The Commonwealth of Massachusetts

REPORT

OF THE

MASSACHUSETTS RECESS COMMISSION ON AVIATION

UNDER CHAPTER 74 OF THE RESOLVES OF 1947

APRIL 29, 1948

BOSTON

WRIGHT & POTTER PRINTING CO., LEGISLATIVE PRINTERS
32 DERNE STREET
1948
The Commonwealth of Massachusetts

MEMBERSHIP.

Appointed by —

President of the Senate.
Sen. Willard A. Ormsbee of Raynham, Chairman.
Sen. Ralph V. Clampit of Springfield.

Speaker of the House of Representatives.
Rep. Leslie B. Cutler of Needham, Vice-Chairman.

His Excellency the Governor.
Prof. Otto C. Koppen of Wellesley.
Dr. Lynn L. Bollinger of Concord.

Vance L. Alden of Boston, Secretary.
Chapter 74 of the Resolves of 1947.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVANCEMENT AND DEVELOPMENT OF AVIATION, MAKING THE GENERAL EDWARD LAWRENCE LOGAN AIRPORT SELF-SUPPORTING, AND CERTAIN RELATED MATTERS.

Resolved, That an unpaid special commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designate by the speaker thereof, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the subject matter of so much of the governor's address, printed as current senate document numbered one, as relates to the setting aside of an airport in the metropolitan area for development by the government of the United States for the use of national guard and reserve military flying activities; current house document numbered two hundred and thirty-four, providing for the advancement of aviation by reduction of noise from aircraft motor exhausts, propellers and air friction; current house document numbered two hundred and thirty-five, providing for the advancement of aviation by elimination of noise from aircraft motor exhausts, propeller and air friction; current house document numbered two hundred and thirty-six, providing for an investigation and study by an unpaid special commission relative to the problem of reduction of noises caused by aircraft motors, exhaust gases, propellers and air friction and for the greater development of aviation within this commonwealth; current house document numbered ten hundred and twenty relative to making the General Edward Lawrence Logan airport at East Boston self-supporting; current house document numbered twelve hundred and sixty, providing for an investigation and study by an unpaid special commission relative to the problem of reduction of noises caused by aircraft motors, exhaust gases, propellers and air friction and for the greater development of aviation within this commonwealth; Appendix D of current house document numbered eighteen hundred and twelve, relative to establishing airport approach regulations for the
General Edward Lawrence Logan airport; and Appendix H of current house document numbered eighteen hundred and twelve, providing for a study by a special commission relative to aeronautics and aviation, and to consider such other matters related to the development of air navigation facilities in the commonwealth as it may deem advisable. Said commission shall be provided with quarters in the state house or elsewhere, may travel within or without the commonwealth, and may expend for travel and other expenses, and for clerical and other assistance, such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate on or before the first day of February in the year nineteen hundred and forty-eight.

Approved June 28, 1947.
To the General Court of Massachusetts.

The Massachusetts Recess Commission on Aviation, created under chapter 74 of the Resolves of 1947, hereby submits its report.

Following the terms of the resolve, the President of the Senate appointed Senators Willard A. Ormsbee and Ralph V. Clampit of Springfield; the Speaker of the House of Representatives appointed Representatives Leslie B. Cutler of Needham, Joseph A. Milano of Melrose, and Michael J. Batal of Lawrence; and His Excellency, Governor Robert F. Bradford, appointed Otto C. Koppen of Wellesley, Professor of Aeronautical Engineering at Massachusetts Institute of Technology, and Dr. Lynn L. Bollinger of Concord, specialist in aviation, and member of the staff of Harvard Business School, as members of the Commission.

At a subsequent organization meeting of the Commission, Senator Ormsbee was elected chairman and Representative Cutler, vice-chairman. Vance L. Alden of Boston was elected secretary.

The Commission has held several well-attended public hearings, has conferred with air-line officials, heads of interested state departments, representatives of the National Guard, and various organizations.

In addition, members of the Commission traveled to New York to confer with officials of the Port of New York Authority concerning laws under which the Authority
operates LaGuardia and Idlewild Airports at New York, and the progress of aviation in that area.

In connection with these conferences, the Commission, on December 1, 1947, arranged a meeting to discuss aviation problems, which was attended by the heads of the leading air lines in this country, including Edward V. Rickenbacker, President of Eastern Air Lines; W. A. Patterson, President of United Air Lines; Warren L. Pierson, chairman of the Board and Managing Director of the International Division of Trans World Airlines; Ralph S. Damon, President of American Airlines; George Gardiner, President of Northeast Airlines; Roy H. Callahan, Managing Director of the Airlines Terminal Corporation, and William T. Raymond, in charge of governmental affairs for the Air Transport Association of America.

The Commission believes this meeting was unique in United States aviation history, in that it resulted, for the first time to this Commission's knowledge, in an agreement by the actual heads of the leading air lines to present a unified point of view in the future relative to legislative matters affecting that industry. Subsequently Mr. Edward Seay was appointed to present this view, and has conferred with this Commission on several occasions.

The Commission's studies, briefly, were divided into the following fields:

2. The reduction of noise from airplanes.
3. The establishment of airport approach regulations for Gen. Edward Lawrence Logan Airport.
4. The use of an airport in the Metropolitan area for National Guard and reserve military flying activities.
5. Other matters related to the development of air navigation facilities in the Commonwealth.

The matter of making Gen. Edward Lawrence Logan Airport, in particular, self-supporting has been the subject of considerable discussion by this Commission, by
several private organizations, by state departments, and by numerous individuals, as well as by the air lines.

It has been emphasized repeatedly that revenue from the air lines alone cannot bear the entire burden of operating and amortizing the expense of a huge international airport such as Gen. Edward Lawrence Logan Airport has already become.

Numerous suggestions have been made, not so much for amortizing the Commonwealth's original investments, as for placing the actual current and future operations of the airport on a self-supporting basis. These suggestions have included a gasoline tax, a rental for use of gasoline sales facilities based upon total gallonage sold, a schedule of landing fees, and increased emphasis upon airport concessions, notably those which would appeal to the non-flying public.

These suggestions have been carefully weighed and considered, not only in the light of this year's operation costs at the field, but also in relation to the completion, which the Commission believes is essential if Gen. Edward Lawrence Logan Airport is to hold its rightful title of Hub of the Air Universe.

The Commission therefore recommends no change in present construction plans. The Commission is inclined to agree with the Massachusetts Public Building Commission, which said, in a unanimous report made to Public Works Commissioner William H. Buracker, on December 22, 1947:

We wish to point out that approximately $500,000 has already been expended for the preparation of plans and specifications. Practically this entire amount would be thrown away if the basic plan is changed. It would be necessary to scrap all the present drawings and specifications and prepare new ones. Under existing legislation (section 3 of chapter 676 of the Acts of 1947) this Commission has no authority to undertake a new design, as the act specifically provides that the Massachusetts Public Building Commission complete the plans and specifications substantially the same as those already approved by the Emergency Public Works Commission, the Department of Public Works, the Massachusetts Aeronautics Commission and the Engineering Representatives of air lines operating from the
Logan Airport. Therefore new legislation would be necessary before any expenditures could be made on the development of any design which is not substantially the same as the approved design.

We wish to state with added emphasis that all possible speed in construction of adequate facilities, according to the approved plan, will, in our considered judgment, best serve all interests, particularly the public.

The Commission believes firmly that careful attention to the over-all picture of airport construction, maintenance and operation will do much to place Gen. Edward Lawrence Logan Airport, Laurence G. Hanscom Airport, and all future state-owned airports on a self-supporting basis.

An airport is an integral part of the entire economy of the Commonwealth. Boston is not only the capital city of Massachusetts, but of the entire New England area. The relationship between an airport and the over-all economy must be considered.

In 1941 only one air line served Boston, and the airport was a cinder field. Today there are eight domestic air lines and two foreign ones landing regularly at Logan Airport, with trans-Atlantic flights common occurrences. In addition, a Boston-Bermuda flight has just been recommended by a CAB examiner, with the result that this schedule soon may be added to those already in operation.

Air lines today are as common a means of travel as railroads, steamship lines, bus lines, rapid transit, and other forms of transportation. The development of an airport is as essential to that area which it serves as the development of railroad and bus terminals, docks and wharves. All should be synchronized with adequate highways, tunnels and bridges to provide ready access to a Metropolitan area.

Since 1921, land and water transportation and terminal facilities have been in the hands of the Port of New York Authority. The Port district includes New York City, the counties immediately surrounding New York City, and practically all of northern New Jersey. The Authority was directed, under the two-state treaty creating
it, to go forward with the development of the terminal and transportation facilities of the whole area around New York Harbor on a self-supporting basis.

In June, 1947, operation of LaGuardia Airport and construction of the New York International Airport, formerly called Idlewild Airport, were placed in the charge of the Authority. In October, 1947, development and operation of Newark, New Jersey, Airport were added.

This placed complete responsibility for the over-all development of the Port of New York in one agency, which now has sole charge of development of airports, piers and other terminal facilities, including those for trucks and busses. Also entrusted to the Authority are the construction and operation of bridges and tunnels.

Development of the water transportation and terminal facilities of the city of Boston is vested in the Port of Boston Authority. Its rapid transit facilities are in the hands of the Metropolitan Transit Authority. Construction of a high-level toll bridge between Chelsea and Boston is in the charge of the Mystic River Bridge Authority. Responsibility for the Sumner Tunnel linking Boston proper with East Boston is vested in the city of Boston, with some slight state supervision. Some of Boston's bridges are in charge of the Boston Public Works Department, while others are in charge of the State Public Works Department. There is no one over-all agency to supervise an integrated ground transportation system alone, to say nothing of air transportation.

Returning to Gen. Edward Lawrence Logan Airport, actual construction and operation is vested in the State Public Works Department. Plans and specifications for the terminal buildings, under chapter 676 of the Acts of 1947, are prepared by the Massachusetts Public Building Commission, subject to the approval of the State Public Works Department, the Massachusetts Aeronautics Commission, and engineering representatives of air lines operating from Gen. Edward Lawrence Logan Airport. Expenditures as with every state agency must ultimately be approved by the Governor and Executive Council.
Similarly, the State Public Works Department has authority to make leases for land areas, space rentals and concessions; and to establish schedules of aircraft landing fees, parking fees and other services and charges, including the sale of gasoline and other supplies. All such leases and contracts, however, are subject to the approval of the Massachusetts Aeronautics Commission, and again must be given final approval by the Governor and Executive Council.

In the opinion of the Commission, such divided authority, complicated further by the requirement of triple and even quadruple approval before action can be taken, does not make for the utmost efficiency.

Mr. Austin J. Tobin, executive director of the Port of New York Authority, has stated: “The Port of New York District, like the Metropolitan Area of Boston, is a major crossroad of the world’s transportation.” Mr. Tobin has warned that if trade and commerce are to be held, Port traffic must be maintained and protected, pier and water-front facilities must be modernized, and commerce in the air age must be encouraged. “The streams of commerce must flow swiftly, certainly and economically if Boston and New York are to maintain and expand their economic welfare,” he said.

This Commission has had neither time nor facilities to study the feasibility of an over-all Authority to take complete charge and responsibility for the development of the terminal and transportation facilities of the entire Metropolitan Boston area on a self-supporting basis.

This Commission believes, however, that the creation of such an agency should be studied by a recess commission. Its findings would be of great benefit in the development of an integrated Metropolitan transportation and terminal system, in the opinion of the Commission.

Pending such a study, however, the Commission believes that some action should be taken at once to concentrate the development and operation of Gen. Edward Lawrence Logan Airport in one agency.

The Commission, therefore, recommends that responsi-
bility for completing the construction as well as for the operation and maintenance of Logan Airport be vested in the Massachusetts Aeronautics Commission.

This will follow the same practice now in force in the near-by States of Maine and Rhode Island, as well as in the States of Pennsylvania and Illinois, where state-owned airports are maintained and operated by Aeronautics Commissions.

Now that the landing area and runways at Logan Airport are nearly completed, and the principal remaining construction entails contracts for the Terminal Building and its facilities, the Commission believes it is time to transfer the control of the airport to the Aeronautics Commission.

To assist in this, the Commission recommends that two new members be added to the Aeronautics Commission, both to be appointed by the Governor. Appended legislation provides, also, for the establishment of two divisions in the Commission, one for state airports, with complete control over Logan and Hanscom Field at Bedford, and the other in charge of other aeronautical matters, headed by the present director.

This Commission believes that this will effect the needed centralization of authority (Appendices A and B).

Thus, while Logan Airport would not yet be integrated with the ground and water transportation systems of Metropolitan Boston and of the Commonwealth, at least it would be under a single agency which should be able to take many steps towards making the airport self-supporting.

Another major problem the Commission was directed to consider was the reduction of airplane noise. The Commission was successful in securing the co-operation of the air lines in rerouting, weather permitting, landings and take-offs at Logan Airport to minimize airplane noise over residential sections.

It has been brought to our attention that by turning exhaust pipes upwards instead of downwards as at present a great deal of noise and air vibration can be avoided.
A stock model private airplane, developed by the Aeronautical Research Foundation, and equipped with practical silencing devices, was demonstrated publicly before this Commission, the first such public demonstration ever held. Questionnaires circulated among witnesses were unanimously in favor of encouraging the use of such equipment.

The Commission believes that by encouraging the use of private airplanes equipped with practical silencing devices, the air lines and the airplane manufacturers will be encouraged if not compelled to develop similar practical devices for commercial craft.

The Aeronautical Research Foundation is financed largely by federal funds. That Foundation has offered to finance, without cost to the Commonwealth, the installation of a neighborhood airpark designed to encourage quieter, safer flying. It is believed that such an airpark would become a national model. Only planes equipped with practical silencing devices would be permitted to use such a "good neighbor" airpark.

The General Court has been widely commended for its progressiveness in enacting chapter 541 of the Acts of 1946 to permit such a model airpark. The intent of that legislation, however, has not been carried out. Reversing a 1946 decision, the Metropolitan District Commission has refused to concur with the Massachusetts Aeronautics Commission and the Aeronautical Research Foundation on a usable site. Since then, alternate sites and plans proposed by the Metropolitan District Commission have been found impractical by the Aeronautic groups.

Unable to obtain concurrence between the public agencies exercising conflicting jurisdiction, the Foundation early in 1948 withdrew its offer to construct and operate the airpark. The Commission has been advised that the Foundation will set aside for the remainder of 1948 sufficient funds to provide engineering plans, technical advice and other assistance that might be needed. This is only in the event that an agency of the Common-
wealth is empowered to lease for construction a "good neighbor" airpark.

Funds for this development were made available in this area originally because of the recognized leadership in scientific and research lines, within the Commonwealth, and because of the progressive action of the Massachusetts Legislature as expressed in the enactment of chapter 541 of the Acts of 1946.

Should this development, which has already been nationally publicized, be forced into another State because of inability to secure an adequate site, the Commonwealth would lose not only prestige in the aviation world, but a facility which could be of lasting value to recreational areas and Metropolitan centers.

Therefore the Commission recommends legislation to centralize the necessary authority in the Massachusetts Aeronautics Commission to permit the development of a model "good neighbor" airpark (Appendix C).

The resolve creating this Commission directed it to establish airport approach regulations for Gen. Edward Lawrence Logan Airport. Legislation providing for such regulations is appended hereto (Appendix D).

The Commission also was directed to study the setting aside of an airport in the Metropolitan area for the use of National Guard and reserve military flying activities.

The Commission has heard much testimony both for and against the use of an airport in common by the military and by non-military planes. The major air lines using Gen. Edward Lawrence Logan Airport at one time believed that the airport should be used exclusively for civilian flying.

Since then the military and civilians have come to agree, for the time being, at least, that it will be perfectly possible and proper for such joint use of the airport to continue.

As recently as April 7, 1948, the Governor and Executive Council approved a contract with the federal government which will give the Commonwealth a total of $18,000 for the use of Gen. Edward Lawrence Logan Airport during the current fiscal year. This Commission has been
informed that the agreement has met with the approval of the air-line operators.

Therefore no legislation concerning this matter is recommended at this time.

The Commission feels that a study as recommended earlier in this report should also embrace other matters relating to aviation within the Commonwealth. Such matters, again, should be integrated with the over-all development of the ground, water and air transportation systems of the Metropolitan area, the Commission believes (Appendix E).

Respectfully submitted,

W. A. ORMSBEE.
RALPH V. CLAMPIT.
LESLIE B. CUTLER.
LYNN L. BOLLINGER.
OTTO C. KOPPEN.
JOSEPH A. MILANO.
Owing to our interest in private flying, we are submitting herewith two additional matters which we believe require legislation.

Appendix F clarifies the present law relating to the appointment by cities and towns of airport commissions.

Appendix G relates to the privately owned and operated airports. There are 95 airports in Massachusetts, of which 4 are military or naval and are maintained by the federal government; 17 are seaplane bases; 2 are owned and operated by the Commonwealth; 19 are publicly owned by various cities and towns; and the remaining 53 are privately owned and operated.

That the operators of airports in the Commonwealth are serving the public well is proved by the awarding of certificates of good airport operation to 41 airports in Massachusetts by the National Aeronautics Association as a result of a nationwide contest.

The private operator is in direct competition with the public airport which receives both federal and state funds. It is widely recognized that private investment in aviation should be encouraged.

Appendix G exempts from taxation landing areas of privately owned airports where no landing fees are charged. The States of Maine and Louisiana have enacted similar laws.

Respectfully submitted,

LESLIE B. CUTLER.
LYNN L. BOLLINGER.
OTTO C. KOPPEN.
MINORITY REPORT.

I concur with every recommendation of this Commission with one exception. Pending the outcome of an over-all study of the ground, water and air transportation facilities of the Metropolitan Boston area, I believe management of Gen. Edward Lawrence Logan Airport should be transferred forthwith to a business commission.

This commission should consist of seven men, appointed by his Excellency the Governor, with the advice and consent of the Executive Council, and be under their jurisdiction. The appointees should have experience and training in the fields of business management and finance, so that they could proceed at once to place Logan Airport on a self-supporting basis.

They would assume full charge of the airport, not only in regard to construction, but also in management, operation, maintenance and every other matter relating to airports. They would be empowered to employ necessary assistance, make contracts, etc., with the routine approval from the Governor and Council, required of all state agencies.

With construction of the field itself virtually completed, and only the terminal building and similar facilities still awaiting completion, I believe that this is the logical time to take such a step and end the quadruple authority which now handicaps the airport.

Should this Commission prove its efficiency and responsibility, it might well form the nucleus for a greatly enlarged Port of Boston Authority which might ultimately integrate all the area’s transportation. At any rate, such a commission should result in the near future in the businesslike operation of one of the world’s largest airports.

Respectfully submitted,

MICHAEL J. BATAL.
An Act providing that the Massachusetts aeronautics commission shall continue the development of the General Edward Lawrence Logan airport at East Boston and shall maintain and operate said airport.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Any provision of law to the contrary notwithstanding, the Massachusetts aeronautics commission, in this act called the commission, is hereby authorized and directed on and after the effective date of this act, further to enlarge, extend, improve and develop the General Edward Lawrence Logan airport, in this act called the Logan Airport. On and after said date the commission shall have authority over the construction of Logan airport, and said airport shall be maintained and operated by said commission.

11 For such purposes the commission shall have and may exercise all pertinent authority and powers conferred, and shall perform all duties imposed upon the depart-
ment of public works by chapter six hundred and fifty-one, chapter five hundred and twenty-eight of the acts of nineteen hundred and forty-one, chapter three hundred and eighty-three of the acts of nineteen hundred and forty-five, chapter five hundred and ninety-five of the acts of nineteen hundred and forty-six, and chapter six hundred and seventy-six of the acts of nineteen hundred and forty-seven. The commission may make and award contracts to effect such purpose; provided, that no such contract for construction shall be valid and effective until approved by the governor and council. Chapter ninety-two A of the General Laws shall continue to apply in respect to Logan airport.

SECTION 2. On the effective date of this act all existing contracts and obligations of the department of public works pertaining to the construction, maintenance and operation of Logan airport, and all leases pertaining to landing fees, rentals, privileges of concessions for supplying goods, commodities, things, services and sale of articles and supplies on the property of said airport, shall remain in full force and effect, but shall be performed by the commission instead of said department.

All rights of any and every sort against any individual, group of individuals, partnership, corporation or business association, and also all liabilities, as said rights or liabilities may belong or pertain to the department of public works, shall remain in full force and effect, but shall belong, pertain to, or be prosecuted by the commission instead of said department.
18 All federal or state funds authorized or available on
19 the effective date of this act for the construction,
20 operation and maintenance of Logan airport may
21 thereafter be used by the commission for the same
22 purposes.
23 All rules and regulations relating to the Logan air-
24 port in force under authority of any provision of law
25 promulgated by said department, and in force on the
26 effective date of this act, shall continue in full force
27 and effect until the promulgation of rules and regu-
28 lations issued by the commission under authority of
29 section thirty-nine of chapter ninety of the General
30 Laws.

1 Section 3. Said department is hereby authorized
2 to make available to the commission, at cost, such
3 personnel, equipment and other services or facilities
4 as the commission may request for the enlargement,
5 improvement and development of Logan airport.

1 Section 4. All maps, charts, plans, records and
2 related documents in the possession of said department
3 concerning the construction, maintenance and opera-
4 tion of the Logan airport shall, on the effective date
5 of this act, be transferred and delivered to the com-
6 mission.
7 All snow-removal apparatus, all trucks and all other
8 equipment on the effective date of this act, regularly
9 assigned by said department for use in the construc-
10 tion, maintenance and operation of the Logan airport,
11 including any such apparatus, trucks and equipment
12 on order for such use and as yet undelivered, shall, on
13 said date, or as soon as received, be transferred and
14 delivered by said department to the commission.
Section 5. The commission may, subject to the civil service laws and rules, where they apply, employ such persons as may be necessary to exercise and perform the powers and duties conferred and imposed upon it by this act.

Section 6. All permanent employees of said department assigned to work connected with the maintenance and operation of the Logan airport are hereby transferred to the service of the commission without impairment of their civil service status, if any, and they shall retain all present rights, if any, now given them under chapter thirty-one of the General Laws and all step-rate increases from the minimum pay of their grade earned during their service with said department. Such service with said department and with the commission shall be deemed to be continuous service.

Section 7. The commission may: (1) Execute leases of land areas within property of the Logan airport, under such terms and conditions as may be deemed necessary and proper, for hangars, shops, storage and other industrial purposes, for periods not exceeding thirty years; provided, that the provisions of any such lease which relate to the amounts of landing fees and parking or tie-down fees for aircraft shall be subject to revision at least every three years. (2) Execute leases of any property of said airport, or grant permits effective within said airport, under such terms and conditions as may be deemed necessary and proper, for concessions of any type or description, for offices or other space rentals, and for the sale, storage and distribution of any commodities, includ-
ing gasoline and other petroleum products and all accessories thereto, for periods not exceeding five years. Funds received as revenue from such leases or permits or other operation of the Logan airport shall be credited by the comptroller to the Logan airport account, which account the comptroller is hereby authorized to establish on the books of the commonwealth.

Section 8. Any authority under existing law relative to the Logan airport not specifically mentioned herein which, on the effective date of this act, is exercised by said department, shall be vested in the commission.

Section 9. The first paragraph of section thirty-nine of chapter ninety is hereby amended by striking out at the end thereof the words "except as otherwise provided by law."

Section 10. Section 51A of chapter 90 is hereby amended by striking out the words "with the approval of the governor and council" and adding at the end thereof the words: — This section shall not apply to the Logan airport.

Section 11. Section six of chapter three hundred and eighty-three of the acts of nineteen hundred and forty-five, as amended by section two of chapter six hundred and seventy-six of the acts of nineteen hundred and forty-seven, section five of chapter five hundred and eighty-two of the acts of nineteen hundred and forty-six, and all other provisions of law inconsistent with this act, are hereby repealed.
Section 12. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the invalidity of the remaining provisions thereof and the application of such provision to other persons and circumstances shall not be affected thereby.

Section 13. This act shall take effect August first, nineteen hundred and forty-eight.
In the Year One Thousand Nine Hundred and Forty-Eight.

An Act relating to the powers and duties of the Massachusetts aeronautics commission.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Section 57 of chapter 6 of the General Laws, as appearing in section 1 of chapter 583 of the acts of 1946, is hereby amended by striking out in line 3 the word "five" and inserting in place thereof the word: — seven, — and by striking out in line 4 the word "three" and inserting in place thereof the word: — four, — so that the first sentence of said section 57 shall read: — There shall be a commission to be known as the Massachusetts aeronautics commission, consisting of seven members to be appointed by the governor, no more than four of whom shall, at any one time, be members of the same political party.

1 Section 2. Said section fifty-seven, as so appearing, is hereby further amended by inserting a new paragraph after the first paragraph of said section, as follows: —
The commission shall organize its functions in two divisions, — the division of state airports, which shall include all functions of the commission relative to the acquisition, establishment, construction, enlargement, improvement, protection, equipment, maintenance and operation of any airport or other air navigation facilities thereat; or real property acquired or set apart for airport purposes by the commonwealth, including the General Edward Lawrence Logan airport and the Laurence G. Hanscom field, and the division of aeronautics, which shall include all other functions of the commission including those of section thirty-nine A, chapter ninety. Each such division shall be in charge of a director who shall be subject to the supervision and control of the commission.

Section 3. Said chapter 6, as most recently amended by chapter 583 of the acts of 1946, is hereby further amended by striking out sections 58 and 59 and inserting in place thereof the following: —

Section 58. Each such director shall be appointed by the commission and shall be exempt from chapter thirty-one. Each director shall receive such salary as the commission, with the approval of the governor and council, may fix. The director of state airports shall be appointed with due regard to his fitness, by reason of his experience in an executive capacity in business management or in public administrative office. The director of civil aviation shall be appointed with due regard to his fitness, by reason of aeronautical training and knowledge of and recent practical experience in aeronautics. Either director may be removed from office only by the affirmative votes of five members of the commission.
Section 59. The director of state airports and the director of aeronautics shall be the executive officers of the divisions of state airports and aeronautics respectively, and, subject to the supervision and control of the commission, shall administer the provisions of sections thirty-five to fifty-two, inclusive, of chapter ninety relative to the functions of their respective divisions. The commission shall prescribe any and all other duties to be performed by each director. At meetings of the commission, each such director shall have no vote.

The commission may employ such employees and assistants as may be necessary to carry out the provisions of sections thirty-five to fifty-two, inclusive, of chapter ninety. Each member of the commission and each employee and assistant thereof, including each director, shall be reimbursed for all necessary traveling and other expenses incurred by him in the discharge of his official duties.

Section 4. The director of aeronautics in office on the effective date of this act shall, upon said date, become the director of the division of aeronautics, but shall be subject to removal as provided in chapter six, section fifty-eight.

Section 5. Section five of chapter four hundred and forty-two of the acts of nineteen hundred and forty-six is hereby repealed.

Section 6. Chapter ninety of the General Laws is hereby amended by striking out section fifty-one B, as appearing in section four of chapter five hundred and eighty-two of the acts of nineteen hundred and
Section 518. Each airport owned by the commonwealth shall be under the supervision of an airport manager appointed by the commission. Each airport manager shall be qualified by general management experience and aeronautical knowledge, shall be exempt from chapter thirty-one, and shall receive such salary as the commission, with the approval of the governor and council, may fix. Each such airport manager shall be responsible to the director of state airports for the proper maintenance and operation of such airport and of all facilities under his supervision.

Section 7. The two new members of said commission provided for by this act shall be appointed by the governor as soon as may be, one for a term of three years and one for a term of five years from the effective date of this act.

Section 8. This act shall take effect upon its passage.
In the Year One Thousand Nine Hundred and Forty-Eight.

An Act relative to the use of certain land areas by the Massachusetts aeronautics commission for the development of a class one airport, with certain restrictions, within the metropolitan parks district.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. The Massachusetts aeronautics commission, in this act called the commission, may lease from the metropolitan district commission one of the areas, hereinafter described, within the metropolitan parks district for the development of such area for aeronautical purposes in order to establish a landing area or public airpark with air navigation facilities. Such airpark shall not exceed a class one airport as classified by the civil aeronautics administration, and shall be used only by personal aircraft equipped with mufflers and other noise reduction devices to meet noise level requirements approved by the commission.

1 Section 2. The commission shall hold public hearings relating to the establishment of such airpark in
accordance with section thirty-nine B of the General Laws.

Section 3. The commission shall control such area while used for aeronautical purposes and may sublease said area for terms not exceeding twenty years, as provided in chapter five hundred and forty-one of the acts of nineteen hundred and forty-six, for the purpose of establishing an airpark as provided in section one of this act; provided, further, however, that the development, operation and maintenance of such airpark shall be conducted with no cost to the commonwealth other than the use of such land area.

Section 4. One of the following sites shall, after a public hearing as provided in section three, be leased in accordance with the provisions of this act: —

(a) Cambridge Site. — Land south of the Concord turnpike and west of the Alewife Brook parkway within the confines of the state property lines with a westward limit set at the eastern edge of Perch pond aligned at ninety degrees to the Concord turnpike.

(b) Boston Site (North Brighton). — Land between Soldiers Field road and the Charles river, immediately adjacent to the proposed Gerry's Landing bridge site and its contingent traffic circle, as may be needed, subject to the rights of the Metropolitan Driving Club on the area used by same.

(c) Riverside Site (Newton — Weston). — That portion of the Leo Jerome Martin golf course that lies between the first fairway and the eighteenth fairway which is not presently used as a part of the playing area. An access way from the nearest public highway
may be made available adjacent to the present club-
house area. When and if a new highway is con-
structed in this general vicinity, the landing area may
be modified and shifted so as to conform with any
change in highway or golf course location.
AN ACT ESTABLISHING AIRPORT APPROACH ZONES FOR THE
GENERAL EDWARD LAWRENCE LOGAN AIRPORT, AND
PROVIDING FOR THE PREVENTION OF THE ESTABLISHMENT
AND MAINTENANCE OF AIRPORT HAZARDS.

Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:

1  Section 1. As used in this act, unless the context
2 otherwise required —
3 "Airport" means the General Edward Lawrence
4 Logan airport.
5 "Airport approach zone" means any airspace de-
6 fined and shown as such zone, or as a "transition
7 zone", upon a map on file in the office of the state
8 secretary entitled "Map of Approach Zones, General
9 Edward Lawrence Logan Airport, Boston, Mass.
10 chapter of the Acts of 1948", prepared by the
11 department of public works, division of waterways,
12 and dated February twenty-eighth, nineteen hundred
13 and forty-seven.
14 "Airport hazard" means any structure or tree which
15 extends into any airport approach zone.
16 "Commission" means Massachusetts Aeronautics
17 Commission.
"Structure" means any object constructed or installed by man, including any object regulated or licensed under other provisions of law. "Tree" means a tree or any other object of natural growth.

Section 2. It is hereby found and declared that the existence of any airport hazard endangers the lives and property of users of the airport, and of occupants of land in its vicinity, and effects a reduction of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared (a) that the creation, establishment or continuance of any airport hazard is a public nuisance, an injury to the community served by the airport, and an undue and burdensome interference with interstate and foreign commerce; (b) that it is therefore necessary in the interest of the public health, safety and general welfare that the creation, establishment or maintenance of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation to any person except as hereinafter specifically provided.

Section 3. There are hereby established for the airport the airport approach zones defined and shown upon the map described in section one. The department is hereby authorized, after due notice and hearing, to make rules and regulations to explain and interpret said map and the markings thereon, and otherwise to further the purposes of this act, and from time to time to amend them, after like notice
9 and hearing. Any person aggrieved by any such rule
10 or regulation, or by any order issued by the commission
11 under the provision of this act or any such rule or
12 regulation may, within thirty days after such order,
13 appeal to the superior court sitting in equity, for the
14 purpose of having the lawfulness thereof inquired into
15 and determined. Upon such appeals, said court may
16 make such orders and decrees as justice and equity
17 may require, and parties to such appeals shall have
18 all rights of appeal and exception as in other equity
19 cases.

1 Section 4. The commission may take by eminent
2 domain, or acquire by purchase or otherwise, any air-
3 port hazard or the land on which it stands or both.

1 Section 5. The owner of any land which lies less
2 than fifty feet below any part of any airport approach
3 zone may at any time petition the commission to take
4 the same by eminent domain, and the commission
5 shall forthwith so take said land, or such interests
6 therein as may be necessary to carry out the purposes
7 of this act.

1 Section 6. The commission may order the owner
2 of any airport hazard in existence on the date of pas-
3 sage of this act to remove, lower or otherwise recon-
4 struct the same, or equip it with markers or lights,
5 within a stated time. If such owner shall neglect or
6 refuse to comply with such order the commission may
7 proceed to cause such airport hazard to be lowered,
8 removed, reconstructed or equipped in accordance
9 therewith. Any person injured by his compliance
10 with or by the enforcement of such order may recover
Section 8. If any tree is allowed to grow so as to become an airport hazard, the commission may request its owner to remove or trim it so that it will no longer constitute such a hazard, and if he neglects or refuses to comply with such request within sixty days, may enter upon his land and remove or trim said tree without expense to him.

Section 9. Any notice required to be given under the provisions of sections three to eight, inclusive, shall be given to every person having any interest of record in any property referred to in said notice.

Section 10. Any person claiming damage to his property by reason of the establishment of airport approach zones hereby, or by reason of any rule, regulation or order of the commission made hereunder, may, if no provision has otherwise been made herein for his relief, within ninety days after the effective date of this act, or within ninety days after the promulgation or issuance of such rule, regulation or order, as the case may be, petition the superior court for a determination of the question of whether or not said establishment of airport approach zones, or such rule, regulation or order, constitutes, as to him, an unreasonable exercise of the police power. If said court finds in the affirmative upon such question, an easement in his property shall be deemed to have been taken by the department as of the date of such finding, and the applicable provisions of chapter seventy-nine of the General Laws shall thereafter govern his rights. The decision of said court upon such petition shall be subject to all rights of appeal and exception as in equity cases. Any person who fails seasonably
22 to take advantage of the provisions of this section
23 shall not thereafter be permitted to petition for the
24 assessment of damages to his property.

1 Section 11. Every structure erected and every
2 vessel moored in Boston harbor within two miles of
3 any part of any runway shown on the map described
4 in section one, any part of which is at an elevation of
5 one hundred and seventy-one feet or more above
6 Boston city base, so called, shall be lighted as pre-
7 scribed by the rules and regulations of the United
8 States civil aeronautics administration, or similar
9 authority, in effect at the time of such erection or
10 mooring.

1 Section 12. No vessel shall be moored, except at
2 a wharf, pier or dock, so that any part of it constitutes
3 an airport hazard, and any moored vessel any part of
4 which constitutes such a hazard shall be lighted as
5 prescribed by rules and regulations of the United
6 States civil aeronautics administration in effect at
7 the time of such mooring.

1 Section 13. No building or structure shall be
2 erected, altered or maintained on the airport at any
3 greater height than may be approved by the de-
4 partment.

1 Section 14. Chapter four hundred and twelve of
2 the acts of nineteen hundred and thirty-nine is hereby
3 repealed.

1 Section 15. The provisions of this act are hereby
2 declared to be severable, and if any such provision, or
the application of any such provision to any person or circumstance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this act, or the application of such provision to persons or circumstances other than those to which it is so held invalid or unconstitutional. It is hereby declared to be the legislative intent that this act would have been passed had such provision not been included therein.

Section 16. This act shall take effect on January first, nineteen hundred and forty-nine.
Appendix E.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVANCEMENT AND DEVELOPMENT OF AVIATION, MAKING THE GENERAL EDWARD LAWRENCE LOGAN AIRPORT SELF-SUPPORTING, AND CERTAIN RELATED MATTERS, AND INCREASING THE SCOPE OF ITS INVESTIGATION AND STUDY.

1 Resolved, That the unpaid special commission established by chapter seventy-four of the resolves of nineteen hundred and forty-seven for the purpose of making an investigation and study by a special commission relative to the advancement and development of aviation, making the General Edward Lawrence Logan airport self-supporting, and certain related matters, is hereby revived and continued to investigate and study the advisability of establishing a public authority to have sole responsibility for the development, operation and maintenance in the metropolitan Boston area, of all transportation facilities, including airports, piers, wharves, bridges, tunnels and other terminal facilities for the purpose of integrating such facilities and effecting economies thereby, and to fur-
16 ther consider such other matters relative to aero-
17 nautics and the development of aviation within the
18 commonwealth as it may deem advisable. Said com-
19 mission shall be provided with quarters in the state
20 house or elsewhere, may travel within or without the
21 commonwealth, and may expend for travel and other
22 expenses, and for clerical and other assistance, such
23 sums as may be appropriated therefor. Said commis-
24 sion shall report to the general court the results of its
25 investigation and study, and its recommendations, if
26 any, together with drafts of legislation necessary to
27 carry said recommendations into effect, by filing the
28 same with the clerk of the senate on or before the first
29 Wednesday of December in the current year.
In the Year One Thousand Nine Hundred and Forty-Eight.

An Act authorizing the establishment of a municipal airport commission in certain cases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1. Section 51E of chapter 90 of the General Laws is hereby amended by inserting after the first sentence the following new sentence: — An airport commission may be established as herein provided in any city or town for the purpose of establishing an airport.
APPENDIX G.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT RELATING TO THE TAXATION OF PRIVATELY OWNED AIRPORTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 5 of chapter 59 of the General Laws, as amended, is hereby further amended by adding after clause thirty-fifth the following new clause: —

4 Thirty-sixth. The landing areas of any privately owned airport, if the use of such airport is approved by the Massachusetts aeronautics commission and the owner of such airport grants free use of the landing area to the public for the landing of aircraft.