

1938

The N.A.S.A.O. and Aviation Development

Fred D. Fagg

Recommended Citation

Fred D. Fagg, *The N.A.S.A.O. and Aviation Development*, 9 J. AIR L. & COM. 36 (1938)
<https://scholar.smu.edu/jalc/vol9/iss1/6>

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 N.A.S.A.O. AND AVIATION DEVELOPMENT*

FRED D. FAGG, JR.†

I. HISTORICAL BACKGROUND OF THE N.A.S.A.O.

1. *General:* Organizations may arise from a real or supposed need, are generally conceived in enthusiasm, always require intelligent nurturing for normal and healthy growth, but survive only if they serve a useful purpose. The success of the N.A.S.A.O. over a substantial period of years is, therefore, not due so much to the ardor of its founding members as to the fact that it was organized to meet a very real need, has been brought to maturity through intelligent action, and performs a service to aviation that no other organization in the country can render.

2. *Early Regional Meetings:* The need for such a national organization was early shown and, in August of 1929, Mr. Joseph D. Wood of Idaho called the first Conference of Western States. During February of 1930, a Midwest Aviation Parley was held at Milwaukee, Wisconsin, attended by representatives from some fifteen states. At that parley, it was decided that there was definite need for a national organization to carry out the work of promoting and regulating the development of aeronautics within the country.

3. *Organization of the N.A.S.A.O.:* Consequently, the First National Legislative Air Conference was held at the Air Law Institute in Chicago during August 18-20, 1930, with representatives from thirty states. Later, in that same year, December 16-17, the Aeronautics Branch of the Department of Commerce held a National Conference on Uniform Aeronautic Regulatory Laws. The National Association of State Aviation Officials was organized at Cleveland, September 1-2, 1931, and was made up of representatives of the following sixteen states: California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Missouri, and West Virginia.

4. *Annual Meeting:* The first annual meeting of the Association was held at East St. Louis, Illinois, December 3-5, 1931, and, since then annual meetings have been held at Nashville, Cin-

* Address presented at the Seventh Annual Convention of the National Association of State Aviation Officials, December 1-3, 1937.

† Director of Air Commerce.

cinnati, Cheyenne, Detroit, and Hartford. The comprehensive and timely nature of these annual meeting programs, from year to year, bears witness to the intelligent action of the Association leaders.

5. *Regional Meetings:* While the annual meetings served a very useful purpose, it was very soon realized that there must be additional local conferences and as a result, the regional meetings were established—the first one being that called by Fay Harding at Bismarck, North Dakota. Since then, it has been the practice to hold such meetings in each of the seven Association regions during the course of the year. These not only permit much technical discussion, but also serve to stimulate the local interest in aviation.

II. THE PROGRAM OF THE N.A.S.A.O.

1. *Complete State Representation:* The first problem that confronted the members of the Association was to make it truly national in character. It was not enough to have thirty states represented; complete state coverage had to be brought about. There were naturally many obstacles to such a rapid and full growth and of first importance was the matter of supposed duplication of Federal activity. Naturally, it was thought undesirable to duplicate the work of the Aeronautics Branch, and all aviation interests resented any attempt on the part of new governmental agencies to encroach upon their liberties. This obstacle was made the more real and damaging by an inarticulate Federal policy, which, at times, seemed to be lacking in definiteness of statement, if not of standard. Of secondary, but very real, importance was the matter of financing new state agencies of promotion and control. Fearful of the imposition of aircraft motor fuel taxes to support such state bodies, the airlines, particularly, resented their formation. On the other hand, there were factors at work to bring about the need for state aviation organizations and, probably, the most important of these was the possibility of using Federal relief funds for the employment of labor to construct airports. It was soon recognized that states like Florida, Montana, Ohio and Michigan, which possessed strong official aviation leaders, had the decided advantage in making the most of the Federal program under CWA, FERA, and WPA. As a result, new agencies were created and, in several instances, at the request of the forward-looking airlines who by now had realized the promotional possi-

bilities of such organizations. The development of state airways, as in Michigan, and the program of air marking, which reached a high peak in Ohio and Illinois, also indicated the need for state bodies with aviation-trained personnel.

2. *Uniform State Legislation:* While the need for promotional activities served as a great stimulant to the increase in number of state aviation agencies, the real factor which gave rise to rather complete representation in the Association was that of the need for substantially uniform state legislation. Here, no obstacle was encountered—other than the actual drafting of the model state act. Profiting by the experiences in the railroad field, where there had developed a multiplicity of conflicting state laws, it was early seen that, if aviation was to develop properly, there must be some sort of uniformity in state aviation legislation. At the Cheyenne meeting of the Association, in 1934, the Uniform State Aeronautical Regulatory Act was unanimously passed and it was adopted, with but minor change by the American Bar Association in 1935. The second part of the Uniform Aeronautical Code, the Uniform Airports Act, was also passed in the same year.

3. *The Annual Meeting:* The annual meeting has, of course, always been the high point in the Association program. No one can read the presidential addresses of Reed Landis, Fred Smith, and Fred Sheriff without a realization that the Association leaders have at all times clearly understood the function and responsibility of a national organization of state aviation officials. The addresses of 1932 and subsequent years read with equal truth in 1937. No annual meeting could be successful without the summary of developments in air law, as explained in the captivating manner by the Association's Legal Counsel, George Logan. Questions of state commission organization, finance, and programs have been developed each year with great profit to both new and old members.

In the regulatory field, the important question has related to the dividing line between State and Federal authority. While the number of speakers upon that subject has, from year to year, been legion, the fact remains that the issue is still clouded. Each year the Association received generous assistance from representatives of the Federal Government, but, after all the verbiage had been sifted, each side went out the door by which it entered—due more perhaps to a suspected, if not real, lack of understanding of the labyrinth of legal precedents than to lack of any Theseusian thread.

With regard to promotional activities, the annual meeting has always provided the meeting ground for new ideas in connection

with airport development, finance, and rating standards as to size, aircraft performance, etc.

To educate itself as to aviation activities immediately beyond its scope, the Association has regularly used the annual meeting to hear from representatives of other organizations in related fields. The work of the National Advisory Committee for Aeronautics, the Interstate Commerce Commission, the National Aeronautic Association, the Aeronautical Chamber of Commerce, the Air Transport Association, the Independent Operators Association, the Senate Investigating Committee, and the Insurance Underwriters, have all been explained to the great pleasure and profit of the Association's members. At this meeting there are also to be representatives of the Private Flyers' Association and the Soaring Society, to more completely add to our understanding.

4. *Regional Meetings:* The final part of the N.A.S.A.O. program is found in the regional meetings, already referred to, wherein mutual problems of a distinctly sectional nature—not possible to consider at an annual meeting—can be discussed. Here, also, the Committee work of the Association gets most of its informational material.

III. THE PROBLEMS AHEAD

1. *Recruiting of New Members:* So much then, for the program of the Association. Now for the problems ahead. Undoubtedly, it will be necessary to continue the work of recruiting of new state members. The primary problem with which we are concerned is the certainty that each state will have, or continue to have, on its state aviation body a group of capable and experienced men who know the subject of aviation and can contribute to it accordingly. However, over forty states now have some form of state aviation body and the main problem is the stabilizing of the gains we have already made and the bringing about of some new and additional developments.

2. *Uniform State Laws:* With respect to the development of uniform state legislation, we should note that the American Bar Association Committee is now busy completing the draft of the third section of the Uniform Aeronautical Code dealing with the law of aircraft flight, and giving particular attention to the subject of aircraft liability. To those of you who have not read the draft in its initial status, I commend a careful reading to you so that the final product will really be in the interest of sound aviation growth.

3. *The Regulatory Program:* The regulatory program will continue, and I believe that tonight we shall make possible the final step in the program of establishing a practical dividing line between state and Federal authority, wherein the activities of each of these two bodies may well be understood; and I hope that when Col. Johnson finishes his talk tonight, you will feel confident that we are somewhat certain, from a Federal viewpoint, as to the need for these state aviation bodies, and that, therefore, we may devote our time in the future to perfecting the set of regulations that each of us has so as to insure the maximum benefit to aviation.

4. *Airport Programs:* The airport program will undoubtedly continue. Problems as to size, as to rating, and as to financing the construction and maintenance, will also continue. So also the matter as to who shall control these landing areas in the future. And those subjects we hope to make the matter of a special conference in Washington on December 6 and 7, immediately following your meeting. We have invited representatives from some eleven national organizations and Federal governmental interests to participate with us in the working out of a sound program of airport development throughout the country.

5. *Promotional Activities:* The promotional activities will, likewise, continue and should assume increasingly important proportions. We must continue to expand, particularly, the splendid educational work that has already been started, and should carry on the many duties that make for a satisfactory aviation development.

6. *Conclusion:* The history of the N.A.S.A.O. is one which makes most interesting reading. Its record of accomplishments is one of which each member may well be proud. But we cannot sit idle to bask in the glories of an ancient lineage, in the contentment of sound traditions, or in the pride of past accomplishments. Horizons widen with progress, and new frontiers present themselves from day to day. There remains much work to be done in the advancement of American aviation, and that work will require enlightened vision, great understanding, and high courage. The National Association of State Aviation Officials—which has spent so much of its existence preparing carefully to do something really worthwhile for aeronautics, which has at all times kept itself free from meddling, prejudice, and carping criticism, and whose limitless destiny lies so much ahead—in the full realization of its great opportunity, recognized ability, and proven integrity, will not fail in its obligation.