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STATE AND LOCAL

Department Editor: Madeline C. Dinu*

NASAO ACTIVITIES

EXEMPLIFYING the relationship of legal questions involved in responsibilities of state aviation agencies, there is herein given a resume of the subjects considered at the February 6-9, 1949 meeting of the NASAO Board of Directors and Legislative Committee, at Washington.¹

PROPOSED STATE-LOCAL ENFORCEMENT LEGISLATION

After considerable study and exploration over the past two years by several expert groups, an amendment to the Civil Aeronautics Act of 1938 has been proposed to authorize and empower state aviation agencies and state courts to enforce the federal Civil Air Regulations by the suspension of the federal airman's certificate for a limited period, and the imposition of penalties comparable to those in the motor vehicle field. The need for some form of more effective local enforcement, at public insistence, arose from the long and protracted delays in CAA-CAB procedures between violation and time of final disposition, in some instances two years or more. Because of the increasing number of serious violations, a number of the states have undertaken local enforcement of their own Air Safety Rules and Regulations, as well as the CAR's where constitutional provisions have permitted.

There have been two approaches to this vital problem: (a) state registration of airmen's certificates and reaching the violator under state laws and regulations; (b) state authorization to enforce federal laws and regulations, and imposing suspensions of the federal airman's certificate as well as normal court sentences. The latter approach has been strongly supported by certain segments of the industry and the federal agencies in the interest of uniformity of safety rules. The first approach has been held, and put into practice, in those states having established state enforcement agencies with powers to enforce aviation laws in the same manner as the general laws of the state.

Inherent in the subject is the legal question of constitutional limitations in a number of states on incorporation by reference of federal laws and regulations, as well as authorization of state enforcement agencies to prosecute under federal legislation and regulations.

The draft legislation under consideration provides for permissive enforcement. It is intended to bring about uniformity in civil air regulations throughout the country. The federal agencies' approach indicates that, by use of the proposed legislation in those states which may do so constitutionally at this time, in due course proper amendments to the basic law of other states will follow to permit such delegated authority. The draft, as agreed to between the CAA-CAB and the NASAO, has been circulated by the CAA to the industry.² At this writing, comments are still being received and there may be further changes in that draft before it is submitted to Congress.

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¹ Present at that meeting were 28 state aviation directors and commissioners, as well as personnel of the CAA, CAB, ICAO, ACC, Department of State, the Weather Bureau, the ATS, and a Consultant to the House Interstate and Foreign Commerce Committee.

² This is a reporting of the status of this proposed legislation, and is not to be construed as the viewpoint of the Legal Counsel for NASAO.

WEATHER REPORTING

It was the consensus of those present at the February 6 meeting that many violations and accidents in their respective states could be directly attributed to insufficient or faulty weather information. Abandonment, because of budgetary limitations, of weather reporting stations in mountainous parts of the country, which were sorely needed, were discussed with officials of the U.S. Weather Bureau. To improve the situation, such officials agreed to establish insofar as possible a state liaison officer in each state to coordinate the interests and activities of the Weather Bureau and the state aviation agencies, and that the Washington office would work more closely with NASAO's Washington office in giving as much advance notice as possible before weather stations or services were discontinued or reduced.

FEDERAL AIRPORT PROGRAM

As reported in the Winter Issue of the JOURNAL, there is increasing coordination between the federal agencies and the state aviation commissions on this program, and airports are being constructed. It was even more encouraging to be advised at the NASAO meeting that certain further amendments to the Federal Airport Act were being considered to eliminate more of the restrictive provisions and procedures, and putting so-called "paper-work" on a more reasonable basis. Eight such amendments are the subject of Senate bills introduced, and in the main, with one or two exceptions, the NASAO would favorably support them. They are:

- a) Amendment changing the 75%-25% relationship between the funds apportioned direct to states and the Administrator's discretionary funds to a 60%-40% basis. (S. 1284).
- b) Amendment authorizing the Administrator to allow project costs beyond the grant agreement amount up to 10%, to provide flexibility in procedures when change orders or other elements cause the project costs to exceed the grant amount. (S.1280)
- c) Amendment authorizing advance payment to sponsors through escrow accounts at the sponsor's level, eliminating delay in payment of the United States' share. (S.1285)
- d) Amendment authorizing increasing the U.S. share in cost of land purchase from 25% to 50%. (S.1281)
- e) Amendment eliminating the special provisions requiring submission of projects on Class 4 or larger airports to Congress, if the federal share of the project does not exceed \$50,000 for a given fiscal year. (S. 1282)
- f) Amendment authorizing exemption of projects costing less than \$2,000 from pre-determined wage rates by the Secretary of Labor. (S.1279)
- g) Amendment authorizing financing of projects in National Parks out of state apportioned funds instead of the Administrator's discretionary fund. (S.1283)
- h) Amendment increasing the federal share of high-intensity runway lighting costs from 50% to 75%. (S.1278)

Many of the above Senate bills incorporate the recommendations and suggestions made by state aviation officials at the original public hearing on the Rules and Regulations proposed for the Federal Airport Program in the Fall of 1946 and in subsequent presentations to the CAA. Meanwhile, due credit should be expressed to the sincerity of the entire CAA staff, both Washington and Regional, in viewing, during the past year, the practicalities involved in administration of the program, and the public needs.

CROSS WIND LANDING GEAR

There are arguments for and against the impact of this development in aircraft construction upon aviation generally. However, as it relates to airport construction, the manner in which Mr. John H. Geisse of the CAA

discussed this gear gives evidence of some probabilities of saving the taxpayers' monies. Close-in utility airports, need for only two runways at larger airports, and single runways at smaller airports, appreciably affect land purchase costs, construction costs, approach protection areas costs, and not the least are the future maintenance costs of such airports.³ If the CAA's further research and development in this field gains the support of the aviation industries, unquestionably the diminished drain on the tax dollars would be heartily welcomed by state legislatures as well as the federal government; and the local communities could serve the needs of their citizens at minimum costs for such installations.

QUIET AIRPLANE

This is a development which has been needed badly, in view of the many public complaints against noise of aircraft over cities, over homes in the neighborhood of airports, and over recreational areas. Location of airports nearer to their potential traffic may be vitally affected if this research development is continued and supported; it has been thus far under the leadership of Mr. Lynn Bollinger, of the Aeronautical Research Institute.⁴ In carrying out its duties and responsibilities as an organization of state aviation officials, the NASAO is in process of exploring possibilities of having a tour of the country made with the quiet airplane, so that demonstrations may be attended by the public.

STATE AVIATION MAPS

Considerable discussion was had on comments received from private pilots indicating their preference for a state map over other aeronautical charts.⁵ At the NASAO meeting, standardization of symbols, colors, scales, and other information commonly used for navigation purposes, for all future state aeronautical maps was determined as being in the best interests of the private pilot and the public. There was thus recommended the establishment of a special project under a special committee to conduct a study of the problems involved, leading to a policy statement by NASAO for guidance of its membership, all of which will be on the agenda for the Summer meeting of the NASAO.⁶

NASAO-ICAO SEMINAR

Approximately 60 persons from the organizations represented on the ACC State-Local Panel, and representatives invited from other aviation associations and government agencies, attended the ICAO Seminar arranged by Executive Secretary A. B. McMullen, and held the last day of the herein

³ It was reported that Trans Canada Airlines did not intend to build more than two runways on any airport in the future and that all aircraft of Trans Canada would be equipped with cross-wind gear within five years.

⁴ At the Boston annual meeting of the NASAO, the membership and others present were given a demonstration of the quiet airplane. It was astonishing to see the aircraft taking off and landing and circling above at various heights, and hearing less noise from its operations than that of the trucks and motor vehicle traffic on the nearby busy highway.

⁵ A number of states have recently issued new up-to-date maps with considerable information on surface points, highways, and other identifying terrain characteristics, as well as containing certain local state information on key air safety rules. Many states are required by law to publish such maps, or, in the lesser degree, are directed and empowered to do so, in the interest of safety and welfare of the public.

⁶ Decision was reached to hold the Summer meeting of the NASAO at Mackinac Island, Michigan, July 19-21, 1949.

reported meeting.⁷ The manner in which the United States position in aviation matters was presented to ICAO at Montreal was clearly outlined.

The NASAO has been seriously concerned by the adoption of certain standards and practices for aviation by ICAO which affects private flying and the administration of public airports where international air transportation is scheduled. In the past there has not been proper opportunity for NASAO to study proposals and make known its views. As a result of this Seminar, there appears to be in the making closer coordination between federal, state and local government agencies with respect to determination of the United States position on future ICAO proposals through the medium of the State-Local Panel of the Air Coordinating Committee and acceleration of the procedural steps.

Since the ICAO Seminar, information has been received that a new Annex 9 to the Chicago Convention has been drafted which proposes to make substantial changes in requirements of documentation for international air travel, eliminating many required in the past. The United States' position on Annex 9 must be submitted to ICAO by August 1 of this year. It is hoped that the ACC will be in a position to give the industry adequate time for study of the Annex and submission of comments. The NASAO's position has been that ICAO has been more concerned with scheduled international air carriers and has not given adequate attention to the needs of private persons flying aircraft across borders, in its past deliberations. Study of Annex 9 will indicate whether that policy has changed.

FEDERAL AVIATION LEGISLATION

A great number of aviation bills introduced in this Session of Congress were studied, and action taken respecting NASAO's position on them. These bills appeared to be in the main carry-overs from the previous Congress, and reported in prior issues of the JOURNAL. In principle, the NASAO has indicated its intention of supporting federal legislation which will inure to the best interests of the public back home to whom it is directly responsible, and to the development and progress of aviation generally.

STATE AVIATION LEGISLATION

There are many state legislatures considering bills affecting aviation, either specifically designated as aviation bills or as part of general legislation affecting state interests. From a review of the latter, it appears that increases in taxes on gasoline predominate. In a majority of instances, gasoline tax increases are for the purpose of resuming highway construction and repairs. In some states, the increase indirectly affects aviation, but where the tax is specifically earmarked for airport construction, the source is increased because of the demands made for appropriations for such airports. In the present deficit status of many state treasuries, an increase in a tax usually follows a demand for more money for public functions, among which are, of course, airports. State aviation officials are alert to any such legislation which may adversely affect aviation interests generally, yet they are in the uncomfortable position of having to seek state funds to match local and federal funds in creating the facilities needed. It is safe to assume that state aviation officials will exert their best efforts to minimize any increase in the responsibilities placed upon the aviation industry as a whole.

M. C. D.

⁷ Mr. Russell B. Adams, member of the Civil Aeronautics Board, Admiral Paul Smith, U.S. Representative to ICAO, Mr. J. Paul Barringer, Deputy Director, Office of Transport and Communications, of the State Department, were among those who spoke to the group.