

1940

National Association of State Aviation Officials: President's Report for the Year Ending October 12, 1939

Charles L. Morris

Follow this and additional works at: <https://scholar.smu.edu/jalc>

Recommended Citation

Charles L. Morris, *National Association of State Aviation Officials: President's Report for the Year Ending October 12, 1939*, 11 J. Air L. & Com. 45 (1940)
<https://scholar.smu.edu/jalc/vol11/iss1/7>

This Speech is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS

PRESIDENT'S REPORT FOR THE YEAR ENDING OCTOBER 12, 1939

New Orleans, Louisiana

In a brief report dealing with the past year in aviation, it is difficult to give adequate coverage to even a few of the more important developments. For, only a year ago, a new Federal agency was just assuming jurisdiction, and was beginning to put into effect the tremendous concentration of duties imposed by the Civil Aeronautics Act.

Even before the newly-appointed members of the Civil Aeronautics Authority formally assumed the duties of their office, criticism was being levelled at them from some quarters. This Association, however, adopted a policy of watchful waiting — believing that this new arrival should be given the opportunity to overcome its internal growing-pains before being criticized.

But after a few months, it became apparent that, in Washington, all was not entirely in accord with the desires of the industry, and it seemed that this Association might well attempt to remedy some of the things we thought were wrong. A few criticisms were therefore directed toward the Civil Aeronautics Authority, but it should be recognized that these criticisms were not aimed at the fundamental concepts upon which the Authority has been built. This is important to remember — because we, at this Convention, must face the fact that during the next twelve months there may develop a well-planned program to transplant the Civil Aeronautics Authority — perhaps to place it back again in the Department of Commerce, which it outgrew several years ago, and whence it was only recently removed; or perhaps to put it in some new governmental agency under current reorganization plans; or to split its functions again among several different Federal bodies.

I do not know your feelings in this matter. If it had come up for decision during the past year, I would have maintained, as I do now, that, fundamentally, the present type of organization in Washington is the best that has yet been devised for aviation. I repeat that no word of criticism has been directed at the basic concept of the Civil Aeronautics Authority. The only criticisms have been aimed at a very few of the functional and administrative details. It has been, perhaps, a disagreement as to emphasis, and as to the direction and timeliness of effort.

But this belief may not entirely conform with your wishes. So, for the protection of this Association, and in order that we may be prepared to take a firm stand if the question should arise, I urge that, by resolution or some other suitable means, you inform your incoming president how you desire him to act, if action be necessary.

At our Convention a year ago, it was decided to restrict the number of resolutions to a workable quantity, and to use them as a guide for the Association during the ensuing year. This has proven a sound plan, and it is recommended

that the Association continue it in the future.

Those resolutions — our program for the past year — dealt with:—coordination between the Federal Government and the States; Federal Aid for Airports; Maximum requirements for airports; the needs of private flying; congressional committees on aviation; feeder services; and airport zoning. This report will therefore confine itself almost entirely to a discussion of these several points.

Coordination. The resolution on coordination had hardly been passed before a wire was sent to the Civil Aeronautics Authority Chairman, advising him of its import, and requesting that a program be promptly developed to coordinate the efforts of the Authority with those of the several states. We believed then, as we do now, that with such unity of effort, aviation would prosper — without it, we would have a hopeless jumble of disjointed plans, no one of which would be fully effective, because of misunderstandings, conflicting interests, and the fact that only partial use was being made of all available knowledge.

After several months of correspondence and consultation, results were achieved. A State Coordination Section was first created in the Private Flying Division of the Authority, although it had been the opinion of this Association that the responsibilities involved would justify the creation of a staff office. However, within the last few days, a change was made that brought coordination more nearly in line with our thoughts:— a State Coordinator has now been set up in the office of the Director of the Bureau of Safety Regulation. The person picked to fill this post is a former state official, who, for many years, was active in the affairs of this Association. The Bureau Director himself is a former state man and past-president of this Association. Therefore, it seems that an effective program of state coordination is well under way—and it should only require mutual *cooperation* to bring about complete *coordination*.

The establishment of the Coordinator, coupled with the fact that a number of proposed changes in regulations and procedures have been submitted to our Association and others before being put into practice, seems to indicate a cooperative attitude on the part of the Civil Aeronautics Authority. But unfortunately this attitude has not yet completely permeated all Sections.

Classic example in support of this statement is found in the history of the Civilian Pilot Training Program. This program was conceived and developed in a very propitious manner. The Civil Aeronautics Authority in the fall of 1938, was ordered to prepare, on only a few days' notice, a plan for government training of civilian pilots and mechanics. Realizing the magnitude of the task, the Authority set a wise course, and called in to Washington some 15 to 18 persons from all parts of the country. To this group was presented the problem, and a suggested method of procedure toward reaching a solution. Within 48 hours, a complete program had been prepared in minute detail, for submission to the administration.

Our Association was amply represented in this meeting, and we fully endorsed the plan as it was finally drafted. However, when the "Trial Training Program" was announced from the Civil Aeronautics Authority, it bore only a vague family resemblance to the first plan, and it appeared to have serious flaws in many of its aspects. Neither the drastic changes, nor the reasons for the apparent flaws, were ever submitted to the group that drafted the original plan. Therefore, the "trial program" was subjected to severe criticism from many quarters — criticism that could have been avoided, or at least minimized, by a continuation of the cooperative spirit evidenced at the outset.

This is one sample of non-coordination — and the unfortunate misunderstandings that result from it. However, in fairness to those in the Civil Aeronautics Authority who have made a sincere effort to cooperate, let it be recorded here that those efforts have everywhere been beneficial to all concerned (CAA, States, Industry, Pilots), and we can envisage the time when smooth inter-coordination through the new office of State Coordinator, will be advancing the interests of the industry at large.

One word more before we leave the pilot training program. Even if it were to accomplish nothing more, this program would be well worth its cost if it only resulted in a standardization of instruction. Progressive steps have previously been taken toward this ultimate goal; but not until now has there been any attempt to re-examine and re-certify all instructors as to their qualifications to perform the most fundamentally important task in aviation:— the proper training of those whose handling of the controls is responsible for the safety of everyone, whether in the air or on the ground.

In order more effectively to standardize instruction, the Authority has prepared and published a manual on flight training, which presents in masterful fashion the manifold problems involved. It is a credit to its sponsors and to those whose painstaking effort was responsible for its perfection.

Federal Aid for Airports. For years, our Association has striven for a substantial, comprehensive Federal program for airports. It has been our belief, because of the interstate nature of the airplane, and because such a large percentage of the use of airports is in the service of interstate flying, that the Federal Government should participate financially in the costs of construction and operation of airports. The passage of the Civil Aeronautics Act was the first ray of hope that such an eventuality was in prospect. Two things pointed toward this hope:— first, an "air navigation facility" was defined in the Act to include landing areas; and, second, the Administrator was empowered "to acquire, establish, operate and maintain . . . air navigation facilities." Thus, the Administrator may acquire, establish, operate and maintain *airports* — at least, those that come within the Federal definition of "airport", namely:— "a landing area used regularly by aircraft for receiving or discharging passengers or cargo."

The opening gun on the airport front was also fired by the passage of the Act, in requiring the Authority to make a survey of airports and airways, and report to Congress with definite recommendations. This gun hung fire — in fact it very nearly mis-fired — and the final shot did not hit squarely at the mark. But we must realize that it was, nevertheless, just the *opening* gun — a kind of range-finder — and with proper support from the lines, it should eventually turn into a victory.

In order to accomplish this survey properly, the Civil Aeronautics Authority appointed an Airport Survey subcommittee to hold hearings, take testimony and report to the Authority. Your President served as one of the members of this subcommittee — your Airport Committee appeared before it and presented the ideas of the several states — and we endeavored wherever possible to protect the states' integral part in the program, and to help develop a sound procedure for Federal-State-Local cooperation in any plan to be recommended.

After a time, a solution emerged, which seemed at least to provide a basis for a beginning. The airport survey report was submitted to Congress, and, without attempting to outline for you the many developments of the subsequent four months, the simple fact is that Congress failed to act.

The Civil Aeronautics Authority has been roundly criticized for not having pursued a more aggressive course in securing congressional adoption of the recommendations included in the Report. I have refrained from joining in this criticism, because I believe the task fell squarely on our own shoulders. A Federal agency can recommend — but Congress acts on the voice of the people. If we, in aviation had stood solidly behind the recommendations of the Civil Aeronautics Authority — if, more particularly, some powerful aviation association with headquarters or agents in Washington had assumed a forceful leadership, and with a finger on the nation's pulse had endeavored to guide the Federal Airport Program to consummation — I believe we would today be embarked upon a substantial national program of airport development, particularly if we had not lost much valuable time in quibbling over petty details that could have been clarified by later amendments.

However, I do not yet understand certain rumors to the effect that the Civil Aeronautics Authority attempted to forestall congressional action on the program. Particularly am I concerned about the only reliable report with which I am personally acquainted:— namely, that when a member of Congress inquired of the Authority what should be done now that the Airport Report had been filed, he was told by someone in the Civil Aeronautics Authority that nothing further was necessary. It has not been possible to trace this to the individual credited with the reply — and, therefore, the mis-impression thus given has not been fully corrected — but there is no doubt that this reply was largely responsible for the failure of Congress to consider seriously a Federal Airport Program during this past session. Whatever causes may have combined to prevent congressional approval, “we the people” must shoulder our portion of the blame, and this very failure should serve to redouble our efforts in the months to come.

Maximum Airport Sizes. We have been told for many years that the Federal Government is attempting to determine the ultimate length that will be required of an airport runway. Our Association has ceaselessly endeavored to speed the millenium — with no more success than a philosopher trying to speed the second coming of Christ. A year ago, we passed a resolution, recommending a maximum requirement of 3500-foot runways, based on a glide-ratio of 20 to 1, under standard air conditions; and we opposed provisional gross loading of land planes.

Unfortunately, we are no nearer the millenium today than we were a year ago. We still are unable to approach the cities in our states and say, “You will never need to build an airport larger than 3500 feet” — or 5500 feet — or even 10,000 feet. All we can promise with some degree of truthfulness is that the Federal Government may, *tomorrow*, issue a certificate to a manufacturer, permitting him to build an airplane which will require two dozen or two hundred cities to add another thousand feet onto their runways. There must be an end, and our Association should continue aggressively to pursue this maker-of-white-elephants until it is permanently and irrevocably eradicated.

Private Flying Section. A year ago, there was some concern as to just what would develop in the Civil Aeronautic Authority's newly-announced “Private Flying, Fixed Base Operator's Section.” We did not know where the Section's final resting place would be on the rapidly changing organization chart of the Civil Aeronautics Authority. Therefore, we petitioned by resolution, that the Authority set up the private flying section “as a separate and distinct entity functioning through its chief directly responsible to the . . .

Administrator without direction by, or responsibility to other divisions of the Authority."

Since then, the organization chart has emerged from a formless, shifting picture deep in the troubled waters — and it has taken definite shape. Three Bureaus compose the actual "striking force" of the Civil Aeronautics Authority—and we cannot yet hope that private flying would justify the creation of a fourth. Therefore, the Private Flying Division now rests within the Bureau of Safety Regulation. It is, however, a separate Division within this Bureau, and it seems, for the time being at least, generally to conform with the spirit of our resolution.

Congressional Committees. Our last Convention again went on record, as it has for many years past, requesting standing congressional committees on aeronautics. For a time, it seemed that perhaps we might see this hope materialize, thus giving congressional recognition to the national importance of the industry, and to the need for specialized handling of specialized aviation legislation.

But there are, and perhaps there always will be, certain political self-seekers who try to enhance their own interests by donning wings — and wings are not becoming to them. Who can forget the tragedy of 1934 when the industry was thrown into chaos, when progression became retrogression, when the cream of the Army's pilots was skimmed — then spilled — by the clumsy ladle of politics?

And yet, politics again entered the field in the matter of standing committees. We seemed almost assured of action this past year, but it was prevented by two senators, each vying for the Chairmanship. Until some political seaman has discovered how to untie this gordian knot, aviation cannot advance into the realm of a major national consideration, and our best efforts should continue to be applied to this vital need.

Feeder Services. This Association has gone on record in favor of the development and establishment of so-called "feeder" air lines, thus recognizing the fact that the present established air routes directly serve only a little over one-quarter of the nation's population (often with unsatisfactory and infrequent schedules), and that of the 4000 cities in the United States with over 5,000 inhabitants, there are only 210 cities, or about five per cent, on the air lines.

Concentrated effort toward accomplishment of the purposes of this resolution was withheld, pending the Civil Aeronautics Authority's decision on the application of Airline Feeder System, Inc., for a certificate of convenience and necessity. The decision was made on June 9, 1939, and the request for the certificate was denied.

At first blush, this seemed a very poor commentary on the attitude of the Civil Aeronautics Authority toward feeder developments. Here was a small line that had struggled to get a footing under the old Bureau of Air Commerce—it had operated without benefit of air mail, and had been required to run a scheduled service at a heavy financial loss in order to be qualified to file an application under the so-called "Grandfather Clause." And after all this, the application to be allowed to continue operations had been rejected — on grounds that the line had not rendered adequate and efficient service, having carried relatively few passengers during its existence, having run only one scheduled trip per week during the latter part of its life in accordance with permission granted by the Civil Aeronautics Authority and having been forced into bankruptcy.

This decision might seem to promise a black future for the development of supplementary air transportation services; but careful study does not justify this conclusion, at least to date, because it must be realized that Airline Feeder's application could not be decided on the general ground of a need for the service. It had to be decided on the specific considerations required under the grandfather clause — namely, (1) that the airline had been "an air carrier, continuously operating as such" from May 14, 1938; and (2) that the service rendered for such period had been *efficient and adequate*. The admitted facts in the case could not support these latter requirements, and the application therefore had to be rejected.

It is important to realize, however, that this does not, of itself, indicate the Authority's position as regards feeder services. The decision that will demonstrate whether or not the present Act, and the present administration of it, will permit the expansion of transport services by means of feeder lines, is rolling through the mill-wheels at this moment, dealing with the application of this same company (Airline Feeder System) to establish a *new* feeder service.

It is generally admitted that the present Civil Aeronautics Act encourages the creation of such services — that it is adequate as it now stands. The point that still remains to be demonstrated is whether or not the *administration* of the Act will be such as to permit this most necessary expansion. The Authority's action on the application now pending will furnish the answer.

It may appear from the foregoing that too much emphasis has been laid on Federal matters. However, state problems in aviation are so closely interwoven with the problems, decisions and acts of the Federal Government that we must at no time fail to recognize the actual or potential influence of the national aviation program on us. Our duties in the states begin where the Federal jurisdiction ends, whether that ending be caused by constitutional limitations or by the limitations of personnel and appropriations. It is for this reason that the foregoing remarks on Federal aspects have required substantial treatment.

Airport Zoning. The problem of protecting the approaches to airports is one of constant conflict — legal conflict, the rights of land ownership, the use of the air space, reasonable or unreasonable personal attitudes in a multitude of ways. Where there are hazards to air traffic, a solution has usually been attempted by agreement with adjacent property owners. In many cases, reasonable requests were met with a cooperative attitude; but, in altogether too many instances, results were not so readily attained.

Realizing the seriousness of the problem, this Association last year passed a resolution urging that each state enact legislation, permitting the zoning of areas adjacent to airports, and the removal of hazards by condemnation if need be.

Thirty replies have been received to a zoning questionnaire recently forwarded to the 48 states, and fourteen of those thirty replies indicated that there is some law regarding airport zoning or removal of hazards. The Civil Aeronautics Authority's zoning manual, recently published, tells us that five other states, who failed to answer the questionnaire, also have zoning laws. These 19 acts provide variously for state or local zoning, for condemnation or purchase, for protection against future hazards or for removal of present hazards. Gliding ratios are in some instances determined by statute, and vary from 7-1,

to 20-1. Limits of jurisdiction vary from 500 feet away from the airport to 21,000 feet away.

The complicated legal problems involved seem to have acted as something of a deterrent to general adoption of adequate laws. Opinions differ as to just how much "public need" there is for flying on many airports, and hence as to how far the state or local governments may go in restricting the rights of private individuals to the full enjoyment of their land. Opinions differ, also, as to whether or not the state or local government may, constitutionally, restrain these owners, or remove hazards, without due compensation. The fundamental basis for argument seems to be whether hazards to air traffic come within the scope of police power, or whether it is a question of eminent domain. Some well-informed persons believe that the solution may be found, not in zoning, or in condemning or acquiring adjacent property, but, rather, in purchasing a broad cone of actual air-space projecting outward and upward from the boundaries of the airport. It is a subject so complex that its many ramifications can hardly be more than suggested in this report. I urge that a full discussion be had during this Convention — and that then a capable committee be appointed to study the matter in full, and present findings and recommendations to our next annual meeting.

Association Administration. It has been my desire, during my term as president, to try to weld our Association more closely together during the interim between annual conventions. It has always seemed to me that continuity of effort has been handicapped by a lack of some unifying, year-around program. It was for this reason that an Association Bulletin, as used by several of my predecessors, was continued. I hope it may have served its fundamental purpose of coordinating the efforts of our Association, and I believe a monthly communication of a similar nature might well be made a definite part of the Association's life — whether prepared by the President, or by someone appointed by him — or, progressively, by a series of persons, each writing one issue.

The Treasurer will report later, on the financial status of the Association, but it should be recorded here that it is excellent, although neither your President nor your Treasurer can claim any credit for it, since it was due to a \$25.00 assessment per state. Compared to previous deficits, there is a sizeable balance in the treasury; it is up to you to decide what you would do with it, and the Finance Committee may present at this Convention, some recommendations for your consideration. You may wish to make it possible in the future to reimburse Association officers for such travel costs as would otherwise be paid out of pocket, and if so, you should set up some procedure upon which such expenses may be met. Perhaps you will find other uses for the surplus. But, even if it is allowed to accrue over a period of years, I recommend that the \$25.00 annual assessment per state be continued, in order that the effective functioning of our organization may never be predicated on a question of dollars and cents.

In studying from time to time the Constitution and By-Laws of the Association, it has seemed that, drawn as they were nine years ago, they are now in many ways inadequate to serve as our guide. Aviation changes rapidly, and even a cursory glance at the constitution will reveal errors that should be corrected. A temporary committee on Constitution and By-Laws has therefore been appointed to review the situation and report its recommendations tomorrow.

And so I close — with a very inadequate but very sincere word of thanks. I have deeply appreciated the honor you have bestowed upon me — I have tried sincerely to fulfill its duties to the best of my ability. I only hope that from this last year, something of permanent value may remain with you.

Respectfully submitted,

CHARLES L. MORRIS,
President.