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FEDERAL

REGULATION REQUIRING NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby adopt the following regulations:

**"PART 525—NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES
ON OR NEAR CIVIL AIRWAYS***

"525.1. Notice Required. Any person who engages in the construction or alteration of any structure along or within 20 miles of a civil airway, in other than congested parts of cities, towns, or settlements, shall give notice thereof to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration (a) greater than 150 feet above ground level, or (b) greater than 100 feet above mean water level where the structure is, or will be, situated in or over navigable water. Like notice shall also be given to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration, greater than 5 feet above ground level, or above the mean water level where the structure is or will be situated in or over navigable water, for each 500 feet, or fraction thereof, of the distance that the structure is, or will be, situated from the nearest boundary of a landing area.

"525.2 Form of Notice. The notice of construction or alteration shall be submitted in duplicate on the form prescribed and furnished by the Administrator at least 30 days, but not more than 45 days, prior to the date on which such construction or alteration is to begin: *Provided*, That in case of an emergency requiring immediate construction or alteration such notice shall be given to the nearest representative of the Administrator in person, or by telephone or telegraph, and the executed form shall be submitted within 5 days thereafter.

"525.3 Definitions. As used in this regulation—

(a) 'Congested parts of cities, towns or settlements' means (1) sections of those cities, towns or settlements which have a population of less than 100,000, where a structure after construction or alteration will be shielded by existing structures of a permanent and substantial character, each of which is equal to or greater than the height of the completed structure, and (2) sections of those cities which have a population of more than 100,000,

*See appendix for a detailed explanation of the regulation. The regulation is critically analyzed on p. 31 of the 1941 Annual Aeronautical Law Report appearing in this issue.

where it is evident beyond all reasonable doubt that a structure will not interfere with safety in air commerce whether or not the structure is, or will become by reason of the construction or alteration, greater in height than that of surrounding structures of a permanent and substantial character.

(b) 'Landing area' means any landing area, as defined in section 1 (22) of the Civil Aeronautics Act of 1938, as amended, and which is contained in the current list of landing areas issued by the Administrator on November 1 of each calendar year for the enforcement of this regulation.

(c) 'Boundary of a landing area' means (1) the limits of that part of a landing area maintained for the use of land aircraft in taking off or landing, or (2) the limits of that part of the landing area suitable for water aircraft in taking off or landing, which limits are defined as being 2500 feet in all directions measured over open water from the principal ramp of the landing area or, if marked in accordance with standard practice, the limits so marked.

(d) 'Structure,' unless otherwise stated, means any form of construction of a permanent or temporary character, including any apparatus used in the construction, alteration, or repair of any such structure.

(e) 'Alteration' means any change in a completed structure which (1) increases the height of the top or any part of the structure to, or above, the height specified in Section 525.1, or (2) increases or decreases the height of the top or any part of the structure which is above the height specified in Section 525.1.

"525.4 Effective Date. This regulation shall become effective on November 1, 1941, and shall apply to the construction or alteration of any structure in progress on that date, except that in such cases the prescribed notice shall not be required until November 15, 1941. This regulation shall apply immediately to any new landing areas contained in the list of landing areas published and issued by the Administrator on November 1 of each calendar year, except that, in the case of construction or alteration of any structure which is already in progress on that date, the prescribed notice shall not be required until 15 days after that date."

Administrator of Civil Aeronautics

APPENDIX

SAFETY REGULATION RELEASE NO. 71

Subject: Notice of Construction or Alteration of Structures on or near Civil Airways.

Prepared by: General Inspection Division.

Reference: Part 525—Regulations of the Administrator of Civil Aeronautics.

The Administrator of Civil Aeronautics has issued regulations requiring all persons to give adequate public notice of the construction or alteration, or of the proposed construction or alteration, of any structure located along or near a civil airway where such notice will promote safety in air com-

merce. This regulation becomes effective on November 1, 1941, and supersedes Regulations Serial No. 76, which was adopted and made effective by the Civil Aeronautics Authority on July 16, 1940.

The intent of this regulation is to require any person, before engaging in the construction or alteration of a structure covered by the regulation, to give appropriate notice of the intention to do so in order that pilots of aircraft can be informed of such work and thereby further insure safety in air commerce. Although the regulation has been prepared in a simple and understandable form, it is appropriate to explain in detail some conditions which might be open to question. To this end, the following explanatory information is provided.

The scope of this regulation extends 20 miles beyond the limits of a civil airway. As the width of a civil airway is 20 miles, it follows that the prescribed area may also be described as extending for 30 miles on either side of the center line of such an airway. It will be found that in many sections of the country the civil airways are so located that the only large areas excluded from this regulation are remote regions in the western states.

The term "navigable water" as used in section 525.1 of the Regulation includes all water suitable for the take off or landing of water aircraft. Other geographical features which combine hydrographic and topographic characteristics, such as marshes, swamps and bogs, come within the meaning of the term "land" as used in the Regulation.

The distance between the nearest boundary of a landing area and the site of the construction or alteration may be measured by the use of maps, or on the surface of the earth by an automobile mileage meter or other convenient but reasonably accurate means. Generally, if a landing area is day marked or boundary lighted, the limits of that part of the landing area, maintained for the use of land aircraft in taking off or landing, are indicated by such day markers or boundary lights, or both.

The information required with reference to any proposed construction is clearly explained on the notice forms prepared for that purpose and is essentially that material needed to properly warn airmen of a potential hazard to air commerce. It is therefore necessary that the questions thereon be answered without exception. In addition, a list of the landing areas covered by this Regulation is made available by the Administrator. Copies of the aforementioned forms, together with a list of the landing areas coming within the scope of this Regulation, may be obtained from any Regional Office or the Washington Office of the Civil Aeronautics Administration. A separate list of landing areas has been compiled for each Region. It will therefore be found convenient to request the particular list which includes those states where a person is likely to become engaged in any work coming within the scope of the Regulation.

Some latitude for repairs to existing structures is permitted by an explanation of the term "alteration." Notice may be omitted in the case of an existing structure, on which a proper notice has already been submitted, if the alteration or alterations, subsequent to the date of that notice, do not increase or decrease the height of the top or any part of the structure, from

that previously reported, by more than 1 foot for each 500 feet, or fraction thereof, of the distance that the structure is situated from the nearest boundary of a landing area, provided that, notice must be given of any alteration or alterations increasing or decreasing by more than 15 feet the height of the top of any part of a structure from that previously reported.

Any person who fails to comply with the requirements of this Regulation is liable to a penalty of \$500 imposed by Section 902(a) of the Civil Aeronautics Act of 1938, as amended.

A. S. KOCH,
Director, Safety Regulation.

PILOT AND AIRCRAFT CERTIFICATES REQUIRED

Amendment No. 135 to C. A. R., Amending Sections 60.30 and 60.31

Effective: December 1, 1941

Having had under consideration the matter of the operation of uncertificated aircraft in the air space overlying the United States and the operation of aircraft in such air space by uncertificated pilots, and having held a public hearing after due notice at its office in Washington, D. C., on the 24th day of September, 1941, and

THE BOARD FINDS THAT:

(1) As of September 1, 1941, the total number of civilian pilots certificated by the Administrator of Civil Aeronautics was 181,281, including student pilots, representing an increase in the number of civilian pilots certificated of more than 200 percent since July 1, 1938, and in addition thereto there were an undetermined number of uncertificated pilots;

(2) As of September 1, 1941, the total number of civil aircraft certificated by the Administrator of Civil Aeronautics was 22,885, representing an increase in the number of aircraft certificated of more than 130 percent since July 1, 1938, and in addition thereto there were 549 uncertificated aircraft recorded;

(3) In 1940 over 264,000,000 miles were flown in non-scheduled flying operations, representing an increase of more than 100 percent over the number of miles flown in such operations during 1938;

(4) In 1940 more than 34,000,000 miles were flown in commercial charter operations, representing an increase of more than 80 percent over the number of miles flown in similar operations during 1938;

(5) In 1940 more than 108,000,000 revenue miles were flown in domestic scheduled air carrier operations, representing an increase of more than 50 percent over the number of revenue miles flown in similar operations during 1938;

(6) During the year 1941 the aeronautical activity of the armed forces of the United States has increased tremendously and will increase in accordance with projected national defense plans;

(7) At present the civil airways cover more than 600,000 square miles or 20 percent of the territory of the continental United States;

(8) As of September 1, 1941, a total of 2,658 landing areas were reported, of which more than 40 percent were located off the civil airways;

(9) Scheduled air carrier operation which was formerly conducted only on the civil airways is no longer restricted to such airways;

(10) A great percentage of the operation of non-scheduled air carriers is conducted off the civil airways;

(11) The development of radio navigational aids will increase the operations conducted in air commerce off the civil airways;

(12) The aeronautical activity of the armed forces of the United States is not confined to the civil airways but may be conducted anywhere in the air space overlying the United States;

(13) The operation of uncertificated aircraft and the pilotage of aircraft by uncertificated airmen anywhere in the navigable air space overlying the United States constitute a hazard to interstate, overseas and foreign air commerce;

(14) The Civil Aeronautics Act of 1938, as amended, imposes upon the Board the responsibility of anticipating possible hazards to interstate, overseas, or foreign air commerce and of taking necessary action to protect such air commerce;

THE BOARD FURTHER FINDS THAT:

(1) Any operation of any aircraft in the air space overlying the United States either directly affects, or may endanger safety in, interstate, overseas, or foreign air commerce;

(2) In order to protect interstate, overseas, and foreign air commerce, it is necessary that all pilots and aircraft operating in the air space overlying the United States be certificated;

(3) The Board's action herein is desirable in the public interest, and for the protection of safety in air commerce, and is necessary to carry out the provisions of, and to exercise and perform its duties under, the Civil Aeronautics Act of 1938;

NOW, THEREFORE, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205(a) and 601(a) of said Act, amends the Civil Air Regulations as follows:

Effective December 1, 1941, sections 60.30 and 60.31 of the Civil Air Regulations are amended to read as follows:

"60.30 Pilot certificates. No person shall pilot a civil aircraft in the United States unless such person holds a valid pilot certificate or in violation of any term, condition, or limitation of such certificate: *Provided,* That an alien may pilot a civil aircraft in the United States in accordance with a pilot certificate issued or validated pursuant to a reciprocal arrangement entered into between the United States and the foreign government from which such alien holds a valid pilot certificate.

"60.31 Aircraft certificate. No flight of civil aircraft, other than of a foreign aircraft whose navigation in the United States has been authorized according to law, shall be made or authorized to be made in the United States unless there is outstanding for such aircraft a valid aircraft airworthiness certificate, or in violation of any term, condition, or limitation of such certificate."

By the Civil Aeronautics Board:

DARWIN CHARLES BROWN,

Secretary.

"ACCIDENT INVOLVING AIRCRAFT" REINTERPRETED

The Civil Aeronautics Board announced on November 21, 1941, a revision of its former interpretation of an "Accident Involving Aircraft." According to definition;

"An 'accident involving aircraft' is an occurrence which takes place while an aircraft is being operated as such and results in personal injury or death, or marked or appreciable damage to aircraft."

Under the September, 1940, interpretation, an aircraft was "being operated as such" only so long as it was in motion associated with actual take-off, landing, or while in flight.

The new interpretation states that "An aircraft is considered as 'being operated as such' from the time the propeller is rotated for the purpose of starting the engine until such time as the propeller ceases to rotate or the airplane comes to a stop, whichever is later; or, in the case of gliders, from the time the aircraft begins moving for the purpose of flight or the winch or other launching mechanism begins to be operated until the aircraft comes to a stop."

Thus the latest interpretation covers every phase of aircraft operation in which an accident might occur. "Marked or appreciable damage to aircraft," in the definition, simply means damage necessitating repair before the aircraft can be considered airworthy under the Civil Air Regulations. Glider operation is also covered but was not mentioned previously.

CIVIL AIR REGULATIONS STATUS, OCTOBER 14, 1941**(At Close of Business)***Part 01* Revised September 30, 1941, effective November 1, 1941.*Part 02* Printed March 1, 1941.*Part 03* Canceled by Paragraph 1, Amendment No. 7, adopted March 17, 1939.*Part 04* Printed April 1, 1941.

04-1 Amendment No. 116, adopted June 6, 1941.

04-2 Amendment No. 129, adopted September 5, 1941.

Part 05 to 12 Unassigned.*Part 13* Printed August 1, 1941.*Part 14* Printed November 15, 1940.*Part 15* Printed November 15, 1940.*Part 16* Printed February 13, 1941.*Part 17* Unassigned.*Part 18* Printed June 1, 1941.*Part 19* Unassigned.*Part 20* Printed May 1, 1940.

20-1 Amendment No. 54, adopted May 28, 1940.

20-2 Amendment No. 63, adopted July 23, 1940.

20-3 Amendment No. 65, adopted July 30, 1940.

20-4 Amendment No. 67, adopted August 20, 1940.

20-5 Amendment No. 75, adopted October 4, 1940.

20-6 Amendment No. 82, adopted November 29, 1940.

20-7 Amendment No. 83, adopted December 13, 1940.

20-8 Amendment No. 87, adopted December 20, 1940.

20-9 Amendment No. 88, adopted December 27, 1940.

20-10 Amendment No. 99, adopted February 21, 1941.

20-11 Amendment No. 101, adopted February 25, 1941.

20-12 Amendment No. 107, adopted April 19, 1941.

20-13 Amendment No. 110, adopted May 23, 1941.

20-14 Amendment No. 111, adopted May 27, 1941.

20-15 Amendment No. 112, adopted May 27, 1941.

20-16 Amendment No. 115, adopted June 6, 1941.

20-17 Amendment No. 117, adopted June 13, 1941.

20-18 Amendment No. 118, adopted June 13, 1941.

20-19 Amendment No. 125, adopted August 5, 1941.

20-20 Amendment No. 126, adopted August 5, 1941.

20-21 Amendment No. 127, adopted August 15, 1941.

Part 21 Printed November 15, 1940.

21-1 Amendment No. 87, adopted December 20, 1940.

21-2 Amendment No. 101, adopted February 25, 1941.

21-3 Amendment No. 115, adopted June 6, 1941.

Part 22 Adopted, effective September 15, 1941.*Part 23* Canceled by Paragraph 1, Amendment No. 35, effective May 1, 1940.*Part 24* Printed May 1, 1940.

24-1 Amendment No. 44, adopted May 10, 1940.

24-2 Amendment No. 61, adopted July 12, 1940.

- 24-3 Amendment No. 73, adopted September 20, 1940.
- 24-4 Amendment No. 75, adopted October 4, 1940.
- 24-5 Amendment No. 87, adopted December 20, 1940.
- 24-6 Amendment No. 109, adopted May 16, 1941.

Part 25 Canceled by Paragraph 1, Amendment No. 39, effective May 1, 1940.

Part 26 Printed October 4, 1940.

- 26-1 Amendment No. 87, adopted December 20, 1940.

Part 27 Printed July 15, 1940.

- 27-1 Amendment No. 74, adopted September 20, 1940.
- 27-2 Amendment No. 75, adopted October 4, 1940.
- 27-3 Amendment No. 87, adopted December 20, 1940.

Parts 28 to 39 Unassigned.

Part 40 Printed November 1, 1940.

- 40-1 Amendment No. 85, adopted December 13, 1940.
- 40-2 Amendment No. 89, adopted January 7, 1941.
- 40-3 Amendment No. 102, adopted February 25, 1941.
- 40-4 Amendment No. 129, adopted September 5, 1941.
- 40-5 Amendment No. 133, adopted September 30, effective October 1, 1941.

Parts 41 to 49 Unassigned.

Part 50 Printed November 1, 1940.

- 50-1 Amendment No. 87, adopted December 20, 1940.
- 50-2 Amendment No. 113, adopted May 27, 1941.

Part 51 Printed May 1, 1940.

- 51-1 Amendment No. 75, adopted October 4, 1940.
- 51-2 Amendment No. 87, adopted December 20, 1940.
- 51-3 Amendment No. 128, adopted August 19, 1941.

Part 52 Printed May 1, 1940.

- 52-1 Amendment No. 75, adopted October 4, 1940.
- 52-2 Amendment No. 84, adopted December 13, 1940.
- 52-3 Amendment No. 87, adopted December 20, 1940.

Part 53 Printed September 15, 1940.

- 53-1 Amendment No. 75, adopted October 4, 1940.
- 53-2 Amendment No. 87, adopted December 20, 1940.

Parts 54 to 59 Unassigned.

Part 60 Printed October 4, 1940.

- 60-1 Amendment No. 76, adopted October 11, 1940.
- 60-2 Amendment No. 77, adopted October 18, 1940.
- 60-3 Amendment No. 80, adopted November 12, 1940.
- 60-4 Amendment No. 86, adopted December 13, 1940.
- 60-5 Amendment No. 90, adopted January 7, 1941.
- 60-6 Amendment No. 93, adopted January 21, 1941.
- 60-7 Amendment No. 95, adopted February 21, 1941.
- 60-8 Amendment No. 96, adopted February 21, 1941.
- 60-9 Amendment No. 102, adopted February 25, 1941.
- 60-10 Amendment No. 104, adopted February 21, 1941.
- 60-11 Amendment No. 106, adopted April 15, 1941.
- 60-12 Amendment No. 108, adopted May 13, 1941.
- 60-13 Amendment No. 114, adopted June 6, 1941.

- 60-14 Amendment No. 119, adopted June 20, 1941.
- 60-15 Amendment No. 120, adopted June 24, 1941.
- 60-16 Amendment No. 121, adopted June 24, 1941.
- 60-17 Amendment No. 123, adopted August 1, 1941.
- 60-18 Amendment No. 124, adopted August 1, 1941.
- 60-19 Amendment No. 127, adopted August 15, 1941.
- 60-20 Amendment No. 135, adopted October 10, 1941, effective December 1, 1941.

Part 61 Printed January 1, 1941.

- 61-1 Amendment No. 91, adopted January 14, 1941.
- 61-2 Amendment No. 94, adopted February 4, 1941.
- 61-3 Amendment No. 97, adopted February 21, 1941.
- 61-4 Amendment No. 100, adopted February 21, 1941.
- 61-5 Amendment No. 102, adopted February 25, 1941.
- 61-6 Amendment No. 103, adopted March 6, 1941.
- 61-7 Amendment No. 115, adopted June 6, 1941.
- 61-8 Amendment No. 120, adopted June 24, 1941.
- 61-9 Amendment No. 122, adopted July 29, 1941.
- 61-10 Special Regulation Serial No. 182 permitting scheduled air carriers in air transportation to operate multi-engine land aircraft on a direct route between Keyport, New Jersey and New York Municipal Airport, LaGuardia Field, New York, over the lower bay of New York Harbor at a distance beyond gliding distance from the shore without the aid of power, when such operation is authorized by the Administrator in the interest of safety, adopted August 21, 1941.
- 61-11 Amendment No. 129, adopted September 5, 1941.
- 61-12 Amendment No. 130, adopted September 12, 1941.
- 61-13 Amendment No. 132, adopted September 30, effective October 1, 1941.
- 61-14 Special Regulation Serial No. 188 permitting air carrier aircraft engaged in scheduled air transportation taking off from the Washington National Airport to be banked when an altitude of at least 300 feet has been attained and the aircraft has passed over the boundaries of the Washington National Airport, adopted September 30, 1941.
- 61-15 Amendment No. 134, adopted September 30, effective October 1, 1941.
- 61-16 Special Regulation Serial No. 192 permitting scheduled air carriers to operate multi-engine land aircraft on a direct route between Oakland, California and San Francisco, California, over San Francisco Bay at a distance beyond gliding distance from shore without the aid of power when such operation is authorized by the Administrator, adopted October 3, 1941.

Parts 62 to 89 Unassigned.

Part 90 Canceled by Regulation 601-A-1, adopted August 20, 1938.

Parts 91, 92, and 93 Canceled, Amendment No. 17, adopted July 11, 1939.

Part 94 Canceled by Regulation No. 601-A-1, adopted August 20, 1938.

Parts 95 and 96 Canceled, Amendment No. 17, adopted July 11, 1939.

Part 98 Printed November 15, 1940.

Part 99 Printed November 15, 1940.

WAR REGULATIONS CONCERNING PRIVATE FLYING

War regulations for the control of private flying were issued December 11, 1941, by the Civil Aeronautics Board. Although civil pilot certificates were suspended on December 8th by the Administrator of Civil Aeronautics grounding all civil pilots except those operating scheduled air carrier aircraft, provisions have since been made for the reinstatement of those certificates after determining that each applicant is a citizen of the United States and after investigation of his character and loyalty to the United States. For this reason the Board issued the new regulations having as their purpose the control of civilian flying both for the protection of such flying and for the prevention of sabotage and espionage by civil aircraft. There are at present 94,080 licensed civil pilots and 98,133 students who will be graduated by Spring, 1942.

The regulations forbid owners of aircraft to permit any other person to operate them unless the owner has actually examined the pilot certificate of the person desiring to use the aircraft and has secured proper identification. After January 8, 1942, all pilots will be required to carry identification cards containing their fingerprints, picture, and signature. In addition, before taking off from any airport, a pilot must present his pilot certificate and identification card to the police officer or other authorized person at the airport and secure clearance for his proposed flight. In doing so, he must also file a statement identifying the aircraft and setting out a detailed plan of his flight.

The carriage of baggage, cargo and cameras in aircraft other than those on established airlines was also restricted. Baggage and cargo can only be carried if it has first been thoroughly searched by the pilot or by someone he designates, and cameras must be made inaccessible to the passengers. The established airlines have already taken certain steps of this character, and the Board has under consideration further emergency regulations.

The text of the regulations follows:

AMENDMENTS

20.617. Permission to use aircraft. The owner of an aircraft shall not permit any person to operate such aircraft unless he has ascertained that such person is the holder of an appropriate currently effective pilot certificate by actual examination of the certificate and by requiring such person to identify himself as the person referred to in the certificate. If any pilot is found to have piloted an aircraft after December 10, 1941, without possessing an appropriate currently effective pilot certificate, the owner of the aircraft will be presumed to have permitted such piloting in violation of this section.

60.322. Pilot identification card. No pilot shall pilot civil aircraft in flight after January 8, 1942 (except scheduled air carrier aircraft) unless he has in his possession, in addition to a currently effective pilot certificate,

an identification card, satisfactory to the Administrator, containing his fingerprints, his picture, and his signature.

60.3305. *Pilot clearance.* No pilot of a civil aircraft, except scheduled air carrier aircraft, shall take off from any landing area unless, immediately prior to take-off, he shall have (1) received clearance from a police officer or other public representative designated at such landing area for that purpose and present at such landing area at the time clearance is granted, and (2) filed with such police officer or other public representative a written statement showing the type, color, and identification mark of the aircraft, the estimated time of departure, the point of next intended landing, the route to be followed, and the estimated time of arrival, *Provided*, that if a pilot contemplates a series of take-offs and landings for instruction, practice, or flight-testing, one clearance only need be secured for such series and, in lieu of the statement described in (2) above, he may file a statement including the type, color, and identification mark of the aircraft and setting forth his intention to engage in landing and take-off instruction or practice or flight-testing and the approximate duration of such operation. A clearance shall be granted to any person who demonstrates to the satisfaction of the police officer or other public representative to whom application is made that he is the holder of a currently effective pilot certificate and, after January 8, 1942, presents the identification card required by Section 60.322. No clearance issued under this section shall be deemed to authorize a violation of any regulation.

60.349. *Passenger baggage restrictions.* A pilot shall not pilot any aircraft (except scheduled air carrier aircraft) in flight carrying passenger's baggage or cargo unless every item of such baggage or cargo has been thoroughly searched by the pilot, or a person designated by him, immediately prior to taking off for the flight and placed in the aircraft by the pilot or a person designated by him, with no possession by any other person intervening between such search and the placing of the baggage or cargo in the aircraft. If such baggage or cargo includes a camera, such camera shall be placed in a closed compartment or space in the aircraft completely inaccessible to all passengers during the flight. Any pilot shall permit the search of his aircraft upon demand by any representative of the Army, Navy, Civil Aeronautics Administration, Civil Aeronautics Board, or by civil police.

WAR POLICY—C.A.B. ECONOMIC REGULATION PROCEDURE

The Civil Aeronautics Board on December 12, 1941, announced a new general policy for the immediate future in its handling of proceedings involving applications for new air carrier certificates of public convenience and necessity or for the amendment of existing certificates.

"In order that the immediate and maximum attention of air carriers and their personnel and of the Civil Aeronautics Board, as well as of other government agencies concerned," the Board stated, "may be available for the most

efficient discharge of the emergency demands growing out of the war upon which we are now engaged, the Board has decided that no hearings or pre-hearing conferences will be assigned on applications pending. Where dates have already been set, hearings will be postponed indefinitely and where final decisions by the Board are pending, no further steps will be taken after December 13. Hearings may, however, be assigned on certain applications or some pending cases carried to a decision if the Board finds that the national interest may require early inauguration of the services involved. Rate cases will be continued under an amended procedure, designed to minimize the burden which such cases impose upon operating organizations."

The new policy, the Board said, will remain in effect for such period of time as may appear to be appropriate in the light of existing conditions and their future development.

EXECUTIVE ORDER

Establishing the Office of Defense Transportation in the Executive Office of the President and Defining Its Functions and Duties

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to define further the functions and duties of the Office for Emergency Management with respect to the state of war and to assure maximum utilization of the domestic transportation facilities of the Nation for the successful prosecution of the war, it is hereby ordered:

1. The term "domestic transportation" whenever used in this Order shall include railroad, motor, inland waterway, pipe line, air transport, and coastwise and intercoastal shipping.

2. There shall be in the Office for Emergency Management of the Executive Office of the President an Office of Defense Transportation, at the head of which shall be a Director appointed by the President. The Director shall discharge and perform his responsibilities and authorities under the direction and supervision of the President. The Director shall receive compensation at such rate as the President may determine and, in addition, shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

3. Subject to such policies, regulations, and directions as the President may from time to time prescribe, the Office of Defense Transportation shall:

a. Coordinate the transportation policies and activities of the several Federal agencies and private transportation groups in effecting such adjustments in the domestic transportation systems of the Nation as the successful prosecution of the war may require.

b. Compile and analyze estimates of the requirements to be imposed upon existing domestic transport facilities by the needs of the war effort; determine the adequacy of such facilities to accommodate the increased traffic volume occasioned by the war effort; develop measures designed to secure

maximum use of existing domestic transportation facilities; and stimulate the provision of necessary additional transport facilities and equipment in order to achieve the level of domestic transportation services required; and in this connection advise the Supply Priorities and Allocation Board as to the estimated requirements and recommend allocations of materials and equipment necessary for the provision of adequate domestic transportation service.

c. Coordinate and direct domestic traffic movements with the objective of preventing possible points of traffic congestion and assuring the orderly and expeditious movement of men, materials, and supplies to points of need.

d. In cooperation with the United States Maritime Commission and other appropriate agencies, coordinate domestic traffic movements with ocean shipping in order to avoid terminal congestion at port areas and to maintain a maximum flow of traffic.

e. Perform the functions and exercise the authority vested in the President by the following, subject to the conditions set forth in paragraph 3 of this Order:

(1) Sec. 1 (15) of Interstate Commerce Act as amended, USC title 49, sec. 1 (15).

(2) Sec. 6 (8) of Interstate Commerce Act as amended, USC title 49, sec. 6 (8).

f. Survey and ascertain present and anticipated storage and warehousing requirements at points of transfer and in terminal areas; and encourage the provision of increased storage, loading, and unloading facilities where necessary.

g. Represent the defense interest of the Government in negotiating rates with domestic transportation carriers and in advising the appropriate governmental agencies with respect to the necessity for rate adjustments caused by the effect of the defense program.

h. Advise upon proposed or existing emergency legislation affecting domestic transportation, and recommend such additional emergency legislation as may be necessary or desirable.

i. Keep the President informed with respect to progress made in carrying out this Order; and perform such related duties as the President may from time to time assign or delegate to it.

4. In the exercise of its functions and authority with respect to transportation priorities and preferences, the Office of Defense Transportation shall be governed as to the relative importance of deliveries required for defense by such instructions, certifications, and directives as may be issued by the Office of Production Management pursuant to the provisions of the Executive Order of August 28, 1941,¹ entitled "Delegation and Coordination of Priority Authority"; and the Office of Defense Transportation shall take all lawful steps within the scope of its authority to effect such deliveries through appropriate public or private agencies.

1. 6 F.R. 4483.

5. In the study of problems and in the discharge of its responsibilities, it shall be the policy of the Office of Defense Transportation to collaborate with existing departments and agencies which perform functions and activities pertaining to transportation and to utilize their facilities and services to the maximum. Particularly, the Office of Defense Transportation shall maintain close liaison with the United States Maritime Commission in the consideration of problems involving the relationship of ocean shipping with coastwise and intercoastal shipping and inland transport; with the Interstate Commerce Commission on problems of rates, routing, and car service; and with the War and Navy Departments with respect to the strategic movement of troops and supplies by domestic transportation carriers. The Office of Defense Transportation may arrange for the establishment of committees or groups of advisors representing two or more departments and agencies or private transportation groups, as the case may require, to study and develop plans for the coordination and most effective use of existing domestic transportation facilities.

6. To facilitate unity of policy and action and the use of existing governmental services, the heads of each of the following departments and agencies shall designate a responsible representative or representatives to maintain formal liaison with the Office of Defense Transportation: The Department of War, the Department of the Navy, the Department of the Treasury, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Interstate Commerce Commission, the United States Maritime Commission, the Civil Aeronautics Board, the Federal Works Agency, the Federal Loan Agency, the Board of Investigation and Research appointed under the Transportation Act of 1940, the Office of Production Management, the Office of Price Administration, the Economic Defense Board, and such additional departments and agencies as the President may subsequently designate.

7. There shall be within the Office of Defense Transportation a Division of Railway Transport, a Division of Motor Transport, a Division of Inland Waterway Transport, a Division of Coastwise and Intercoastal Transport, and such other operating and staff divisions as the Director may determine. The Director may provide for the internal management of the Office of Defense Transportation and shall obtain the President's approval for the appointment of the heads of the above divisions and such other divisions as may be established.

8. Within the limits of such funds as may be appropriated or allocated to the Office of Defense Transportation, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services. However, the Office of Defense Transportation shall use such statistical, informational, fiscal, personnel, and other general business services and facilities as may be made available through the Office for Emergency Management.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

December 18, 1941.

CIVIL AVIATION—COMMERCE TO WAR

EXECUTIVE ORDER

Control of Civil Aviation

By virtue of the authority vested in me by section 1 of the act of August 29, 1916, 39 Stat. 645 (U. S. C., title 10, sec. 1361), and as President of the United States, it is hereby ordered as follows:

1. In the administration of the statutes relating to civil aviation the Secretary of Commerce is directed to exercise his control and jurisdiction over civil aviation in accordance with requirements for the successful prosecution of the war, as may be requested by the Secretary of War.

2. The Secretary of War is authorized and directed to take possession and assume control of any civil aviation system, or systems, or any part thereof, to the extent necessary for the successful prosecution of the war.

FRANKLIN D. ROOSEVELT.

The White House,

December 13, 1941.

(No. 8974)

(F. R. Doc. 41-9418; Filed, December 15, 1941; 4:11 p. m.)

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