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## THE PROGRAM OF THE NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS\*

FRED L. SMITH†

Last fall, both before and immediately after the meeting at Cheyenne, many of our members were busily engaged in formulating suggestions for the President's aviation commission. Everyone was exceedingly optimistic and there was every indication of a New Deal in aviation. Unbiased observers seemed to feel that the Federal Aviation Commission did a splendid piece of work. However, with the inception of one of the heaviest legislative programs in the history of our Congress the report was side-tracked, and from present indications was killed by President Roosevelt's disagreement with its most important proposals.

It was extremely unfortunate that the whole aviation picture was thrown into confusion at a time when it was only fair and proper that our national leaders, both in the legislative and administrative departments, concentrate their attention on so many other serious problems of immediate importance to everyone.

A review of events of the past year reveals very clearly both a pathetic ignorance of the real problems confronting the industry, and the extreme confusion which has resulted from a lack of unified federal control of aviation policies. I am sure that a few references to certain activities of the past year will demonstrate clearly the effects of a weak federal organization and the lack on the part of both public officials and the average citizen, of a knowledge of aviation's needs.

The most classic example is, unquestionably, the furor and misdirected energy incident to the passage of the Wilcox Bill. In the first place, it was extremely unfortunate that a bill to provide additional Army bases was sponsored originally not by the Army Air Corps, but by a resourceful chamber of commerce executive. Realizing immediately that a bill to provide an air base for his city alone would not receive general support from congressmen, an intensive campaign was begun to interest communities all over the

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country in the possibilities of establishing additional bases in their vicinities. The promotional work was well done—too well done, perhaps, if one is to judge by the flood of letters and telegrams and the appearance of delegation after delegation from chambers of commerce all over the country running to Washington in an attempt to build up some support for the establishment of such a base in or near every hamlet in the country. I do not hesitate to say that many small communities have expended enough funds in an effort to obtain an Army base to have provided them with an airport adequate for their local needs for many years to come.

Chambers of commerce have always been—and we hope that they will continue to be—powerful groups for the advancement of aviation; but I am really greatly concerned lest all the confusion and disappointment incident to this Army base idea sour many of our chambers of commerce on any further activity along aviation lines.

The general handling of the airport programs by officials of the CWA, FERA and, now, the WPA, has been just as disheartening. It is particularly difficult to criticize many of the people associated with these various agencies, especially when their sincerity of purpose has been so evident. However the facts in the case are damning in the extreme. Because most of you are familiar with the vagaries of the CWA and of the early part of the FERA program, it is needless for me to dwell upon the numerous changes in regulations during these two programs which made the whole thing a nightmare for those of us who really hoped to get something constructive done.

Our most perplexing difficulties have arisen from the uncertain status of leased airport properties. While we all appreciate the difficulties incident to conforming with the laws under which these special programs have been authorized, it has been impossible for us to understand why those responsible for the rules and regulations on airport projects have been so reluctant to state a definite policy and to stick to it. In the past two years we have been told to go ahead, first, on leased property—then the minimum of a 5 year lease with an option to buy was established—and then, within the past few months, 10, 15, 20, and 25 year leases and, finally, 99 year leases have been required! In several cases in our state we have had the rules changed before city councils were able to conform with the immediately preceding requirement.

Last spring in Ohio all of our airport projects on leased property were suspended pending an investigation at each site to show

whether or not "the services afforded the public are frequent enough to justify this expenditure over the period of years covered by the present lease." You can imagine the arguments which arose from such a vague requirement. In most cases there was little or no activity on the property before the program began and, because of the torn-up condition of the fields, no immediate prospects of even normal activity on many fields. Even on our larger, comparatively well-developed fields, where traffic was comparatively heavy, it was impossible in good faith to jumble figures in such a way as to show that all the money which had been doled out (to relief workers leaning on shovel handles) would ever be returned to the general public in increased air traffic. Three of our projects on leased property were re-opened subsequently, although one of them had been re-opened only a matter of three weeks before an omniscient federal inspector drove past the field, decided it was "done," and wired orders in to the central office to have the project cancelled. He decided it was "done" because he saw an Aeronca make a few landings and take-offs on the old part of the field!

Relief administrators, spurred on by occasional squawks from the loud speakers of groups with no interest whatever in aviation, seemed to have become convinced that improvements on leased property would eventually result in the donation of a "gold mine" to private interests, in spite of the insistence of those of us with some knowledge of airport operations that very few, if any, airports could ever hope to be profitable business ventures.

The torn-up condition of many of our leased fields is not a matter which can be laughed off and forgotten. The actual owners of these properties have every justification for insisting upon either the completion of the work as originally planned, or the return of the areas in a condition which will make them suitable for agricultural purposes, at least.

The need for a stronger, more unified group in Washington for the control of aviation matters was immediately brought out by the reception which my efforts to correct this situation met when I went to Washington. The Bureau of Air Commerce was friendly, but powerless. Senators and representatives were courteous, but so utterly unfamiliar with the situation (and, in fairness to them, so much absorbed by a multitude of other matters of more immediate concern to their constituents) that they were of no assistance. Higher officials of the relief administration, even those who had had some experience in aviation, apparently had become inured to stories of incomplete projects and had nothing to offer,

While I am not familiar with the details of the War Department's program throughout the country, my casual observations during the past two years at Army stations have shown just how much more satisfactory projects have been, prosecuted under a well-knit department, than have our non-military aviation projects. I feel certain that this difficulty is not because their projects were better, but merely because the federal organization was stronger.

I will not dwell upon further details of the unpleasantnesses of the past two years, since it is my primary purpose to suggest a line of activity for the future development of our organization.

(1) *A Stronger Washington Unit Needed:*

First, it is evident that we will have to strive for a stronger unit in Washington. Whether we are to see a federal department of air or an aviation commission such as was recommended last winter, or some other development, there is every indication that such a body must be created.

H. R. 5174, a bill submitted by Congressman Lea of California,<sup>1</sup> provided among other things that "the Commissioners first appointed under this Act shall continue in office for the terms of two, four, six, eight, and ten years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of ten years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds."

Unfortunately this bill, which was submitted along with the Federal Aviation Commission's report, and which would have put most of its recommendations into effect, was side-tracked. In spite of this first set-back, however, I think that we should work unceasingly for some such governing body at Washington—one which will have power enough to represent aviation interests properly, and an organization which will remain intact and whose policies will not be subject to interruption by every change in administration. It may be impossible to eliminate politics entirely from either our federal or state organizations, but certainly the appointment of a controlling group with membership so staggered as to preserve the nucleus of the group through changing administrations is much to be desired. Wholesale changes because of politics are

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1. For a copy of this bill, see 6 JOURNAL OF AIR LAW 219 (1935).

not only apt to weaken dangerously any bureau or commission, but also cause all such appointees to lose caste with the particular groups of citizens with whom they are to work. As long as aviation is dependent so largely upon the support of public agencies for its existence, politics is bound to be a factor. Nevertheless we can strive to reduce this influence to a minimum.

(2) *Maintenance of Selected Landing Areas:*

Second, we shall have to concentrate upon the setting up of a federal and state airport system in which the maintenance of selected landing areas will become a federal or state (or, possibly, a joint) responsibility. The insistence upon the use of landing fields by aircraft without charge makes the present situation, insofar as ownership and maintenance are concerned, ridiculous. As an example, the City of Cleveland owns and maintains a landing area used, it is true, by a large number of its citizens at the present time, but also available to another half million citizens of adjacent municipalities who under the present arrangement are not financially obligated in any way and, what is more to the point, have no say whatever as to what developments might take place at a terminal which is becoming more and more important to every citizen in that section of the state. Newark is, perhaps, a better example—where a city in New Jersey is assuming the entire burden for air transport landing facilities for the entire lower New York metropolitan area.

To date, civic pride has resulted in municipalities assuming an unjustified obligation in providing improvements necessary to keep their terminals in a satisfactory condition for air transport. It is neither reasonable nor fair that such conditions should continue. While we are always being cautioned against making analogies between air transport and other transportation media, it is becoming increasingly apparent that the ownership of the landing area proper is distinctly a liability which should be assumed by the largest possible political subdivision enjoying the benefits from the facility, just as is the case with our highways. It seems quite reasonable, therefore, that as a start landing areas at all of our terminal airports on our present airways system should be deeded to the federal government and their future maintenance assumed by the public at large. Such an arrangement would insure all the local participation which we can justify, since our municipalities have already provided the sites and have made the basic improvements.

Deeding these sites to the federal government (even at a nominal charge of one dollar) would relieve the cities of any further expenditures, passing on the financial responsibility to the public at large—the actual benefactors from a well-developed federal airways system.

I realize that this suggestion might mean the elimination of a number of positions now available for airport managers and assistants, who now clutter up every municipality's payrolls. Certainly the maintenance of landing areas at our terminal airports could be handled in much the same manner as the intermediate field situation is taken care of at the present time, with a consequent reduction in personnel and lower cost to the public at large.

A further supporting point for the federalization of such landing areas is the greatly increased use of all of our terminals by military aircraft. At the present time the Army, Navy, and Marine Corps make use of these facilities without charge. The maintenance required by their operations has been taken care of uncomplainingly by the municipalities. Federalization of these areas would not only distribute the financial burden more equitably, but would also make these facilities a military asset owned and maintained by the federal government in whatever condition they deemed necessary to insure the safety of both commercial and military operations.

Your attention is invited to the fact that while the Federal Aviation Commission gave serious thought to the many requests for financial assistance for airports, they finally suggested that the provision of the site and the maintenance of the landing area should be left up to the local subdivision. Please note that my recommendation is somewhat of a compromise between the purchase and improvement of *all* airport property by the federal government (as advocated by many people throughout the country) and the stand taken by the Commission.

The need for a more satisfactory arrangement has become more pressing in the past year, during the discussions incident to the establishment of "blind landing" facilities at many of our terminals. At the present time the federal government stays religiously out of the landing area owned by any municipality. I do not believe it will be possible to get very far on this new development without complete federalization of landing areas on our federal airways system. There is altogether too much danger of one or two weak spots jeopardizing the value of the whole system.

In this connection, the necessity for more centralized control

of every part of our federal airways system is indicated by the rapid development of radio control of all airplane movements on our federal airways. The present situation, in which all scheduled air transport operations are being controlled by radio, will most certainly break down if this control is not extended to the terminal airports. All the radio in the world will not prevent serious mishaps if we are to permit unscheduled operations in all kinds of weather without the use of radio. Federalization of our important landing areas would, therefore, permit an extension of control over all operations not only while the airplanes are in the air, but also during their maneuvering about the terminals. Whether we like it or not, there is every evidence of such a development in the near future.

(3) *Public Ownership of Landing Areas:*

A third objective for members of our Association should be a drive for public ownership of all landing areas in the state (other than those on the strictly federal airways) whose existence the state aviation body could justify from the standpoint of purely intrastate traffic. Whether this second group of airports and landing fields is acquired by municipalities, counties, or the state itself, or in part by all three of these subdivisions, is of no particular consequence and will probably vary considerably in different states depending upon the density of population and the availability of public land. The maintenance of these publicly owned landing areas would then become a public function of the state or its subdivisions—where it properly belongs.

Naturally the designation of an airport at this time as one of importance only in intrastate operations would not prevent it from being added to the federal system at a later date when an extension of federal air transport activities might make it necessary. The fact remains, however, that we can no longer expect private individuals to maintain landing areas indefinitely for the sake of an occasional private pilot, any more than we can justify burdening our larger cities with the cost of maintaining facilities which are of potential service to everyone in the country at large.

Relative to the second and third objective, which call for federal ownership of all landing areas on the present federal airways system, and public ownership by states and local subdivisions of all other landing areas selected by the states for inclusion in their own airways systems, it should be borne in mind

that such a program will not increase the cost of such facilities to the tax-payer. It may actually reduce the cost considerably due to the control of expenditures at these selected airports. Surely, if the provision of constructive work projects for the unemployed is to continue, such a program would insure the development of our landing facilities in a much more orderly fashion than has been the case up to this time.

(4) *Proper Regulation of Intrastate Flying:*

A fourth objective for our group should be concentration upon the proper regulation of all intrastate flying activity. The activities of the Regulation Division of the Federal Bureau of Air Commerce have been, perhaps, the most highly developed and smoothest working of any unit in that organization. I think that in our attempts at regulation, our state bodies have been weaker than in many other phases of their work. Most of us have either overstepped considerably in rather uncertain attempts to safeguard the general public—always a good defense, of course, for any whimsical ideas on regulation—or have gone to the other extreme and have neglected entirely to do anything. However, in the past several years the rapid development of more local activity has made it possible to define more concretely the dividing line between federal and state regulation. We are all quite definitely committed to the idea that all licensing of aircraft and airmen should be solely a federal function. Naturally, the regulation of the operation of interstate air transport must also be handled exclusively by the Federal Bureau. However, there seems to be no justification for the activity of the inspectors of the Federal Bureau concerning themselves with local air shows, air instruction, and other flying activities which by no stretch of the imagination can be interpreted as having any bearing whatsoever upon interstate operations. The present untenable position of the Federal Bureau as regards intrastate activities is due more, perhaps, to the lack of any state organization to take care of this work than to the desire of the Bureau to encroach upon the field of state bodies. The activities of airmen which can be shown to have some effect upon interstate operations, whether the flying is inter- or intrastate, are the only ones over which the Federal Bureau has or should have any jurisdiction. The regulation of the rest of their activities is entirely up to us, and should be assumed by us immediately.

In connection with regulatory activities, it is essential that we

secure more cooperation from the Federal Bureau relative to identified aircraft. In spite of the constant complaints of state people relative to identified equipment, we have not yet sold the Bureau on the necessity for distinguishing between the identified aircraft built in an attic or a garage, and the carefully designed and built aircraft which is built in a reputable factory and is assigned an identification number even though such an assignment is merely a matter of form. In spite of the cooperation of the Federal Bureau the impression still exists among many of our enthusiasts that the flying of identified aircraft is quite allright insofar as the federal government is concerned, and that many of our states are over-domineering in refusing to allow people to fly such aircraft for such purposes. If the clearing up of the status of identified aircraft requires a change in the federal laws, let us suggest and push through such a suggestion. Surely we have had enough humbugging around about the status of such aircraft!

(5) *Collection and Dissemination of Information:*

A fifth objective for our Association should be a continuation of the fine start which has been made in the last few years in the collection and dissemination of information on landing facilities and aeronautic activities. Everyone realizes that the present lack of definite information on landing facilities, particularly, is a serious draw-back to all kinds of non-scheduled operations. The Federal Bureau has done a fine piece of work to date, but, as everyone must realize, their semi-annual reports, even though supplemented by more frequent bulletins, are not altogether satisfactory. Actually, the task is extremely difficult for an active state body and is, of course, far more difficult for a small group in Washington who have very few, if any, personal contacts with people upon whose information they can rely. The condition of landing areas varies so much throughout the year that only by a constant checking-up by people in the states can reports of dangerous conditions be made in time to avert possible catastrophies.

Although our organization is extremely young, at the present time information is being collected and sent out either monthly or at more or less regular intervals by the following states: Michigan Illinois, New York, Florida, Idaho and Ohio. We have not only found our Ohio bulletins to be of great interest and assistance to operators, but have also been pleased to find that they are a very fine medium for building up a larger group of aviation enthusiasts.

(6) *Basically Uniform State Requirements:*

A sixth objective should be a continued drive for basically uniform requirements in every state. The results of the past year have been particularly gratifying, not merely because of the number of states which have taken favorable action on aviation legislation, but because of the far larger number which have given this subject serious thought even though they may not as yet have passed any laws. The interest shown by state executives in our Uniform State Aeronautical Regulatory Act has been most encouraging. There is every indication that, with a little further encouragement, basically uniform legislation will be adopted in practically all of our states.

There has been only one noted discord in our program to encourage the enactment of the Uniform State Act to date, and that has been the persistent demand in some quarters for all state aeronautic activity to be self-supporting. I think that on the whole this group is altogether in favor of organizations within the states which will work effectively, but whose financial support shall come from the general fund rather than from special levies on every aeronautic activity. Until aviation has received such support for a number of years and has grown to the point where it can stand on its own feet, I believe that such a policy should be advocated everywhere.

(7) *Promotion of Educational Programs:*

A seventh objective should be the furtherance of the splendid work which has been done in many states along educational lines. The unquestioned need for the furtherance of such a program has been seen in the sincere but, in many cases, embarrassing efforts of leaders in our unemployment programs and members of our national legislative bodies who have had to base their judgments upon very scattered and confusing bits of testimony offered by enthusiastic and aggressive, although in many cases poorly informed, advisors.

As to special schools for prospective pilots and mechanics under the auspices of our unemployment programs, I am not so sure that we are on the right path. As a former technical school man I should be able to speak with some authority on the training of pilots and mechanics—and my first reaction to such a program was that it was somewhat similar to the ordinary blood transfusion, or shot in the arm, which in so many cases serves only to prolong the agony of the subject rather than to effect a permanent cure. These

courses must be set up very carefully, and taught by properly qualified instructors, of which there are admittedly very, very few. (If you don't care to take my word for it, consult any executive of a technical school as to the difficulty of securing the right kind of instructors for any subject which requires not only academic training and teaching ability, but well-rounded experience as well. I am sure that a trained school man will find 95% of our unemployed transport pilots just as unfitted to handle a course either for mechanics or for pilots properly as most of us would be to teach a course in theology!) No matter how widespread the effort, I feel that the net result of many of our haphazard courses in pilot training begun under the FERA program is going to be the dissemination of great gobs of misinformation, with a consequent increase in a large number of the general public who are retarding the orderly progress of aviation more, because they think they know the answers, than they would be doing if they had not taken any such course and were still willing to admit their unfamiliarity with our present problems. From my numerous contacts with school people I am sure that all of them are quite willing to institute any new course whenever the demand is strong enough and the personnel is available to insure the proper handling of the instruction.

(8) *Coordination of Efforts:*

An eighth objective should be a continuation of the drive begun last winter to coordinate the efforts of everyone in aviation for the attainment of those objectives which will be of the greatest benefit of all to aviation and to the general public.

In spite of the dismal failure of the efforts of the Joint Aviation Coordinating Committee last winter, we should not be discouraged. It must be remembered that for the past two years all phases of commercial aviation activity have been floundering around like panic-stricken passengers from a disabled ocean liner. The real threat of extermination has resulted in a policy of every man for himself—with the ultimate objectives entirely forgotten because of the pressing problems incident to self-preservation in the immediate present. With a very general conflict of opinions as to what was needed in aviation, especially in the air transport field, it is not at all surprising that many of our congressmen were utterly confused as to the proper course to pursue.

Americans have always distinguished themselves and amazed the rest of the world by the progress that they have made when

they have organized properly and coordinated their efforts. Keep up the struggle for united effort!

In closing I should like to say that, as our state organizations develop, it is of prime importance that we exercise every precaution to avoid the pitfalls that confront us. As our state bodies grow there will be an increasing need for carefully planned activities. The actions of groups with little influence never cause much alarm; but as our organization assumes its proper place in aeronautical promotion and control, its mistakes will be not only far more harmful but much more severely criticized.

It is my personal conviction that no regulatory or promotional body has any right to disregard the opinions or advice of leaders in its field. The cry which we hear raised so much of late—that industrial leaders are selfish, grasping, and interested only in immediate gain—may appeal to the emotions, but certainly is most illogical. Aviation owes its present development to the untiring efforts of a comparatively few people. Therefore we can ill afford at this time to disregard the opinions of those who have made aviation what it is today, in an effort to satisfy the whimsical desires of optimistic but poorly informed enthusiasts. Highly specialized scientific effort has been necessary for the present development of aviation. There is every indication that its further development will result from similar effort.