

1933

The Dividing Line between Federal and State Promotion of Aeronautics

J. Carroll Cone

Recommended Citation

J. Carroll Cone, *The Dividing Line between Federal and State Promotion of Aeronautics*, 4 J. AIR L. & COM. 473 (1933)

<https://scholar.smu.edu/jalc/vol4/iss4/5>

This Symposium 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>.

THE DIVIDING LINE BETWEEN FEDERAL AND STATE PROMOTION OF AERONAUTICS

J. CARROLL CONE*

There is no dividing line between Federal and state promotion of aeronautics at this time, and the possibility that one might be drawn would arise only with the appropriation by the states of promotional funds. This appears unlikely for the present. Should state funds be appropriated in the future for aeronautical promotion, there is no question in my mind but that a highly efficient arrangement could be entered into between the states and the government at Washington.

The states have attacked the problems of regulation first, and rightly so, for these problems are very real and demand immediate attention while the flying industry is as yet in a formative stage.

We have already seen the scheduled air transport services develop into a full-fledged transportation system and settle upon a well-defined plan of operation. The same thing doubtless will transpire for other types of flying activities in the next few years.

In setting up regulatory machinery the states, particularly in the past two or three years, have followed the principles established by the Federal Air Commerce Act and Air Commerce Regulations; they have recognized the value of Federal licensing and have made their requirements fall into line by simply requiring Federal licenses or adopting some similar arrangement; and they have adopted the Federal Air Traffic Rules. It cannot be said that this is universal for the 48 states, but results along this line are substantial and the trend is continuing. For those states which have organization work yet to do, it is imperative that consideration be given to adoption of Federal licensing regulations and Air Traffic Rules as early as possible, without waiting until twenty or thirty thousand aircraft are in operation and the problems involved are that much more complex.

Having set up their regulatory machinery, some of the states have undertaken the establishment of airports and intermediate landing fields. This may be regarded as an exception to the general statement that there is no dividing line between Federal and

*Assistant Director in Charge of Air Regulation, Aeronautics Branch, Department of Commerce.

state promotional activities, for establishment of air navigation aids is a most important promotional function and is essential to the development of aeronautics. Michigan has established 10 state fields; Idaho, 4; Connecticut and Pennsylvania, 2 each; Arkansas, Maine, Rhode Island, West Virginia and Wisconsin, 1 each. Aeronautic lighting has been provided at both of Connecticut's fields, at one of Idaho's and the one established by Rhode Island.

The Aeronautics Branch of the Department of Commerce maintains a Federal Airways System which is provided with rotating beacon lights, intermediate landing fields, radio communication stations, radio range beacons, radio marker beacons, and teletypewriter circuits for dissemination of weather information. This system now includes about 18,000 miles of lighted and radio equipped routes and eventually is expected to reach 25,000 miles.

Even 25,000 miles will not serve every city in the United States at which aircraft will be in operation. But it is the purpose of the Federal government to establish a comprehensive system of trunk line airways, with the idea that states will eventually provide the shorter connecting and feeder links. In most cases these short feeder airways will not require aids so extensive as those available on the transcontinental airways. For one thing, broadcasts of weather information from stations on the Federal Airways would be received on these feeder links, and probably would give sufficient information for pilots flying thereon, as these pilots would be flying toward, or short distances from, points on Federal Airways.

In fact, the establishment of a series of airports and intermediate landing fields represents a substantial accomplishment, for it makes available a day airway route. Air marking of cities, highways and railroads enhances the value of this day airway. Next, the installation of lighting equipment at the fields, and perhaps beacon lights at points between fields enable night flights to be made with safety. Finally radio facilities may be provided and weather reporting service established, and, as pointed out heretofore, the short line state airway may depend upon some of the facilities of the Federal Airways System for these purposes.

In carrying out such a program, especially that part concerned with airports and intermediate landing fields, the state should arrange for close cooperation between its aeronautical board and its highway department (or between whatever agencies are responsible for this work, regardless of their designations). Road building equipment of the highway department could be used to excellent advantage in building and improving municipal and state airports

and intermediate landing fields. With all the state road building equipment which is in use, particularly at this time when road building is on the ascendency, there should be an ample amount of equipment on hand for use of the aeronautical board, without the necessity for moving it from one part of the state to another. Also, if the two agencies are consolidated or are cooperating actively, it will be possible to use the equipment at one time for road work and at another for airports without delaying either program. The equipment would be in use more continuously, would be utilized to greater advantage before becoming obsolete, and would enable crews of workmen to be employed more constantly.

The Federal government, through the Aeronautics Branch of the Department of Commerce, is in a position to be of considerable assistance to the states in this and other connections, and is always glad to render any services which are within its power.

I have been speaking of airport development. The Aeronautic Department Service of the Branch has an airport which was created to encourage the establishment of airports throughout the United States.

Department airport specialists travel throughout the country on carefully arranged itineraries for conferences with state and municipal officials, civic organizations, and others interested in the establishment or improvement of airports. They offer suggestions as to suitability of various sites and explain the requirements of the Department for airport ratings. Often an airport specialist addresses fairly large groups at luncheons or evening meetings. These specialists cannot undertake detailed engineering studies, but invariably recommend that such studies be pursued before any actual construction is undertaken, in order that money will be expended to the best advantage.

Some of the states have availed themselves of this service, but most of the visits of airport specialists have been made as a result of requests received from municipalities. However, the states are entitled to the advice of the airport section in framing programs for establishment of airports and intermediate landing fields. They may receive it upon request, subject only to the limitations imposed by the pre-arranged itineraries, and this means merely that conferences are scheduled some days in advance.

In other ways as well the Branch is prepared to be of assistance to states. Records of all airports and landing fields and other aids to air navigation are maintained by the Airway Bulletin Section. This information is made public regularly through the

Airway Bulletins, which are revised about once a year, and through the Weekly Notices to Airmen, which are weekly supplements to those publications. The section is prepared also to answer specific queries about airports or other aids whenever these arise, and the information may be requested by mail, telegraph or telephone.

In this matter the states can cooperate by forwarding information with respect to new airports, changes at airports or temporary conditions which result in putting aids to air navigation temporarily out of operation.

In compilation of statistical material the Aeronautics Branch makes available a part of its information by states. A tabulation showing the number of licensed aircraft, unlicensed aircraft, and airmen licensed in the various grades, in each state is prepared every three months by the Statistics and Distribution Section. A table showing the number of airports of various kinds in each state, that is, the number of municipal and commercial airports, Department of Commerce intermediate landing fields, auxiliary fields, Army and Navy fields, state, private and miscellaneous government fields, is prepared every three months by the Airway Bulletin Section.

Other statistics gathered by the Statistics and Distribution Section could be put on a state basis also if the information were desired in this form. These include information with respect to accidents both to schedule and miscellaneous operations, operations in these two categories, and production of aircraft. There has as yet been very little demand from the states themselves for compilation of this information by states, but if the demand should be made it could be met.

If state statistics are to be compiled, this work either should be done by the Aeronautics Branch, or in cooperation with it. Whatever statistics a state might wish to have for its own use could be compiled by the state in any way that might seem desirable, but to make such information useful generally, the same information should be available for all states, and in a comparable form.

Other promotional activities of the Aeronautics Branch include research and compilation of airway maps. Both, at first thought, appear to be lines of endeavor best left centralized in the Federal government. But we may find that there is opportunity for state cooperation here also.

For example, the Aeronautics Branch has developed a radio system for blind landing of aircraft, a system which enables the

pilot to follow a radio path downward from the air to effect a landing on a fog-covered airport, or contrarily, to leave the airport by following these radio signals. Using it for a landing, the pilot depends upon a runway localizing beacon to keep him headed toward and onto the runway, a landing beam to bring him downward in a sweeping glide ending at the surface of the airport, and two marker beacons to inform him, first that he is near the landing area, and then that he is at the edge of the field and should prepare to land.

This system has been undergoing service tests at Newark, N. J., and soon will be placed in operation for similar tests at Oakland, Calif. In each case the city cooperated in making this equipment available at its municipal airport. It is entirely possible that some such arrangement between the Federal government and the states may be feasible and advantageous for this or other research projects. Research work which aims at the solution of problems which trouble all airmen should be undertaken by a central agency. But there is nothing to prevent cooperation by any organizations or individuals who have something to contribute, and there is every reason for encouraging such cooperation.

Airway maps now being published by the Aeronautics Branch are of the sectional type. One map covers the territory within 2 degrees of latitude and 6 degrees longitude, or in other words, it represents an oblong of territory about 300 miles from east to west and 140 miles from north to south. A series of 87 such maps will chart the entire United States for the airman, with maps that give him the special information needed for air navigation. Eighteen are available now and strip maps of the airways previously compiled may be obtained for localities not yet covered by sectional maps.

It is unlikely that states will find it necessary to issue maps, in view of the extensive program of the Federal government. One state aviation commission asked the Branch for comment upon a plan to insert data with respect to air navigation aids on automobile maps. We urged the commission to follow up the idea. Such a map probably would not serve for use by airmen for extended flights over unfamiliar territory, but Department of Commerce maps are available for this purpose. The automobile map with air land marks shown, would, however, bring flying to the attention of motorists and stimulate their interest, and in many cases the recognition of such land marks as airports and beacon lights would be

of assistance to the motorist checking his progress along the highway.

Repeatedly in this paper I have pointed out avenues of approach for cooperation between the states and the Federal government. To my mind, that is probably the most important factor in the whole field of Federal and state promotion of aeronautics. Whatever is done should be known to all concerned. There should be no duplication of effort. If there is opportunity for the Federal government and the states to proceed along the same line this should be done, but in accordance with a well-defined central program which will assure the greatest results for effort expended.

I do not mean to imply a resistance to cooperation in the past, for there has been no such thing. What I do have in mind is, that many opportunities to cooperate have been neglected. Civil aeronautics in this country has developed amazingly in the past five years. Continuing along the same lines, and with a greater degree of cooperation between the Federal government, the states, and the several organizations and societies that are concerned with aeronautics, the progress of the next five years can well make that of the last five seem small by comparison.

One project upon which the Aeronautics Branch is engaged at this very moment would be expedited, and the final results would be enhanced in value, by the cooperation of state aviation officials. The Branch is studying the regulations which govern the activities of the private flyer, and of the solo pilots who now are being changed in status because of the discontinuance of that grade of license. Our aim is to simplify the regulations applying to these airmen in every way possible, and to do everything possible to assist in lowering the cost of flying, always, however, with proper regard for safety.

The private pilot either is an amateur airman who flies for pleasure or in connection with his own business affairs, or he is a potential professional airman who is learning the technique and gaining the experience necessary for success in his chosen profession. In either case he should be permitted to operate his airplane with the fewest possible restrictions.

All of you state aviation officials are familiar with the situation, and know the difficulties faced by the amateur airman. Doubtless you all have ideas as to the course Federal regulation of private flying might take with this thought of simplification in mind. If you will give us your suggestions along this line, it will speed up our work and hasten the day when the pleasure and convenience of flying will be available to the average person of moderate means.