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# THE PROGRAM OF THE AERONAUTICS BRANCH OF THE DEPARTMENT OF COMMERCE

EWING Y. MITCHELL\*

The increasing efforts on the part of the states in the enactment of uniform legislation governing aeronautics is one of the most hopeful promises of the future development and expansion of flying that we have today.

With the coming of the airplane into its present widespread use in practically all phases of American life, the geographical boundaries of states have disappeared. The range of the airplane is national and this has called for the sweeping away of all obstacles which might delay its natural development.

The importance of the provision of uniform legislation by all states cannot be too greatly emphasized. An airplane in the course of a day's travel may cross many state borders, and it is obvious that varying and conflicting requirements imposed upon the plane and its pilot result only in discouraging hardships.

The outlook concerning state legislation for aeronautics has brightened tremendously in the past few years. In December of 1930 a national conference to discuss uniform regulatory laws was held in Washington under the auspices of the Department of Commerce. At that time twenty-two states and territories required Federal licenses for all aircraft and airmen; twelve required Federal licenses for Commercial operations; six required either Federal or state licenses; six required state licenses; and six had no legislation in this field.

Now, according to our information in Washington, thirty-four states and territories require Federal aircraft and airmen licenses for all operation; eleven states and territories require Federal licenses for all commercial aircraft operation; four states require Federal or state licenses for all aircraft operation; three states require state licenses for all operation.

That is indeed a promising omen. But, there are still too many states which do not require Federal licenses for all aircraft and airmen. The goal toward which we must work if we are to make the way smoother for increased utilization of the airplane is uniform regulation by the entire forty-eight states.

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In order to make fully effective the present Federal regulations relating to aeronautics, it is essential that the Department of Commerce have the cooperation of all the states through the adoption of uniform laws agreeing with the Federal law.

Under the Air Commerce Act of 1926, the Department can impose its licensing requirements only upon aircraft and airmen engaging in interstate air commerce. However, it can and does extend the licensing privileges to intrastate owners and operators of aircraft. The result has been that the majority of the latter have found it desirable to take advantage of the privilege by voluntarily applying for license, which carries with it the inspection of aircraft as to airworthiness and the examination of airmen as to their competency.

Under this act, unlicensed aircraft and airmen engaging in any air commerce whatsoever, are obliged to confine their activities within the borders of states permitting their operation. The results of this are apparent. All aircraft are not airworthy and all airmen are not competent. Some are disapproved for various reasons upon inspection and examination by field representatives of the Department of Commerce. In such cases they either may procure airworthy aircraft and improve their ability as pilots or operate within states having no law in this regard.

It is easy to see that under the existing Federal law suitable state legislation is necessary. When an aircraft once is in the air there can be no distinction between its interstate or intrastate character. There must be one standard of airworthiness, one basis for the judgment of the competency of pilots, and the same rules applying to air traffic. For these reasons the most desirable situation would be one in which all state laws are identical with the Federal law.

The simplest way in which this may be brought about appears to be the enactment of state laws which would, in effect, require all intrastate aircraft and airmen to be licensed by the Federal Government. This at once sets up the identical requirements and obviates the necessity of a state inspection system with its attendant problems. The air traffic rules of the Department of Commerce are equally applicable to interstate and intrastate operations, but experience has indicated that local enforcement of penalties for violations is desirable. If the state constitution does not permit the adoption of Federal air traffic rules by reference, then it would doubtless be advisable to incorporate them in the state law and to maintain them in current condition by adopting into law any amend-

ments which may be made effective by the Department of Commerce.

An alternative method is to provide for either state or Federal licensing, the former setting up identical qualification requirements; that is, requiring intrastate aircraft and airmen not licensed by the Department of Commerce to obtain state licenses. This arrangement would appear to be quite satisfactory on the assumption that because the Federal licenses permit interstate operation and are thus broader in scope, they would in all cases be preferred, and the state thus would avoid the necessity of issuing licenses. However, it has been indicated by experience that this is of doubtful satisfaction. As a matter of fact, the state will be called upon at least to be prepared to issue licenses, and unfortunately it is likely that many of the applicants will be those who have failed to qualify for the Federal licenses. Presumably, such applicants will either possess unairworthy aircraft, or not yet have become sufficiently proficient in piloting, depending upon the nature of the license for which application is made. It will then fall upon the state officials to pass upon the same aircraft or airmen and arrive at independent conclusions. They may or may not agree with the disposition of the cases by the Federal representatives, and there is at once manifest the absence of one of the most important elements—that of uniformity throughout the entire United States.

It is necessary to remember that the licensing of aircraft is not limited to those which are in existence and operation at the present time. It includes new production of known designs, as well as those yet to be designed and built; it involves construction requirements, load factors, workmanship, soundness of design, material, flight characteristics and many more items which call for the services of technically qualified personnel. Therefore, an independent state inspection and licensing system would need to contemplate the initial approval of aircraft not meeting the Federal requirements, as those lacking Federal approval would be potential applicants for state licenses. A suitable technical staff would thus be an essential part of any state system.

It is an exceedingly difficult task to organize and develop an inspection agency or system which will make provision for all of the requirements involved. It is also burdensome in the matter of expense. The Department of Commerce has perfected such an organization, composed of especially trained personnel, and has made results uniform throughout its entire inspection and engineering staff. Its requirements are only the minimum consistent with

safety in the operation of aircraft. It has gone thoroughly and painstakingly into all phases of its requirements before they are promulgated, and before major changes are made the opinion of those to be affected is obtained.

Any modification of these requirements by the states would not be in the interests of either intrastate or interstate ownership or operation, and would, in the end, affect unfavorably the general advancement of aviation.

There also can be such a thing as entirely too much regulation, and too many requirements to be met. This is nearly as dangerous to the state's participation in the benefits of aviation as too little regulation. Any state could easily legislate to the disadvantage of aviation, penalizing it to the extent that it would avoid that state, if at all possible. There must be a mean in the matter of control and regulation, and this is brought about in a very successful way by the Department of Commerce, and it seems obvious that both its requirements and its personnel should be taken advantage of to the fullest extent by all states.

I think you understand that the Department's efforts toward the goal of uniformity have not been actuated by any such selfish motive as the predominance of the Federal Government over state rights. We are working toward what we know to be the common good. The Department has been directed by law to take care of regulatory matters pertaining to civil aeronautics, and in following this direction it has endeavored to bring about a situation where all interests will be satisfactorily taken care of. It feels, however, that the best results can be obtained by regulations promulgated by the Department rather than by state legislation, because of the flexibility of the former. Until there is concerted uniform action by all the states, effective regulation of all aircraft and all airmen is impossible. And, since the layman will not consider the airplane a really safe means of transportation until regulation is general and accidents are reduced in number, it is necessary that all condemned or unairworthy aircraft be eliminated completely, and all airmen not competent as pilots be refused the right to fly aircraft.

The salient characteristic of the airplane is its ability to ignore distance. Therefore, the states which have not passed adequate and uniform legislation will find the unairworthy and unsafe aircraft moving into their states.

The state aviation organizations are doing a great work and you must be gratified with the knowledge that your efforts mean so much to the general good of aviation. However, you realize

that your work will not achieve the greatest possible results until all states are operating under uniform laws.

The Department of Commerce appreciates the importance of the state work and stands ready to give its assistance in any way that it possibly can. The benefit of its experience and resources will gladly be extended to those who wish to make use of it, for the mutual benefit of aeronautics.

As you know, the Department at the present time is operating under greatly reduced appropriations and with decreased personnel in cooperation with the governmental economy program. However, it has succeeded in continuing all of its essential functions relating to aeronautics through adjustments and reorganizing, and will continue to do so.

The Department is making every effort to perform all of its functions with the least possible amount of waste, and it is determined that full value shall be received from every cent that it spends.

It realizes fully the significance of the present time in relation to aeronautics, and is working toward the future. Aviation now stands on the threshold of a new era. It has passed through its formative stages. Aircraft manufacturers have improved their products. It is no longer necessary that a pilot be a superman. Many new uses have been discovered for the airplane, and it is ready to assume a major role as a medium of transportation. Air lines have flung their network over nearly all sections of the country, and they stand ready to expand their services as soon as the volume of traffic warrants it. Aviation today has the greatest promise of usefulness of any medium of transportation, and it is unchallenged in its field.

There are definite signs of an industrial revival. When that revival is accomplished, there is going to be a greater need for fast transportation than ever before, and a greater place for the airplane.

These things mean that we must begin to prepare now, if we are to allow aviation to expand to its fullest possible extent, and if we are to receive the benefits from it which we expect. The States have an important task to perform in that general preparation and unless all of us work toward the common goal, the individual efforts of each will meet with only partial success.