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## THE COORDINATION OF FEDERAL AND STATE CONTROL OF AERONAUTICS

RICHARD S. BOUTELLE\*

This meeting of the state aviation officials comes at a time when I can take special pleasure in discussing the relation of the Federal government and the states in their respective activities pertaining to aeronautical regulation because of the prospect now before us of a substantial development in the field of private flying.

Already there is evidence of an increasing interest in private ownership and operation of airplanes, and, as I have already remarked, this makes my present opportunity of discussing regulatory trends a particularly welcome one. At the same time, this prospect of renewed activity among private flyers imposes an added responsibility upon the Bureau of Air Commerce, and upon the aeronautics commissioners of the states. We face the obligation of perfecting our routines of handling regulatory problems, and of making regulation uniform throughout the country, as rapidly as possible in order that we shall not retard progress.

If it is important for the future of private flying that the Federal licensing regulations be simple, it is just about 48 times as important that the state laws also be simple, and that they be the same throughout the country. Nothing will discourage private owners so much as running into a new set of complicated air rules every time they cross a state line.

If this is a time-worn story to state aviation officials, it may be solacing to consider that the frequent repetition is getting results. In requirements with respect to aircraft licenses, 37 states and territories now require that all operations within their borders take place in Federally licensed craft. This certainly is a long step toward uniformity. There also are 10 states and territories which require Federal licenses for all commercial aircraft operation. However, there are 3 states requiring Federal or state licenses, and 2 which require state licenses.

Licensing requirements are important, but there are other factors entering into the situation. First of all, we must look at the present state of affairs. To begin with, the Federal govern-

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ment has a broad and comprehensive program for both promotion and regulation of civil aeronautics. There is the air mail system, operated primarily as a speedy mail service for the public but at the same time a source of support and assistance for the aeronautics industry. In contracting for carriage of air mail, the Post Office Department has always considered both angles—that is, it has been interested first in the speedy delivery of mail, but it has at the same time framed its contract requirements in such a way as to build up passenger service, and otherwise to develop the resources of civil aeronautics.

Through the Bureau of Air Commerce of the Department of Commerce, the Federal government operates and maintains nearly 20,000 miles of lighted and radio-equipped air routes. These airways aids, which make flying possible at night and in unfavorable weather, are available for the use of all airmen. Airlines rely heavily upon them to maintain schedules, but itinerant flyers are equally welcome to use them. At the radio stations and intermediate fields trained personnel man the facilities, and these employees stand ready at all times to assist pilots.

Last winter the Bureau undertook a program of airport and landing field development in cooperation with the Civil Works Administration.

On the regulatory side, the Bureau of Air Commerce licenses airmen, including pilots, mechanics and parachute riggers. It licenses aircraft which are demonstrated to be airworthy, and approves the engines, components and accessories used in these licensed airplanes. All flying activities are governed by the Air Traffic Rules, which constitute a safety code of the air.

Special study has been given to the operation of scheduled air transport service, and the regulations governing air passenger lines recently were revised to augment safety in this type of flying activity. Flying schools and repair stations can be approved by the Bureau, if they request it, and meet the requirements for approval.

Aeronautical legislation has been enacted in each of the 48 states, also in the District of Columbia, Alaska, the Philippines and Hawaii. In each case, the legislation includes some requirements with respect to licensing, as I have pointed out heretofore. Some of the states which have aeronautical legislation upon their statute books would profit by studying their laws, and revising

them in conformity with present trends, with emphasis upon uniformity.

Even more profitable to individual states would be careful studies of the activities which are being carried out by other states. The National Association of State Aviation Officials provides an opportunity for an exchange of views for those who are members, and it has functioned admirably from that point of view.

The state aviation commissioners who belong to the Association and attend its meetings do not pass the laws. That is the function of state legislatures. Nevertheless, it is the function of the state aviation commissioner to point the way, and to furnish information upon which the legislature can base its program. Thus, the need for coordination of the various state programs is a problem which belongs to the state aviation officials.

I am not forgetting for a minute that each state has individual problems with which it must cope. It has a certain number of pilots who are operating within its borders. It wants to be sure these pilots have proper regard for safety, that they are not imposing upon the rights of others by flying low over cities, or outdoor sporting events. It wants to be assured that the airports which its citizens have established at considerable expense are not made hazardous by erection of buildings or other obstructions on land contiguous to the airport landing areas.

All of the states have these individual problems, but they are all pretty much alike, and they can be solved by uniform requirements and procedures.

At the present time the laws are not uniform, either as enacted or interpreted. I have already said that progress toward uniformity has been made, but there are states whose laws are not in harmony with the general trend. And even if all the laws were uniform today, we would still have the problem of keeping them uniform when revisions are being effected.

The airplane has certain inherent advantages which have enabled it to assume an important role in the transportation setup of this country, and for that matter, of the entire civilized world. It is the fastest method of travel, it can take the most direct route. Not only that, but it offers a great deal of flexibility with respect to routes—if one route is not suitable on a particular day, another can be chosen.

Other modes of transportation have limitations which do not exist for the airplane. They operate at 40, 50 or 60 miles an hour

because they are limited mechanically or by the flow of traffic to those speeds. Aircraft cruise now at 150 to 180 miles per hour. Some standard airline craft are easily capable of exceeding 200 miles an hour.

Again, the traffic lanes on the ground are crowded, and yearly the traffic congestion becomes more pronounced. Railroads have to have roadbeds and rails—automobiles, buses and trucks require highways. Aircraft use a medium that is already in existence, and although it is quite true that for some types of operations air navigation aids are necessary, these aids may be spaced at considerable intervals. Expense of establishment and upkeep is nothing like the amount required for mile after mile of roadbed or highway.

Ground transportation is further hampered by a vast multitude of laws. Each state has varying requirements that must be met. This situation is most complicated and difficult in the case of automobile traffic, because there are not only varying state rules, but a multitude of local regulations as well. Each city has its own, in no case like those of any other city.

This line of thought need not be carried farther—I think it is agreed that the advantages of air transportation are so pronounced that the future of the airplane for certain types of transportation is assured. I believe you will all agree also with the thought that further development should not be hindered or restricted, but rather that it should be encouraged. The course to be followed in eliminating hindrances, and in promoting further development is not so clearly defined, and may be profitably discussed.

Obstacles of various types exist. Some are due to lack of action, others to action along inappropriate lines.

There are not enough adequate landing facilities. Despite the activity of the Federal government and of many of the states, there still is a need for additional airports and landing fields. There also is a need for additional air markings. The Federal Airways routes offer guidance and assistance only along the main traveled routes. Many airmen want to fly in other directions, where Federal aids to air navigation are not available. State airways should be provided for this purpose—not necessarily with all of the facilities that go to make up a Federal Airway. Such airways would be indeed welcome, but a start can be made at much less expense by air marking towns on the logical routes so that flying in the daytime in good weather would be facilitated.

There is a lack of full information with respect to facilities available at various possible destinations. The Bureau of Air Commerce maintains an information service which does much to meet this problem. It publishes Airway Bulletins describing airports and other aids to air navigation, and the "Weekly Notices to Airmen" giving current information and enabling pilots to keep the information in their bulletins up-to-date.

But the Bureau must get this information chiefly by correspondence. For the facilities that the Bureau itself maintains and operates information is readily available, but when there is an important change at a municipal or commercial airport, the facts are not always forthcoming. Sometimes the Airway Bulletin Section writes to several different persons in a town in an effort to get a check on an airport, without receiving any reply. Those in the state who are interested in the progress of flying could do much to make such information readily available, either by publishing it, as a few states do, by passing it on to the Bureau of Air Commerce, or both.

To meet these problems, the first necessary step is complete coordination of all the programs seeking the same end. The states should coordinate with other states. Then, with all of the state programs working along the same line throughout the country, this work in turn should be coordinated with that of the Federal government. The Federal government, in turn, has an obligation to carry on its work in such a way as to assist in reaching the objective sought by the states. This the Federal government is ready and anxious to do. But it could not hope to accomplish much if it were necessary to deal with 48 different states, each with an individual program, entirely different from those of the other 47.

If the contrary is true, if the 48 states have uniform state laws and have their programs mapped out along similar lines where the problems are similar, coordination becomes a comparatively simple matter. To coordinate Federal activities with 48 state programs would be extremely difficult, probably impossible. But if there is one central idea for all the state programs, even if some variations are necessary in details, the Federal program can go along with it.

The three steps necessary, then, are (1) coordination of 48 state programs, (2) coordination of state activities with those of

the Federal government, and (3) coordination of the Federal plan with that of the states.

The states can begin by studying their mutual problems. Each one has to make flying safe by making certain that aircraft operations are carried out by competent airmen flying airworthy aircraft. It wants a sufficient number of adequate airports, and air markings. It wants information about these facilities to be available to all airmen operating in the state, and to all those in other states who may fly to its airports.

After studying its own aeronautical situation and learning as much as possible about other states, it can get into contact with other state aviation officials throughout the country for exchange of ideas and experience. For this purpose, no method is better than attending the meetings of the National Association of State Aviation Officials.

Upon the basis of this study and exchange of ideas, it may be necessary to modify legislation on the statute books of the state. In some cases this legislation is of long standing. By that I mean it may have been adopted 10 or 15 years ago—a short period in the history of legislation but a long one in aeronautics. If statutes are as old as that, the chances are that they should be brought up to date. And when that is done, the state can serve its own interests in no better way than by enacting a law uniform with those of other states which already have gone through this process.

Coordination with the Federal government need not wait for absolute uniformity to be attained in all the states. Naturally, such a method would save trouble, but it would take too long. Instead, the state, after adjusting its program in such a way that it is proceeding along lines which eventually will be uniform for all states, can profit by considering means of coordinating this uniform program with the Federal government.

There are enough other problems which the Federal government cannot touch to give the state's aeronautical organization a wide scope of activities. The CWA airport program, already referred to, has made available new landing fields which now have to be operated and maintained. In the next few years other cities will be establishing airports, or making improvements at the airports that they have. These cities will want assistance in planning for these improvements. In the past the Bureau of Air Commerce has rendered advisory airport service, and still does so, but this

is a function that can well be taken over, at least in part, by the states.

Enforcement of aeronautic regulations will always be a major problem. With uniform state laws the question of what regulations are required will not be so difficult. The Federal government has worked out the answer during the eight years that it has been regulating air commerce, and is constantly studying the trends of the industry as they affect the regulations so that the requirements can be revised when necessary. But the force of aeronautical inspectors cannot be made large enough actually to police the airports and airways. Consequently the state finds it necessary to enlist airport managers, instruct its state police, or otherwise provide a method of checking violations. When a violation is reported, the state can take action under its state laws, modeled on the Federal requirements, or it can refer the violation to a Federal inspector.

Perhaps the most important function of the state official is the one that is most difficult to define, namely, encouragement and promotion of aviation in his state. Establishment of airports and dissemination of information is a part of this, but not all. Here is the real field for individuality. The successful state official will discover what is necessary in his own state to maintain and increase interest in air transportation, and take the necessary steps to achieve that end.

Finally, the states will find that although they have settled upon a uniform method of regulating aeronautics, this uniform law will not continue to serve its purpose without revision. Consequently, they will find it advantageous to study trends, and make recommendations from time to time to the Federal government with respect to licensing and other requirements. These can be changed then at the foundation, in the Air Commerce Regulations, and the changes then can be incorporated in the uniform state laws.

The Federal government, for its part, will benefit substantially from a coordinated state program. It will be relieved of certain responsibilities out in the states so that the Bureau can devote its energies to central problems. Watching the operation of the uniform laws in the states it will get indications of what is needed in Federal regulation. And the Bureau should go farther than this, it should confer with the states with respect to proposed additions to and modifications of the Federal regulations. Also, as the states begin to set in motion promotional programs, the

Bureau of Air Commerce can be of assistance. Already this practice is established where states actually have undertaken such work. The CWA airport program was an example on a large scale of what can be done. The Bureau of Air Commerce, CWA and individual states cooperated to the fullest possible extent in getting the airport project under way.

There undoubtedly will be similar cooperation in other projects. First, however, the 48 individual state programs must be adjusted so that all are moving in the same direction. The airport project was successful because it was a national program carried out along similar lines in each state. When there is a similarity of purpose in all other respects, the Federal government can adjust itself to one program applicable to all the states—it cannot hope to make such an adjustment in 48 directions at the same time. It is only a matter of definitions. We all want the same thing, and we might as well take the same method, and help each other in attaining the desired results.