

**ASK QUESTIONS PRIOR TO FLIGHT IF YOU DO NOT FULLY UNDERSTAND!**

# **RELEASE OF LIABILITY AND ACKNOWLEDGEMENT OF PERSONAL RESPONSIBILITY**

**READ CAREFULLY! YOU ARE ASSUMING RISK AND WAIVING LIABILITY**

I acknowledge that I have **VOLUNTARILY** chosen to participate in hot air ballooning activities. I acknowledge that my participation in a hot air balloon flight is a potentially hazardous activity. I understand that during my participation in a hot air balloon flight conducted by Johnathan Paul Radowski, d.b.a. Apex Balloons, and d.b.a. Above & Beyond Ballooning, hereafter called "Apex Balloons," I will be exposed to above normal risk, which includes risk of injury or death. I understand that the property upon which the take-off or landing of the balloon is to occur may not be in a safe condition. I hereby agree to, and expressly assume the risks of injury or death while engaged in hot air ballooning activities, whether during the preparation, take-off, flight, landing, pack-up or travel to or from the take-off or landing areas, including ground transportation. Please initial to attest that you have read and understand the above paragraph.

Passenger Initials \_\_\_\_\_

← INITIAL HERE

I understand that the pilot of the balloon is in full and complete charge and control of the ballooning activities and is solely responsible for all decisions made concerning all things or persons in or connected with the balloon on the ground or in the air. I also understand that although Apex Balloons has taken all precautions to provide an airworthy balloon, equipment, a trained crew, and safety preparations for every flight, it is impossible for Apex Balloons to guarantee absolute safety. I understand that I share the responsibility for safety in flight and assume that responsibility. I agree to comply with the instructions and directions of Apex Balloons personnel during the flight and while participating as crew. I have accepted responsibility to verify with my physician that I have no physical or psychological problems that would prohibit me from participating in hot air ballooning activities. I realize that the flight is conducted solely by Apex Balloons and not by any sponsor whose name may appear on the hot air balloon and other equipment only as advertising.

**In partial consideration of being permitted to ride and participate as crew, I hereby release Apex Balloons, their agents, contractors, independent contractors, representatives, sponsors, successors, heirs, affiliates, and assigns ("Released Parties") from all liability or responsibility for any injury, loss or damage suffered by me or my property before, during, or after the flight for any reason whatsoever.**

In the case of minor-aged passengers, I, the parent or guardian of the minor-aged passenger listed on the release, acknowledge the risk, as described above, and responsibility. I share and consent to the participation of the minor-aged person in a hot air balloon flight with Apex Balloons, subject to the conditions listed above. I hereby certify that I am the parent or guardian of the minor and have the legal capacity to waive his or her rights.

I have read both the **Passenger Flight Document** and the **Release of Liability and Acknowledgement of Personal Responsibility**. I understand both documents and will comply with the specified requirements. I have also been given the opportunity to ask questions regarding the documents.

**I have CAREFULLY read this agreement, fully understand its contents, and agree to and accept the terms and conditions. I am aware that this is a contract between myself and Apex Balloons and is a RELEASE OF LIABILITY AND ASSUMPTION OF RISK. I AM SIGNING IT OF MY OWN FREE WILL. Furthermore, if I chose not to sign this agreement, I am choosing not to fly. I will incur no costs from Apex Balloons related to this flight.**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Age  
(if under 18)

\_\_\_\_\_  
Passenger Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name you would like on your Flight Certificate if different from above  
(Please print CLEARLY so we can spell your name properly)

\_\_\_\_\_  
Parent Signature (if under 18)

\_\_\_\_\_  
Date

By Parent (check one):    ☐ Mother    ☐ Father

For parents signing for minor-aged children: Please print the child's name in the space provided for Printed Name, and their Age. Then sign their name above Passenger Signature, sign your name above Parent Signature, and check to the left of either mother or father as appropriate.

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## **PASSENGER FLIGHT DOCUMENT**

### **GENERAL INFORMATION**

1. **Please notify us of any medical conditions or physical limitations prior to your scheduled flight day.** Also ensure you clear this activity with your doctor if you have a medical condition or physical limitation. If you are pregnant, have had recent surgeries, back problems, recent broken bones still in casts, or similar disabilities, you will not be allowed to fly. Additionally, all medications should be cleared by your doctor prior to flying.
2. **Arrive on time.** During the reservation process, you will be given a meeting time and location. Please arrive on time. Late arrivals or no-shows will forfeit their flight certificate or flight fee and no refund will be provided. It is wise to allow extra travel time to account for the possibility that you may encounter heavy traffic or get lost on your way to meet us.
3. **A signed Release of Liability and Acknowledgement of Personal Responsibility is required prior to flying.** If you read the document and are not comfortable signing it, please contact us prior to flight day. If you chose not to sign this agreement, you are choosing not to fly. You will incur no costs from us related to this decision.
4. **The pilot in command is the sole authority for all operations related to the flight.** From the moment you check in until he/she releases you after the flight, the pilot in command is in control of the operation. His or her instructions must be followed precisely in order to ensure your safety.
5. **No Alcohol or Drugs** are allowed to be consumed prior to or during the flight. Anyone showing up that we think is intoxicated will not be allowed to fly and will forfeit their flight certificate or reservation and flight fee.
6. **Dress appropriately for the flight.** Dress for the conditions that exist outside when you depart for your flight. When it is cold, dress in layers so they can be removed if needed. Also, wear natural fiber materials if possible. Keep all manmade fibers away from the burner to prevent melting or burns. Do not wear open toed shoes, skirts, or expensive jewelry. A hat is strongly recommended; it will help keep the radiant heat from the burners off of your head.
7. **Do not lean out of the basket or throw anything out of the basket during flight.** Leaning out could cause you to fall. Throwing something out could cause serious injury or death to someone on the ground.
8. **Pack video cameras or other personal belongings carefully.** Ensure you have a bag to protect them during landing. We are not responsible for personal effects damaged during the flight. Ensure you pack them appropriately.
9. **Please limit cell phone use in the basket.** In consideration of the other passengers' enjoyment of the flight, we ask that you please keep cell phone talk or video chat time to an absolute minimum.

### **LANDING INSTRUCTIONS**

1. **The impact at landing may be harder than you expect.** Balloon baskets do not have wheels or shock absorbers. You do not glide in and roll. You float gently during the flight and then hit the ground when you land. For an inexperienced person, the impact with the ground can be very surprising. In little or no wind, the landing is often relatively gentle. However, the faster the wind is blowing, the harder the contact will be.
2. **Hold on tight and stay inside the basket.** The basket is very sturdy and provides protection from the ground and obstacles. Assume the landing position which will be explained to you by the pilot. Keep all parts of your body inside the basket during landing. Hold on tight to points inside the basket, as directed by the pilot. Do not get out of the basket until instructed to do so by the pilot.
3. **Stay low and bend your knees to absorb the shock.** Stay low so that you can better balance and stay inside the basket where you are protected. Stand with your knees slightly bent in order to absorb the shock. Do not sit on the floor or tanks. Again, stay inside the basket until the pilot instructs you to exit.
4. **If the wind speed is over 5 MPH, you will bounce more than once.** If the landing is over 5 MPH (a brisk walk), we will contact the ground, rebound slightly, and then hit again two, three or more times. Depending on the wind speed, these additional impacts can be gentler or more severe than the original impact.

In winds greater than 7-8 MPH, you should expect the basket to tip over on its side when landing. You will physically contact the sides of the basket and may contact other passengers. It is likely that the basket will drag on its side for some distance before coming to a full stop. The pilot will tell you what to expect before the landing. Remember, always keep all parts of your body well inside the basket, hold on tight, and listen to all instructions from the pilot.

5. **Secure all personal belongings before landing.** We cannot be responsible for your personal belongings, including but not limited to cameras, video recorders, binoculars, or eyeglasses. If you are holding these items in your hands, you cannot hold on adequately when landing. Stow these items inside your jacket, pocket, case that you brought with you, or on the floor of the basket before landing.

*If you enjoyed your experience, gratuities are gratefully accepted, but never expected.*

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