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STATE AND LOCAL

Department Editor: Madeline C. Dinu*

NASAO ACTIVITIES

THE accelerated activities in civilian defense mobilization plans and their impact upon aviation as a whole, were reflected in the deliberations of the NASAO at its Annual Meeting in Minneapolis, October 2-4, 1950. At the same time the agenda items also indicated a determination to continue normal activities, and promote to the greatest extent the uses, functions, and development of civil aviation during the defense preparedness period.

The Meeting was also among the first public occasions at which the newly appointed Chairman of CAB, Delos W. Rentzel, and the new Administrator of Civil Aeronautics, Donald W. Nyrop, gave expression to the objectives they hoped to achieve in their new responsibilities. Close coordination and cooperation with the state aviation officials was indicated. Thirty-two states and Alaska were officially represented from the NASAO membership, with greater participation by various industry groups, associations, federal, state and local agencies than at any previous NASAO annual meeting.

The Report of the NASAO Civil Air Defense Committee indicated that the National Civil Defense Plan proposed during the Summer of 1950 did not include utilization of the non-airline potential of civil aviation. There appeared indications that this segment of aviation was headed for new war-time emergency controls and rigid regulation, a waste of these available resources in aircraft, airports, pilots and other trained airmen. Upon appointment of this Committee, a draft outline of the manner in which civil non-airline aviation could contribute maximum benefit to the welfare of the Nation in a war emergency, and the *modus operandi*, was prepared, containing seven areas of contribution:

1. Reconnaissance of disaster area to determine extent of damage and contamination.
2. Use of slow flying aircraft equipped with high-power public-address equipment to bring information to large numbers of persons simultaneously, calming panic, guiding survivors, rescue squads, fire fighting squads, medical teams, etc.
3. Transportation of key medical personnel and disaster specialists, as well as small-bulk supplies and equipment to and from a disaster area, *viz.*: serums, plasma, breakdown replacement parts, etc.
4. Supplementing or supplanting, to the extent necessary, congested or disrupted channels of communication and transportation in general.
5. Evacuation of wounded from local areas to collection points where major components of transportation may be available for relatively long-haul evacuation.
6. If practicable, atomic or bacteriological decontamination of areas affected.
7. Surveillance, control and direction of critical congestion points in surface transportation systems.

After concerted review of this draft outline by ten national industry associations organized as the "Emergency Aviation Council," and subsequently by the CAA's Aviation Development Advisory Committee, it was submitted in condensed form to the National Security Resources Board and to the President sometime after the close of the NASAO convention. The ADAC program, as it is now called, contains six main parts:

* General Counsel NASAO.

I. SECURITY CONTROLS

Airmen: Security Clearance of Certificated Pilots and Ground personnel.
Airports: Criteria for "control airports" and Essential prerequisites.
Aircraft: Registration with a State Defense Council or "control airport."
Flight Schools: Maintenance of complete operations records and availability for immediate inspection when necessary.

II. AIRPORTS

Urgent need for keeping the Nation's airports operating on a going concern basis, particularly of smaller Classes 1, 2 and 3 fields, which can serve vital communication and defense needs of small and moderate-sized communities not only for air transportation purposes but as local headquarters for home air guard and civilian defense organizations.

Reactivation, as far as practicable, of the large number of surplus World War II airports before taking over civil fields. In the event civil airports are needed for military use, that civil and military traffic use the field jointly until such time as its full capacity is needed for military aircraft alone.

III. MOBILIZATION OF CIVIL AVIATION RESOURCES

(60,000 active aircraft, 500,000 trained airmen, 5,000 operating non-military airports.)

IV. TRANSPORTATION, INDUSTRIAL AND AGRICULTURAL

- A. *Logistics.* "Little realized is the fact that there exists today a vast fleet of non-military, non-airline civil aircraft capable of flying a maximum of 112,056,552 seat miles during each 12 hour day!" This fleet is capable of simultaneously carrying 191,839 persons, or the equivalent of twelve and one-half divisions of troops. This figure augments the 48,279 total seat capacity of our domestic and foreign airline aircraft.
- B. *Agricultural and Industrial Flying.*
- C. *Executive Flying.*
- D. *Air Taxi, Charter and Jitney Service.*
- E. *Feeder Lines.*
- F. *Priorities.* Production of necessary aircraft, parts and equipment to keep these functions available. (This has just been implemented by D. W. Rentzel, as Chairman of the Air Coordinating Committee.)

V. TRAINING AND MAINTENANCE BASES

VI. MANUFACTURING AND ENGINEERING

This is an excellent blueprint of civilian aviation mobilization. It should be in the hands of every person who is a part of the overall General Mobilization Plan. In accepting the ADAC Report, D. W. Rentzel commented:†

"The non-airline civil aviation industry, rising to the needs of our Nation in this emergency, has made a valuable contribution to national defense in the report of the Aviation Development Advisory Committee.

"It is inspiring that an industry as diverse as this can so quickly appraise its multiple assets, volunteer a plan to police itself in the interest of national security, and blueprint the many and extremely helpful ways in which it can make the maximum contribution to the welfare of the United States.

"The accomplishments of your Committee are particularly impressive in view of the short time available for the task. As the international situation changes, and as additional information becomes available, I sincerely hope that your Committee will continue to give me the benefits of its counsel in this area, as well as its normal 'grass roots' advice on day-to-day civil aviation problems.

"Certain of the Committee's recommendations fall directly within the province of the Civil Aeronautics Administration. These I intend to implement at once. The other recommendations will, of course, be discussed as soon as possible with the appropriate agencies concerned.

"If the recommendations of your Committee are carried out, particularly in relation to security, I believe the non-airline civil aviation industry can continue all the activities which are now bringing essential benefits to our economy and defense preparations, including agricultural, industrial, executive and personal flying. At the same time, the industry will be prepared to render maximum assistance to the Nation in event of all-out war or attack on our country."

† Letter dated August 29, 1950.

The NASAO moved to appoint a committee to assist in drafting criteria and regulations for implementation of the ADAC Plan, and for prompt appointment of a civil aviation representative on respective State Civil Defense Organizations. Since the Minneapolis meeting, the NSRB has taken steps toward mobilization planning for all segments of the aviation industry, through Task Forces, headed by CAB Chairman D. W. Rentzel, and who are to make their basic report by January 15, 1951. These Task Forces are:

- I. AIR TRANSPORT TASK GROUP
 1. Military Modification
 2. Equipment and Replacement Parts Requirements
 3. Manpower
 4. War Air Service Pattern
 5. Air Priorities
- II. TRAINING—OVERHAUL—MAINTENANCE TASK GROUP
 1. Training
 2. Overhaul and Maintenance
 3. Private Flying
 4. Airports
 5. Airways

The oft-discussed subject of Economic Regulation of Air Commerce and its corollary, air routes and patterns, was reported on by the Committee studying this activity. It outlined three systems of routes or services needed:

1. *Primary Air Service System*—providing inter-area scheduled air transportation.
2. *Secondary Air Service System*—providing inter-urban air service between communities where relationship as to geographical location, population and commercial importance form natural routes,—and are complementary to the primary air service system.
3. *Tertiary Air Service System*—providing all other non-scheduled public air transportation.

The Committee suggested that more or less uniform criteria be used in establishing systems as indicated, and that a concrete plan should exist at the federal level to provide a complete air transportation system. It felt that it now had reason to believe and assume that the CAB would respect the right of the states to participate in over-all route planning affecting the respective individual states. A detailed step-by-step outline of criteria to be used by the states in establishing a draft of its route pattern within its borders and correlating it with several adjacent states for an area route pattern was presented. It indicated that several states were already undertaking such area planning, and urged as many of the states as could, to do so at the earliest moment.

One of the subjects commanding major interest was the Report of the Safety and Enforcement Committee. The proposed Federal-State Safety and Enforcement Program developed over a period of two years by a joint Federal-State-Industry Committee was presented to and adopted by the membership. The new CAA Administrator, Donald W. Nyrop, informed the meeting that the CAA concurs in the program as drafted, and D. W. Rentzel, new CAB Chairman pledged his efforts to obtain CAB's approval.

The Special Committee appointed to review the various uniform state aviation laws and to make recommendations for their revisions, indicated that the task was one requiring considerable more study and time. It gave an interim report on certain parts of the Uniform Aeronautics Act, State Aeronautics Commission or Department Act, State Airport Zoning Act, Airport Authority Act, Municipal Airport Act, and a proposal for a Recordation of Aircraft Conveyances, Liens, Encumbrances, etc. Act.

Its conclusion regarding the "Absolute Liability" problem in civilian aviation was that legislative consideration can best be approached in three different phases at a given state level:

- (1) Recodification of existing state aeronautical statutes permitting the elimination or restriction of the absolute liability law from the State code or statutes.
- (2) Development of a theory founded on the presumption of liability—the theory of presumption of liability merely presumes the aircraft owner to be liable and so places the burden on the owner or operator to prove he was not negligent.
- (3) Development of Aircraft Owner Financial Responsibility Laws for state legislative consideration.

To meet these ends, the Committee had under consideration legislative drafts based on "financial responsibility" and on "presumption of liability" on which it would continue its study and analysis.

Certain additions to the Uniform Aeronautics Act were considered by the Committee respecting: 1) a "Guest Act" section providing immunity from liability to a gratuitous passenger or his personal representative, in the event of death or injury of such guest passenger unless the injury or death were caused by the willful or wanton misconduct of the airman or owner; 2) a "Joy Riding Act" section making it a misdemeanor for any person to operate an aircraft without the owner's consent; and 3) an "Aircraft Liens Act" section for services and materials rendered, performed or furnished to an aircraft and its owner.

Recommendations tentatively made for improvement in the State Aeronautics Commission or Department Act were:

- (1) The Act should be brought up to date to conform more closely with NASAO policy, and made consistent with developments in recent years.
- (2) Develop more realistic and adequate facilities for airport zoning procedures, planning and administration.
- (3) Consider inclusion of privately owned airports within the state airport plan permitting state assistance in the improvement and development of such airports under certain circumstances.
- (4) Improve and develop section 21 on enforcement of aeronautical laws.
- (5) Revision and amendment of the reckless flying section to meet the problem in definition or determination of a standard of what is a "reckless" or "dangerous" flight activity.

Need was also expressed for possible inclusion of a new section in the Act the purpose of which would be to implement the effectiveness of state civil defense procedures by expressly authorizing the Department or Commission to supervise the non-scheduled civil aviation aspect of any civil defense program.

Although the work of the Committee on the State Airport Zoning Act was not complete, certain general recommendations were submitted:

- (1) Rigid zoning standards should not be invoked in the drafting of any Uniform Zoning Act.
- (2) Airport zoning standards created at the state level may be feasible for adoption and use by the municipalities or political subdivisions of the state.
- (3) State approval of each airport zoning plan is not deemed feasible.
- (4) Provision in the Act for use of an airport zoning commission on a permissive basis may lend greater flexibility to the Act.
- (5) The Committee further recommended that the Uniform Zoning Act be revised to provide for airport zoning protection to privately owned airports rendering a public service.

On the Airport Authority Act there were two diametrically opposed positions expressed by Committee members. One position assumes that the present Act is much too limited in concept and maintains that the authority provided should be as broad as that general legislative authority granted to

drainage, school and road districts. Supporters of this view believe that there is need to provide specific and definite tax levying, policy and general administration powers in a Uniform Airport Authority Act. The other position opposes a strong airport authority and is based on the premise that such a concept is bad from a governmental administrative standpoint because it (1) creates a separate entity of government which can function or operate in complete contravention of a state aviation agency or of the central government body or agency at the local level; (2) permits and encourages the promulgation of many different sets of aviation regulations by several airport authorities in a general area; (3) superimposes many municipal districts upon state government.

The Committee found that there exists a direct relationship and similarity between the Municipal Airport Act and the Airport Authority Act. That fact was given much consideration, resulting in the recommendation that a special committee be appointed to attempt to recodify, assimilate and formulate all provisions of the several uniform aeronautical acts having a definite relationship or correlation into a General Uniform Act.

The Committee found an apparent need for a formal study of the growing problem pertaining to recordation of aircraft conveyances, including titles, mortgages, liens. Two courses of action were recommended to be placed into operation concurrently:

- (1) A satisfactory uniform state aircraft recordation statute be drafted, and a locally acceptable adaptation be enacted by the several states.
- (2) Either that it be determined that such state recordation acts can exist compatibly and concurrently with the present federal recordation act, or else that the Federal recordation act be amended to accommodate such state acts.

The Committee further recommended that its work in redrafting of any of the Uniform Aviation Laws be coordinated with the Council of State Governments and with the Commissioners on Uniform State Laws.

The Flying Farmers organizations, both national and local, expressed their needs and problems. It is one of the most active segments of civil aviation activity today, particularly in the areas of the Middle West, West and South. It was stated that with development of an agricultural aircraft for crop seeding, dusting, and control, and with need to produce more farm products under more and more restrictive labor conditions, a program of a large number of single strip landing areas near the cross-roads of small communities, such as county seats and market cities, would be to their advantage. This expressed need confirmed the NASAO's stressing of amendment to the Federal Airport Act permitting the establishment and construction of a group of such landing areas as one consolidated project under state aeronautic agency sponsorship, exempt from the many legal and economic requirements provided in that Act for Class I and larger airports. The Special NASAO Committee appointed to study the problem presented a draft for amending the Act to achieve this end, and continuing efforts are planned to have amending legislation introduced in Congress at an early date.

An identifying system of air marking of such landing areas and agricultural landing strips on privately owned lands of farmers and ranchers would need to be developed. This because of the legal questions arising under the "invitee" character of use of such strips by other persons in emergencies. The airmarking section of the CAA indicated complete cooperation in the development of such an identifying system bearing the liability aspect in mind.

Search and Rescue of aircraft in distress or unaccounted for was reported on by presentation of draft of a Civil Aviation Search and Rescue

Plan dated September 1, 1950. Division of responsibility for functions were proposed among the Commerce Department (CAA), Treasury (Coast Guard), Department of Defense (military), CAB and FCC, and the NASAO, in accordance with a proposed *uniform and permanent organizational structure*. All states and federal agencies recognize the need for civil defense planning which has related requirements for search and rescue. Minimum procedures required were summarized:

- (1) Procedures for alerting posts.
- (2) Equipment and procedures for rescue coordination centers.
- (3) Equipment and procedures for rescue units.
- (4) Procedures for person in charge of the rescue unit at place of accident.
- (5) Procedures for civil pilots observing an accident.
- (6) Procedures for other persons observing an accident.
- (7) Signal codes for use by survivors.
- (8) Signal codes for use by search parties.

Legal Counsel's Report contained the following eight recommendations to the membership, the seventh of which was in the form of a "minority expression of position on the Enforcement topic:"

- (1) That the NASAO determinedly work toward establishment of an economic air transportation system.
- (2) That wherever areas of functioning of state aviation agencies or local units of government cannot be clarified through administrative interpretation of basic acts, a decisive program of amendatory legislation at federal, state and local level be inaugurated and supported vigorously.
- (3) That whenever costs of projects under any segment of the federal programs are unconscionably high, state aviation officials courageously present the issues squarely to the supporting public, and recommend greater use of the self-help principle.
- (4) That the NASAO offer its tangible assistance to the Senate Interstate and Foreign Commerce Committee in its present study of costs of our air transportation system, with particular reference to investments of state and local governments in establishment of airports and related facilities for scheduled airline use.
- (5) That the NASAO break the bugaboo of state aviation gasoline taxes by gathering all information respecting gasoline taxes in the motor vehicle field and presenting the true facts to the public.
- (6) That the NASAO vigorously oppose any federalization of compulsory insurance or financial responsibility of aircraft owners.
- (7) That the enforcement program be resolved in a realistic manner.
- (8) That state aviation commissions and directors re-emphasize the inter-relationship of state aviation with other agencies of state and local governments, and establish closer liaison among them.

The reporting of the Aviation Education Committee indicated its recommendation that in future aviation education programs, adults rather than children be given top priority, the reason being that children already know more about aviation than parents, and adults are needed to provide the necessary business and finances to keep the industry on a going basis in the present.

Action Resolutions Adopted

Action of the membership on the various studies, reports and recommendations of the NASAO Committees was taken by the adoption of the following Resolutions:

That commercial radio broadcasting stations which schedule flying weather reports and forecasts be complimented on the important public service they are rendering, and that the National Association of Broadcasters be urged to encourage all of its members to include in their daily programs flying weather reports and forecasts available from United States Government Airways Weather Forecasting Centers.

That the Administrator of Civil Aeronautics be urged to:

- (1) Follow the policy established by his predecessor of not permitting the discontinuance of any low frequency radio weather transmitting facilities without first determining, from all classes of users, that any such facility is no longer necessary; and
- (2) Prepare, in consultation with the NASAO and others interested, a plan for the indefinite continuance of scheduled weather broadcasts in the 200-400 kc. band.

That the CAB be urged to revise its Civil Air Regulations, Part 3, at once, to permit flight testing as an alternative to the presently required stress analyses, in accordance with the recommendations of the NASAO and the CAA.

That all appropriate Federal agencies, and the governors of the several states, be urged to take whatever steps may be necessary immediately to adopt and implement the recommendations of the ADAC Civil Aviation Mobilization Plan for the maximum utilization of civil aircraft in the event of national emergency, and that it be used as the basis of civil aircraft mobilization by the defense agencies of the several states.

That all appropriate agencies, private, municipal, state and Federal, be urged to consider all existing airports, no matter how small, as being important in the interests of internal security and civil defense, and that the CAA be urged to effect any necessary revision of the recently announced policy so as to permit federal airport aid for small airports, in accordance with the provisions of the authorizing Federal Airport Act.

That the CAA be urged to make no changes in the planned airport program for 1951, which was prepared in cooperation with the states, without first consulting in each instance with the aeronautics agency of the affected state.

That the NASAO indicate the support of its membership to aid the Territory of Alaska in its efforts to become a state insofar as this will enable fuller participation by Alaska in the aviation activities of the United States.

That the CAA be urged, in regions where this is not already being done, to:

- (1) issue low flying waivers to cover the area of one state only.
- (2) restrict the issuance of such waivers to safety agents assigned to the designated state
- (3) immediately forward to the affected state aviation agency copies of all such waivers or renewals thereof.

That the CAB be urged to adopt and publish at the very earliest date a basic policy for the development and preservation of an adequate air transportation system, such policy to be based on such precepts as will recognize the need for Secondary Air Service, and define its function and relationship as a major component of air transportation; and that the states assist and cooperate with the CAB in the formulation of such basic plan.

That the NASAO express to the RTCA and to the Federal Communications Commission its gratification and appreciation for their promptness in taking action in the matter of making 122.8 mc. available as a simplex frequency for airdrome advisory service, and urge that the

FCC expedite the adoption of the proposed rules permitting the use of this frequency, but strongly recommend that:

- A. No more stringent requirement be established for the qualification of the operator of the ground station than is required for the operator of the airborne station; and
- B. Consideration be given to raising the two watt power limitation on the aircraft radio transmitter to at least three watts, thereby permitting the use of HF transmitters presently available and installed in personal type aircraft.

That the NASAO urge manufacturers and distributors of airborne and airdrome radio equipment to make every effort to supply, as expeditiously as possible, effective low cost transmitting and receiving equipment which may be operated on the above frequency.

That the NASAO urge fixed base operators at off-airway points to install such ground radio equipment for the convenience and safety of traffic flowing to and through the area which they serve, and that similarly, aircraft owners equip or modify their existing equipment at the earliest possible moment to make use of this frequency.

That the President of NASAO designate an appropriate committee to study and act upon:

- (1) Ways and means of building, under the Federal Airport Act or otherwise, airports necessary to national or civil defense but which either are not included in the current Federal Airport Plan or are inconsistent with the standards established thereunder, and
- (2) Ways and means of financing such construction in whole or in part with moneys appropriated by the Federal Government for defense purposes.

The newly elected officers of the NASAO for the coming year are:

President—Crocker Snow, Director of Aeronautics, Massachusetts.

1st Vice President—Joseph K. McLaughlin, Director, Illinois Department of Aeronautics.

2nd Vice President—Warren E. Carey, Director, California Aeronautics Commission.

3rd Vice President—C. A. Moore, Director, Mississippi Aeronautics Commission.

Treasurer—C. B. Friday, Director, Bureau of Aviation, New York.

Legal Counsel—Madeline C. Dinu, Detroit, Michigan.

M.C.D.