

HOUSE No. 57

The Commonwealth of Massachusetts

MASSACHUSETTS AERONAUTICS COMMISSION,
LOGAN AIRPORT, EAST BOSTON, December 4, 1946.

*To the Honorable Senate and the House of Representatives, State House,
Boston, Massachusetts.*

GENTLEMEN:— In accordance with the provisions of chapter 30, section 33, as amended by chapter 292, section 6, of the Acts of 1945, I have the honor to submit herewith that portion of the Annual Report of the Massachusetts Aeronautics Commission which contains recommendations for legislative action together with drafts of bills embodying the legislation recommended. These bills have been submitted to either Counsel to the Senate or Counsel to the House of Representatives for advice and assistance as to the form thereof.

Yours very truly,

CROCKER SNOW,
Director of Aeronautics.

EXCERPTS FROM THE ANNUAL REPORT OF
THE MASSACHUSETTS AERONAUTICS COM-
MISSION DATED DECEMBER 4, 1946.

RECOMMENDATIONS.

A. LEGISLATIVE.

There are included herewith drafts of two bills, passage of which is deemed to be essential to the proper functioning of aeronautics in the Commonwealth, together with a number of minor amendments which appear to be desirable in order to perfect existing aeronautical law. The bills deal with:—

1. *Airport Districts.*

Massachusetts law has for many years recognized the right of several communities to combine for the purpose of establishing, maintaining and operating a public airport. Unfortunately, however, the law has been incomplete in that it did not set up, or permit to be set up, the necessary fiscal machinery for accomplishing the desired objective. The recommended bill has been prepared by the House Counsel and is based upon the latest recommendations of the Council of State Governors, the National Association of State Aviation Officials, and the Civil Aeronautics Administration.

2. *Transfer of Metropolitan District Commission Property.*

The need for many additional small private flying landing areas in Metropolitan Boston has been recognized by every public and private agency familiar with the problem. In common with most comparable Metropolitan areas, it is extremely difficult to find locations the development of which would not inconvenience the public and which could be developed without great expense. In Boston we

are fortunate in having a number of such locations presently unused and owned by the Commonwealth. These are under the jurisdiction of the Metropolitan District Commission, and the suggested bill will permit such of these as are presently unused and as are suitable for small airports to be made available.

3. *Minor Amendments.*

(a) *Limited Right of Review.* — Existing law permits any person aggrieved by any act of the Commission or of any duly constituted agency of any city or town to appeal to the Superior Court for the purpose of having the reasonableness or lawfulness thereof inquired into and determined. This provision of law does not limit such a petition to aeronautical matters, which was undoubtedly intended, and should be done. Furthermore, it makes of every Superior Court justice an aeronautics commission and an airport commission, which hardly seems consistent with the manifest intention of the Legislature in setting up boards of experts. The suggested amendment, therefore, confines such appeals to aeronautical matters, and further limits the courts authority to questions of law.

(b) *Definitions.* — The 1946 Legislature amended the State's aeronautical definitions and removed that of "navigable air space." This term, however, is still used in the body of the law, and therefore should again be defined.

(c) *Authority of the Commonwealth to lease Airports.* — Existing law permits any city or town airport commission to lease the whole or any part of any airport controlled by it. The Aeronautics commission, however, is only permitted to lease any part of a state airport. There appears to be no reason for any differentiation, so an amendment conforming the two authorities is appended.

(d) *Taking for Airport Purposes.* — Cities and towns have a general statutory authority to take or otherwise acquire property or easements therein for airport purposes, while the right of the commission is, in one section of the law, at least, confined to such taking or acquisition

for regional airports for use as terminal airports. It would seem to be wise to remove these restrictions and give the aeronautical agency of the Commonwealth rights comparable with those of its political subdivisions.

(e) *Employment of Personnel.* — Existing law authorizes the commission to employ any necessary personnel. This means technically that a majority of the commission must act in connection with all matters dealing with employment of personnel. With the growing number of employees, particularly at Bedford, this has become cumbersome administratively, which can be easily understood in the case of a part-time commission. It would seem desirable, therefore, to permit the director, subject to the approval of the commission, to employ personnel.

MASSACHUSETTS AERONAUTICS
COMMISSION.

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