passengers what they are risking if they climb into that airplane?" Johnathan Javitt, *Rest of the Story*, AVIATION SAFETY 3, Sept. 2003, *available at* < http://www.aviationsafetymagazine.com > (reflecting on when to disclose known severe risks to the pilot *and passengers* of another aircraft).

[2] John King, *It's Time to Stop Telling the 'Big Lie'*, THE FLYER (Oct. 2000), *available at* < http://www.kingschools.com/kingStaffArticles.asp# >.

[3] Interview with William Wimsatt, Esq., Past-Pres., Lawyer-Pilots Bar Ass'n, in Los Angeles, Cal. (June 13, 2003). *Compare* Am. Bar Ass'n, MODEL CODE OF PROF'L RESPONSIBILITY, *Preamble*, at R. 1.0 (1980), *available at* < http://www.abanet.org/cpr/ethics/mcpr.pdf > (*Informed Consent* "denotes the agreement by a person to a proposed course of conduct after [] adequate information and explanation about the material risks of available alternatives to the proposed course of conduct [have been communicated].")

[4] Consider that in some respects disclosure regarding airline fares is far more rigorous than for Part 91 passenger briefings. *See, e.g.*, 14 C.F.R. § 399.84 (failure to state full airfare charged constitutes an unfair and deceptive trade practice in violation of 49 U.S.C. § 41712; The Wendell H. Ford Aviation Investment Reform Act for the 21st Century (Pub. L. No. 105-181, 49 U.S.C. _ 40101 note (Apr. 5, 2000), *available at* < http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws&docid=f:publ181.106 > (increasing penalties for various consumer protection provision violations of the Federal Aviation Act, 49 U.S.C. § 222). *Cf.* FAR 91.23(a) *Truth-in-leasing clause requirements in leases and conditional sales contracts* requires a written truth-in-leasing clause "in large print."

[5] Email from John King, King Schools (May 30, 2002). Richard Stowell urges that "passenger empowerment" can be advanced by reviewing the flight plan with the passenger(s), making passengers part of the safety process and underscoring that passenger are empowered to "pull the plug" (to terminate the flight) in their discretion. Interview with Rich Stowell, in Santa Paula, Cal. (Jan. 2, 2003).

[6] TONY KERN, REDEFINING AIRMANSHIP 339 (McGraw-Hill Professional 1997).

[7] *See* FAR 91.11 *Prohibition against interference with crewmembers, available at* < http://risingup.com/fars/info/part91-11-FAR.shtml >; AMCC II.d *Seek to Prevent Unsafe Conduct by Passengers.*

[8] HAROLD LINCOLN BROWN, AIRCRAFT AND THE LAW 152 (1933). Consider the liability of aircraft owners to passengers for the negligent entrustment of an aircraft to a pilot. Would disclosure have made a difference? *See White v. Inbound Aviation*, 82 Cal. Rptr. 2d 71 (Cal. Ct. App. 1999) (pilot incompetent to complete intended trip – having flown only twice since licensure two years prior).

[9] RICHARD L. COLLINS & PATRICK E. BRADLEY, CONFIDENT FLYING vii – viii (Aviation Supplies and Academics 2nd ed. 2001) (emphasis added). *Cf.* FAA Admin. Marion C. Blakey *quoted in* John Schwartz, *Rocket Ship Wins $10 Million Prize As Private Venture*, N.Y. Times, Oct. 5, 2004, at A1, A18 ("The goal of government will be to minimize the risks for people on the ground who are not involved in space flight and did not agree to take any risk, and to make sure that the *risks for passengers are fully and accurately described*.") (emphasis added); Press Release, U.S. Dept. of Transp., *Secretary Mineta Announces Proposed Guidelines for Commercial Space Travel* (Feb. 10, 2005), *available at* < http://www.dot.gov/affairs/dot2505.htm > ("People who want to travel into space . . . would need to sign consent forms stating they understand the risks associated with launching into space, according to new proposed federal guidelines for commercial space travel . . . ."). Query: If the acute risks of space travel are more obvious to the general public than the risks of GA, is the FAA's policy emphasis misplaced?

[10] The limitations on parental/guardian waivers on behalf of minors are soberingly illuminated when reviewing the history of the (unsuccessful) introduction of the Child Pilot Safety Act, H.R. 3267 (1997) (precipitated by the highly-publicized Apr. 11, 1996 accident that killed 7 year old Jessica Dubroff and her father). NTSB Brief of Accident, *available at* < http://ntsb.gov/ntsb/GenPDF.asp?id=SEA96MA079&rpt=fi > (accident causes included PIC improper decision making and overly ambitious itinerary – arguably an overzealous father/PIC). Congressional testimony in this case stated that NTSB data indicates that since 1964 there where 178 accidents and incidents involving pilots 16 years of age and younger. Transportation Committee, U.S. House of Representatives, *available at* < http://commdocs.house.gov/committees/Trans/hpw104-58.000/hpw104-58_0.htm >.

[11] FAR 91.21 *Portable electronic devices, available at* < http://www.risingup.com/fars/info/part91-21-FAR.shtml >.

[12] FAR 91.519(a)(6) *Passenger briefing* (re: oxygen equipment and use), *available at* < http://www.risingup.com/fars/info/part91-519-FAR.shtml >; *see* FAR 91.211(a)(3) *Supplemental oxygen*, *available at* < http://www.risingup.com/fars/info/part91-211-FAR.shtml >.

[13] FAR 91.519(a)(4) *Passenger briefing*, *available at* < http://www.risingup.com/fars/info/part91-519-FAR.shtml >.

[14] *See, e.g.*, FAR 519(a)(5) *Ditching procedures;* FAA, AC 121-24A *Passenger Safety Information Briefing and Briefing Cards* (Feb. 1, 1999).

[15] *See* FAR 135.117(e) *Briefing of Passengers Before Flight*, *available at* < http://risingup.com/fars/info/part135-117-FAR.shtml >; *Hinson v. Kittelson*, NTSB Order No. EA-4068 (1994), *available at* < http://www.ntsb.gov/alj/O_n_O/docs/AVIATION/4068.PDF >.

[16] There is a belief that airline passengers "are entitled to complete and timely disclosure of all information dealing with safety standards and compliance with safety regulations." Canadian Association of Airline Passengers (CAAP), *Airline Passenger Bill of Rights*, *available at* < http://www.piac.ca/billsum.htm >.

[17] BARRY SCHIFF, FLYING WISDOM: THE PROFICIENT PILOT 226 (Aviation Supplies and Academics, Inc. 1997). "What the law permits or requires is not necessarily what is *ethically* right." *See* WEST'S ENCYCLOPEDIA OF AMERICAN LAW 316 (Vol. 4 1997) (emphasis added); AMCC VII.e ("promote ethical behavior within the GA community").

[18] *Available at* < http://www.alaska.net/~etc/aasf/psgr's%20bor.htm >.

[19] While not mandatory (with regard to GA passengers), the *FTC Policy Statement on Deception* may offer pilots informal helpful generic guidance on formulating passenger briefings that provide appropriate disclose and steer clear of misrepresentations about flight risks. *See* James C. Miller III, Chairman, FTC, *FTC Policy Statement on Deception* (Oct. 14, 1983), *available at* < http://www.ftc.gov/bcp/policystmt/ad-decept.htm >; and Michael Pertschuk, FTC Chairman, *FTC Policy Statement on Fairness* (Dec. 17, 1980), *available at* < http://www.ftc.gov/bcp/policystmt/ad-unfair.htm >.

[20] Arguably, if a pilot establishes personal recommended practices / personal minimums that mitigate much of the enumerated risks, the relative need to disclose may correspondingly diminish.

[21] *See* FAR 91.509 *Survival equipment for overwater operations*, *available at* < http://www.risingup.com/fars/info/part91-509-FAR.shtml >; *cf.* FAR 91.205(b)(12) (requiring such flotation gear when over water and beyond power-off gliding distance from shore *only if the aircraft is operated for hire*). Also, life-vests without *life suits* in cold water are likely ineffective, yet life suits are not required.

[22] "Night is where we do the absolutely poorest job of managing risks in flying. No matter what statistic you look at, for whatever phase of flying, the fatal accident rate is always substantially, usually dramatically, higher in darkness than in light." RICHARD L. COLLINS & PATRICK E. BRADLEY, CONFIDENT FLYING 155 (Aviation Supplies and Academics 2nd ed. 2001). Night time flight is "obviously more dangerous than daytime flight." *Cappello v. Duncan Aircraft Sales of Florida, Inc.*, Fed. App. 0102P [No. 94-5543] (6th Cir. 1996), *available at* < http://www.law.emory.edu/6circuit/mar96/96a0102p.06.html >; "Night complicates all flight operations – particularly instrument operations – and if an accident occurs at night, it's much more likely to be fatal." 2001 NALL REPORT, at 6, *available at* < http://www.aopa.org/asf/publications/ >.

Consider that VFR night operations require an instrument rating in Canada, Mexico, and that all single engine night flights are banned in the UK, and elsewhere. *See* U.S. Dept. of the Interior, Office of Aircraft Services, Alaska Regional Office, *Aircraft Rental Agreement* (Mar. 2002), at B2.3 ("Single-engine aircraft operations shall not be conducted into instrument meteorological conditions (IMC) or night conditions as defined in 14 CFR with Government personnel on board."), *available at* < http://www.oas.gov/akro/akflight/pdf/ara-ak.pdf >; New Zealand Transport Accident Investigation Commission, *Recommendations*, Report 03-001 (Jun. 3, 2003), *available at*

< http://www.taic.org.nz/aviation/recommend_03-001.html > (recommending the publication of guidance material for all night VFR flying). *Cf.* IAOPA Policy Manual (6/14, 8/9), at 23, *available at* < http://www.iaopa.org > (urging "all States to permit night VFR operations in general aviation aircraft").

[23] *See* AIM 7-5-5(a) *Mountain Flying* (characterizing mountain flying as a "never-to-be-forgotten nightmare" if unaware).

[24] Is mere FAA licensure sufficient to remove the responsibility to disclose minimum experience? A pilot's judgment and ability to manage risks are generally of greater import than a mere quantification of flight time. Nonetheless, flight time provides experience that, in part, underlies the development of judgment. So while flight time is not an absolute indicator of judgment, it is one recognized, helpful indicator. *See* Les Abend, *Avoiding Thunderstorms Airline Style*, FLYING, Sept. 2003, 72, 76, *available at* < http://www.flyingmag.com > ("Experience is the primary teacher of judgment.").

Consider that pilots with under 200 hours of flight time may not fly passengers for voluntary/charity events and yet need not disclose their limited experience to other passengers. FAR 61.113(d)(1)(ii) *Private pilot privileges and limitations: Pilot in command*, *available at* < http://www.risingup.com/fars/info/part61-113-FAR.shtml > (passenger-carrying airlift sponsored by a charitable organization). *See* AOPA Air Safety Foundation, *Volunteer Pilots* (1999), *available at* < http://www.aopa.org/asf/publications/volunteer.pdf > (recommending a personal minimum of 200 hrs. PIC versus 200 hours of flight time per the FAR for charity flights). *Cf.* NPRM [FAA-1998-4521], *National Air Tour Safety Standards* (Oct. 22, 2003), *available at* < http://dms.dot.gov/search/document.cfm?documentid=257434&docketid=4521 > (proposing SFAR 71-like requirements for sightseeing flights under 14 C.F.R. 19.1(e)(2), including raising the threshold to 500 hours). "Charity flight" restrictions also require the use of FAA approved airports only, prohibit *aerobatic or formation flight*, prohibit the use of experimental aircraft, and limit flights to VFR only.

[25] Consider the status of personal information under the Federal Aviation Act, 49 U.S.C. § 44936(f) (protecting the privacy of pilot applicants). How are the conflicting interests of privacy and safety served – and does this square with adequate passenger disclosure?

[26] *See* FAR 91.213 *Inoperative instruments and equipment*, *available at* < http://risingup.com/fars/info/part91-213-FAR.shtml >. For example, should a pilot disclose a lack of operational landing lights for nighttime operation? *See* FAR 91.209 *Aircraft Lights*, *available at* < http://www.risingup.com/fars/info/part91-209-FAR.shtml > (not requiring landing lights). Consider voluntary conformance (for Part 91 operations) with FAR 135.163 *Equipment requirements: Aircraft carrying passengers under IFR*, *available at* < http://www.risingup.com/fars/info/part135-163-FAR.shtml >. *Note*: A minimum equipment list (MEL) is a list of items of equipment and instruments that may be inoperative on a specific type of aircraft and serves as the basis for the development of an individual operator's MEL.

[27] "Weather-related accidents continue to have the highest probability of fatalities." AOPA ASF, 2001 NALL REPORT, at 4, *available at* < http://www.aopa.org/asf/publications/ >. Weather accounts for 19 percent of all fatal piloting-related accidents, and 28.3% in high performance aircraft. *Id.* at 6.

[28] FAR 91.211(a)(3) *Supplemental oxygen*, *available at* < http://www.risingup.com/fars/info/part91-211-FAR.shtml > (provision of oxygen required for passengers above 15,000 ft. MSL). The briefing for higher altitude flights might benefit by including a "mini aviation physiology" component since pilots should not take for granted passenger understanding of applicable physiological principles.

[29] *See* AOPA, *Traveling with Children and Family*, *at* < http://www.aopa.org/members/files/topics/family.html >.

[30] For example, disclosing total coverage and whether "smooth" or per-passenger sub limits to policies exist (*e.g.*, 1,000,000 total, 100,000 per passenger cap). A "smooth" limit provides a combined single limit of coverage for all bodily injury and property damage claims. A specified maximum amount can be paid out

from a covered occurrence in any combination - passenger bodily injury, other person's bodily injury or property damage.

Richard C. Collins has opined, "$100,000 a seat is not really insurance," *Mitsubishi MU-2*, FLYING, June 2002, at 82, *available at* < http://www.flyingmag.com >. Nonetheless, $100,000 a seat is the maximum limit available or affordable to many aircraft owners. The alternative in these cases is no insurance at all. Moreover, $100,000 has historically been, in fact, adequate to cover the vast majority of liability claims. In addition to the limit of liability, the insured is provided with unlimited legal representation at the insurer's expense. In a perfect world pilots would prefer unlimited liability limits available at an affordable cost. In the real world, however, $100,000 is often what is available or affordable.

The Experimental Aircraft Association arranged for *excess passenger liability coverage* of $1,000,000 for bodily injury, per occurrence, for Young Eagles (minor passengers) to apply "in excess of a minimum underlying aircraft liability coverage of $100,000 per passenger seat carried by the participating Member Pilot." Karen Kryzaniak, Corporate Risk Manager, EAA, *Don't Let Insurance Be An Excuse* (Jan. 2003) (copy on file with author).

Urge passengers, at their option, to consider obtaining additional insurance. *Cf.* "We strongly recommend that you obtain personal insurance for all the physical activities undertaken on the course and for any other activities which you may wish to pursue, as well as for all usual travel, accident, medical and luggage risks. *Wild Fitness* is insured for activities undertaken under our supervision, but this insurance is subject to certain limits and exclusions." *Wildfitness Consent and Waiver of Liability Form* (copy on file with author).

Flight Department Operations and Insurance - The establishment of a "captive" flight department or flight organization intended to shield the company from liability exposure (and that is insured to operate exclusively under FAR Part 91) may create ethical issues regarding passengers where the FAA declares that such flight operations were actually performed under Part 135, thereby voiding insurance coverage, to the detriment of passengers and their families. Matthew W. Broughton, Esq., GENTRY LOCKE RAKES & MOORE, Presentation at the Lawyer-Pilots Bar Ass'n Winter Meeting, in Tucson, Ariz. (Jan. 15, 2003).

[31] The Occupational Safety and Health Administration (OSHA) requires hearing protection when ambient noise level exceeds 90 decibels (db). GA aircraft generally exceed 90 db, even in normal operations. Exposure to sound at 85 db over a single 8-hour period, 100 db over a 15-minute period or 130 db or greater for any period can cause measurable permanent hearing loss. Noise-induced hearing loss (NIHL) refers to any permanent hearing loss (mild to profound) that is the result of exposure to loud noise over an extended period of time.

[32] *See* FAR 91.519(b)(2) (emergency equipment), *available at* < http://risingup.com/fars/info/part91-519-FAR.shtml >.

[33] *See, e.g.,* AOPA Air Safety Foundation, *Pinch Hitter*® The Video, *available at* < http://www.aopa.org/asf >. Incapacitation is a minor cause of aircraft accidents. *See generally* Charles A. Dejohn et al., *In-flight Medical Incapacitation and Impairment of U.S. Airline Pilots: 1993 to 1998,* Flight SAFETY DIGEST, Jan. 2005, at 1.

[34] *See* AIM 6-3-3 *Ditching Procedures*.

[35] *See* FAR 91.319(d)(1), *available at* < http://www.risingup.com/fars/info/part91-319-FAR.shtml > ("Advise each person carried of the experimental nature of the aircraft." No guidance is given on risk disclosure). Additionally, consider communicating the incremental risk of fatalities in experimental aircraft. *See* FAR 91.319(e) (permitting the Administrator to prescribe additional limitations regarding "the persons that may be carried in the aircraft."). *Cf. EAA Seeks to Continue Downward Fatal Accident Trend,* EAA SPORT AVIATION, Oct. 2004, at 25, *available at* < http://www.sportpilot.org/ > (citing NTSB announcement that the homebuilt aircraft fatal accident rate dropped thirty six percent in the 2002-2003 fiscal year from previous year).

[36] For example, in addition to operation of parachutes and emergency procedures, proper clothing, effects of enhanced (and negative) G forces, and enhanced risks to airfoils should be communicated to passengers participating in aerobatic flights.

[37] *See, e.g.*, FAA, AC 91-42D *Hazards of Rotating Propeller and Helicopter Rotor Blades* (Mar. 3, 1983), *available at* < http://www.avcommusa.com/download/ac91-42.pdf >.

[38] The Sample Passenger Briefing is not part of the AMCC. Rather, it is provided as an independent, voluntary tool to the GA community.

[39] *See* AMCC *Introduction*, § 9 (*Stylistic Conventions and Interpretation*), *available at* < http://www.secureav.com/Comment-AMCC-Introduction.pdf >.

***