

CIVIL AERONAUTICS JOURNAL



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CIVIL AVIATION IN 1939

Preliminary Year-End Survey Shows Wide Progress

Civil aviation in the United States lengthened its quick strides during 1939 and made impressive gains on all fronts. Scheduled air transportation, private flying, and production of aircraft for civilian use all established new records.

Scheduled air carriers achieved remarkable increases in traffic. The number of passengers carried each month throughout the year ran well in excess of the same months of any previous years. To a concurrent safety record unsurpassed in the annals of aviation, should go a large share of credit for the increased business of the airlines.

At the year's end, American operated air lines were flying 85,000 miles of

routes, over half of which were territorial and foreign routes. The services crisscrossed the continental United States and extended north into Canada; south throughout the Caribbean, to Central and South America; west to Hawaii and the Orient; and east to the Old World. Other lines furnished important service between otherwise almost inaccessible regions in Alaska.

Approximately 1,900,000¹ passengers were carried by domestic operators during 1939. This represents an increase of 41 percent over 1938. Even more remarkable are the safety statistics: 82,000,000 passenger-miles were flown per passenger fatality, compared with 22,308,771 passenger-miles in 1938, a 267-percent improvement.

A study of the charts on page 19 will show clearly the rapid upward trends in domestic scheduled air transportation. Although the seasonable decline in passenger traffic during the winter months continues to present a problem, it will be noted that the drop in revenue passenger load factor is growing less abrupt each year.

Foreign and territorial operations also reflected substantial increases in traffic. Passengers carried during 1939 totaled more than 219,000 as compared with 192,684 in 1938, and total passenger miles flown in 1939 were 104,000,000 as against 77,836,916 in 1938.

United States air carriers, in view of these accomplishments plus the stability made possible by the economic provisions of the Civil Aeronautics Act of 1938, enter 1940 with brighter prospects for continued sound expansion than ever before in the history of air transportation.

¹ All figures for the full year 1939 are estimates based on actual reports for 11 months.

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NOTICE RELATIVE TO SALE OF C. A. A. PUBLICATIONS

Attention is called to the fact that remittances for such publications of the Civil Aeronautics Authority as are on a sales basis should be forwarded to the Superintendent of Documents, United States Government Printing Office, Washington, D. C., and not to the Authority.

Remittances received by the Authority are forwarded to the Superintendent of Documents, which entails some delay before the requested publication can be mailed to the would-be purchaser.

Publications for which there is no charge may be obtained from the Publications and Statistics Division, Civil Aeronautics Authority, Washington, D. C.

A list of the Authority's publications appears on page 18.



Published with the approval of the Director of the Bureau of the Budget by the

CIVIL AERONAUTICS AUTHORITY:

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- HARLEE BRANCH, *Vice Chairman*
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Civil Aviation in 1939

(Continued from previous page)

Private Flying

Private flying, a broad classification embracing all civilian flying operations except scheduled air transportation, also experienced a remarkable growth.

Particularly noteworthy was the increase in the number of airplanes and pilots recorded in 1939 and the reception throughout the entire country of the Authority's program to train some 10,000 young men and women as private pilots.

The number of certificated aircraft in the United States increased by more than 28 percent between January 1, 1939, and January 1, 1940. One year ago there were exactly 10,000—at the start of this year there were 12,829. Since less than 400 of these certificated aircraft are used exclusively in scheduled air transportation, it is evident that the majority of the increase was being utilized in private flying. The Authority's records, furthermore, show that the greater part of these increases were in the light plane classifications—flown purely for sport and pleasure.

Great increases were also recorded in the numbers of certificated aircraft pilots. There was on January 1 of this year a total of 31,264 pilots holding certificates of competency of various grades as against 22,983 of January 1, 1939—an increase of 8,281 in one year. (In neither case are holders of student pilot certificates included.) Increases in the number of airline transport pilots accounted for a mere 38 of these pilots, there being 1,197 holders of this rating on January 1, 1940, as against 1,159 at the start of last year.

In the interest of safety in the instruction of flying students, the Authority during the year ordered a reexamination of all holders of the flight instructor's competency rating. A flight instructor's manual was prepared to aid the

pilots in preparing for these examinations. This manual was made available to everyone by placing it on a sales basis at a modest charge at the Government Printing Office.

Since September the Authority has put into operation at some 435 colleges throughout the United States a program for the training of 9,350 college students as private pilots. In addition, ground-school training is being furnished by the Authority to several thousand noncollege Americans, from among whom 700 will be selected on a strictly competitive basis to receive the identical flight training as the college students.

Early last year, as a preliminary to the Nation-wide Civilian Pilot Training Program, the Authority conducted an experimental project at 13 colleges in which 330 students were given ground and flight instruction. The experience gained in this test program served as the basis for the controlled private pilot course which is the curriculum of the present program.

To stimulate the growth of seaplane flying, the Authority in conjunction with the National Youth Administration inaugurated a program through which floats to be used for such operations could be easily and cheaply installed by interested communities. Many such installations were made during the year, particularly in New York and in the New England States. To further encourage seaplane operations, the Authority completed plans whereby 50 of the college students participating in the Civilian Pilot Training Program will receive their training on light seaplanes.

Operations and safety statistics for private flying during the second half of 1939 are not available as this publication goes to press, but indications are that great increases in both will be shown over the previous year when the complete tabulations are made.

The production of civil aircraft for use in the United States is estimated to have totaled approximately 3,900 units in 1939, as compared with 1,823 in 1938. More than 80 percent of the 1939 production consisted of small flivver type planes. Although complete statistics on domestic civil aircraft production for the full year are not yet available, those for the first 9 months of 1939 appeared in the previous issue of this JOURNAL.

Airways and Airports

On July 1, 1939, the Authority completed an extensive airways modernization and improvement program, and immediately thereafter launched an expansion program which will add 5,000 miles to the Federal Airways System by July of this year.

At the close of 1939, the second program was comfortably ahead of schedule. The Alaskan Airways System, extending from Ketchikan to Nome by way of Juneau, Anchorage, and Fairbanks, was 60 percent completed. Eight simultaneous radio range and broadcast stations and a number of other stations comprising the point-to-point and ground-to-plane communications system were nearly ready to go on

the air. Two emergency intermediate fields had been completed and four more were in process of construction.

More than 26,000 miles of fully lighted and completely equipped airways were in operation at the end of 1939, and the completion of the current program will increase to 29,200 the total mileage of Federal airways within the geographical limits of the United States.

List of Publications

Listed herein are the various publications issued by the Authority.

Some of these publications are free of charge, while for others there is a nominal charge. The free publications may be obtained from the Authority's Publications and Statistics Division, Washington, D. C., and the others should be obtained from the Superintendent of Documents, Washington, D. C.

First Annual Report of the C. A. A.

This report to Congress covers the period from August 22, 1938, when the Civil Aeronautics Act of 1938 became effective, to June 30, 1939, the end of the fiscal year, with additional activities to October 31, 1939. Price, 25 cents.

Civil Aeronautics Bulletins

- No. 3. AIRCRAFT ACCIDENTS AND CASUALTIES. September 1, 1938.
- No. 4. STATE AERONAUTICAL LEGISLATION DIGEST AND UNIFORM STATE LAWS. October 1, 1939. 15 cents per copy.
- No. 5. FLIGHT INSTRUCTOR'S MANUAL. June 1939. 25 cents per copy.
- No. 10. AIRPORT LIGHTING. September 1, 1938.
- No. 11. DIRECTORY OF AIRPORTS AND SEAPLANE BASES. September 1, 1939. In 7 parts, each part describing the landing facilities in the States comprising the corresponding Civil Aeronautics Authority field regions. Price 10 cents for each part.
- No. 12. AIR MARKING. October 1, 1938.
- No. 20. *STUDY OUTLINE FOR PRIMARY GROUND INSTRUCTION. September 1, 1939. 10 cents per copy.
- No. 21. *PRIMARY GROUND STUDY MANUAL. September 1, 1939. 15 cents per copy.
- No. 22. *DIGEST OF THE CIVIL AIR REGULATIONS FOR STUDENT AND PRIVATE PILOTS. September 1, 1939. 10 cents per copy.

Development Reports

These are technical reports issued by the Technical Development Division of the Authority's Bureau of Federal Airways. They cover various development projects completed by the Division.

- No. 1. THE RADIOTELEMETER AND ITS IMPORTANCE TO AVIATION. September 1938.
- No. 2. AN ULTRA-HIGH-FREQUENCY AIRCRAFT RECEIVER. September 1938.
- No. 3. AERONAUTICAL LIGHT NOMENCLATURE. October 1938.
- No. 4. THE ALFARO ENGINE. January 1939.
- No. 5. DEVELOPMENT AND USE OF THE AIRPORT ORIENTATOR. December 1938.
- No. 6. SURVEY OF STATE AIRPORT ZONING LEGISLATION. June 1939.
- No. 7. TESTS WITH ULTRA-HIGH-FREQUENCY RADIO TRANSMITTING AND RECEIVING EQUIPMENT FOR ITINERANT AIRCRAFT COMMUNICATION. July 1939.

Pamphlets

- DIRECTORY OF AIRPORT MANAGERS OR ADMINISTRATIVE OFFICIALS. June 1939.
- USE OF THE AIRWAY RADIO RANGE AND OTHER RADIO AIDS. October 1939.

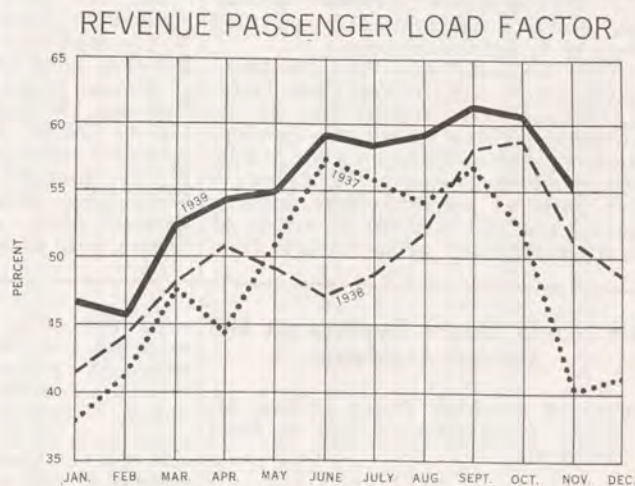
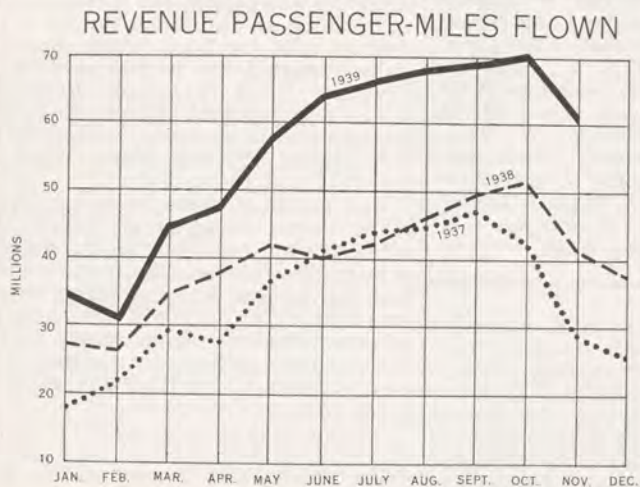
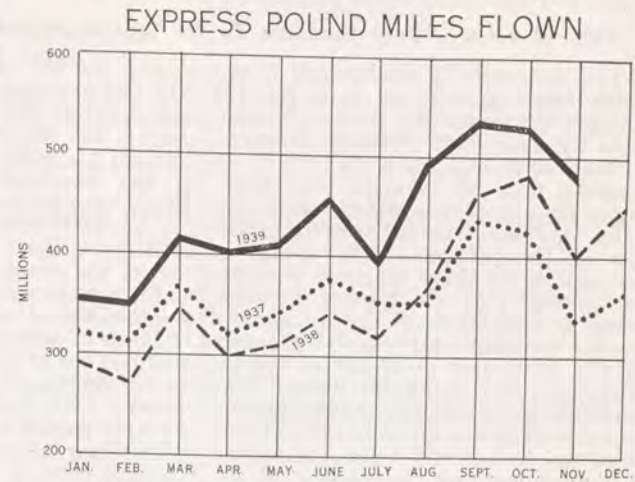
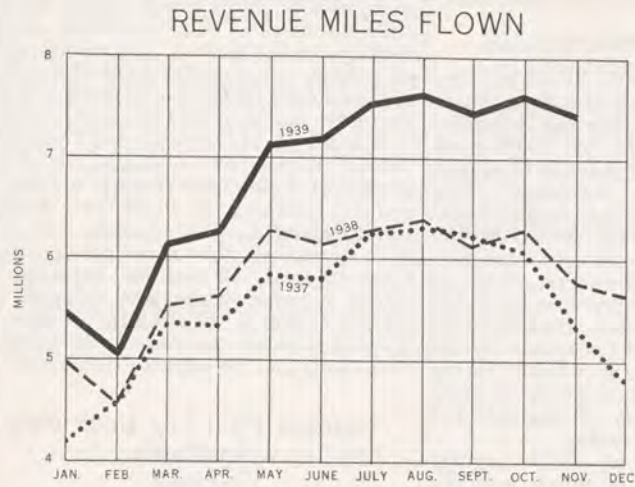
Log Book

STUDENT PILOT LOG BOOK. Price 15 cents. A log book specially designed for the use of flight students in conjunction with the Authority's controlled private flying course.

*Specially prepared for use as textbooks in the Authority's Civilian Pilot Training Program.

AIR TRANSPORTATION

Domestic Air Carrier Traffic Statistics for 1937, 1938, and First 11 Months of 1939



Domestic Air Carrier Traffic Statistics for November 1939

Operator	Revenue miles flown		Revenue passengers carried		Revenue passenger-miles flown		Express pound-miles flown		Revenue passenger load factor (percent)	
	November 1939	Percent change over 1938	November 1939	Percent change over 1938	November 1939	Percent change over 1938	November 1939	Percent change over 1938	November 1939	November 1938
American Airlines, Inc.	1,851,379	40.20	53,030	55.91	20,034,677	50.04	133,884,516	12.84	64.08	60.19
Boston-Maine Airways, Inc.	65,037	25.81	1,569	47.32	243,137	53.15	349,506	46.15	37.38	30.71
Braniff Airways, Inc.	301,416	21.28	5,692	39.33	1,822,814	28.92	9,743,927	12.55	62.35	59.55
Chicago & Southern Airlines, Inc.	157,816	30.91	2,354	43.19	916,698	45.86	5,198,722	19.10	58.09	52.14
Continental Air Lines, Inc.	95,646	69.27	656	102.47	214,582	89.13	592,857	162.18	33.98	33.47
Delta Air Corporation	150,224	33.04	3,306	87.52	801,715	55.12	2,750,424	62.61	53.37	45.70
Eastern Air Lines, Inc.	947,385	41.94	22,750	54.91	9,124,670	45.83	58,856,623	23.90	53.69	57.11
Inland Air Lines, Inc.	85,252	14.63	780	193.23	207,236	207.46	460,892	94.19	24.31	9.06
Marquette Air Lines, Inc.	18,131	-5.22	129	-7.20	29,266	-13.99	0	-	26.90	22.23
Inland Air Lines, Inc.	103,240	18.24	1,568	57.27	397,266	77.21	1,036,575	18.82	38.90	28.85
National Airlines, Inc.	64,036	13.54	998	147.02	214,920	323.25	447,968	341.98	33.56	18.50
Northwest Airlines, Inc.	446,394	5.48	7,683	70.02	2,846,491	58.96	16,437,895	35.02	38.61	42.31
Pennsylvania Central Airlines Corporation	304,976	15.26	10,793	34.09	1,861,073	30.82	9,195,165	34.87	61.02	55.01
Transcontinental & Western Air, Inc.	1,106,148	40.50	19,120	74.39	9,011,049	56.56	76,669,499	47.30	48.40	43.97
United Airlines Transport Corporation	1,524,664	18.19	24,099	37.08	11,981,658	33.97	147,870,124	10.08	58.14	50.21
Western Air Express Corporation	180,600	-5.66	2,571	41.97	906,364	36.40	12,470,439	2.31	43.34	28.31
Wilmington-Catalina Airlines, Ltd.	5,520	61.40	833	83.45	24,990	83.48	259,380	3.83	50.24	36.20
Total	7,407,864	28.27	157,931	52.58	60,638,606	46.44	476,224,512	18.95	55.15	51.29

PRIVATE FLYING

The Civilian Pilot Training Program

Fifty of 9,350 College Students To Be Trained on Seaplanes

The Authority is establishing 5 seaplane training units at 4 of the 435 colleges participating in its Nationwide Civilian Pilot Training Program.

Each unit will be made up of 10 students who will be given their training in light seaplanes rather than in the light landplanes being utilized in the rest of the program. The course of instruction for these seaplane students will parallel that of the other students, being an adaptation of the Authority's regular controlled private flying course to the particular problems of marine operations and overwater flying. The students will be given 72 hours of ground school work plus a minimum of 35 hours of actual flying, and upon completion of the course and the passing of the required tests as provided by the Civil Air Regulations will receive private pilot certificates of competency entitling them to fly light seaplanes.

The inclusion of this specialized instruction in the Civilian Pilot Training Program is a further step in the Authority's drive to aid the development of seaplane flying on a wider scale throughout the country. It follows a test phase of seaplane flight training carried out last summer in which 41 newly certificated private pilots from

among the 330 students at 13 colleges who had participated in the Authority's experimental flight training program during the first half of 1939 were selected for a 21-day advanced course in the handling of seaplanes. Two classes were set up for this special training, one at Boston, Mass., and the other at Seattle, Wash. Successful completion of the prescribed course, which in addition to ground instruction provided a minimum of 10 and a maximum of 15 hours of actual light seaplane flying, qualified the student for a water rating on his private pilot certificate of competency. All but one of the selected students gained this rating.

The four colleges at which regular seaplane courses will be given, and the operators named to handle the actual flying, are: *State Institute of Applied Agriculture*, Farmingdale, Long Island, N. Y.—*McKinley Pneumatic Float Corp.*, Babylon, Long Island, N. Y.; *University of Miami*, Miami, Fla.—*Embry Riddle Company*, Miami Beach, Fla.; *Morris Harvey College*, Charleston, W. Va.—*Kanawha Flying School*, Charleston, W. Va.; and (two units) *University of Washington*, Seattle, Wash.—*Kurtzer Aircraft Corp.* and *Washington Air Service*, both at Seattle, Wash.

Air Safety Board Reports on 108 Aircraft Accidents

Show-Off Acrobatic Flying at Low Altitude Outstanding Cause of Fatal Accidents

Show-off acrobatic flying at low altitude caused nearly one-half of the 15 fatal accidents claiming 24 lives which were included in 108 aircraft accidents analyzed by the Air Safety Board and reported to the Civil Aeronautics Authority during the month of November 1939. These 108 accidents, occurring over a period of several preceding months, included 11 involving airline craft and 97 involving other than airline aircraft. None of the accidents involving airline aircraft resulted in fatalities or injuries, with the exception of 1 case in which a steward received a minor injury.

Six of the fatal accidents were attributed to the performance of acrobatics at low altitudes. In two instances, the aircraft were flown into power lines. In another, the airplane struck a tree while pulling up after a dive. The other three fatal accidents caused by this type of show-off flying resulted from loss of control while at low altitude because of inadvertent spins, stalls, or general lack of technique.

Of the other nine fatal accidents reported, two were the result of inexperienced pilots attempting to fly through weather conditions that required instrument flying. In one of these cases the aircraft crashed into the side of a mountain, and in the other the aircraft struck a tree and fell to the ground. A third fatal accident involving weather was caused by an experienced pilot not maintaining enough altitude to clear all obstructions adjacent to his proposed route while flying on instruments.

The remaining six fatal accidents were attributed to a number of miscellaneous causes. Two were due to the pilot not maintaining sufficient flying speed during attempted slow landings. Others were caused by: A stall during a steep climbing turn on the take off; loss of flying speed and spinning in during an attempted forced landing after the engine had failed through fuel exhaustion; structural failure of the leading edge of the wing during an acrobatic maneuver; and failure of a pilot for unknown reasons to pull out from a long dive which followed recovery from an incipient spin at high altitude.

In addition to the one fatal accident which involved engine failure due to fuel exhaustion, lack of fuel sufficient for the flight attempted resulted in three non-

fatal accidents. In each of these instances a landing was made on unsuitable terrain with resultant major damage to the aircraft but no injury to personnel. In a similar type of accident it was found that the passenger inadvertently had shut off the gasoline valve.

A total of 114 civil aircraft were involved in the 108 accidents, six of the accidents being the result of air or ground collisions in which two aircraft were damaged. There were 294 persons involved, 24 of whom received fatal injuries, 13 serious injuries, 29 minor injuries, while 228 escaped unhurt. Damage to aircraft resulted in 28 planes being destroyed, 66 severely damaged, and 20 slightly damaged.

Student Pilot Log Book Now Available

In response to numerous requests from operators and others, the Authority has had printed an additional supply of the student pilot log book which was specially designed for participants in its Civilian Pilot Training Program. Copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D. C., at 15 cents each.

The pocket-size log book, consisting of 87 pages, contains an instructor's affidavit form certifying to the amount of instruction and solo flying the student receives, general information as to the use of the log, an outline of the controlled private flying course, and sheets for the entry of both preliminary and advanced ground instruction and for dual and solo flying time.

The log book is to be used in conjunction with the outlined controlled private flying course, and is adapted for that purpose.

Designation of Medical Examiners

During the month of November 1939 the following physicians were officially authorized to act as medical examiners for the Authority in the cities named:

Alabama.—Dr. Benjamin F. Thomas, 114 South Gay Street, Auburn; Dr. Dowlen D. Cox, Tennessee Valley Bank Building, Sheffield.

Arkansas.—Dr. Hugh C. Brooke, Conway.

California.—Dr. Jay G. Roberts, 206 Medical-Dental Building, Pomona; Dr. Antone J. Sambuck, 238 Union Street, Watsonville.

Florida.—Dr. Hugh West, Dreka Building, De Land.

Illinois.—Dr. Maurice T. Horsman, New James Building, Salem.

Indiana.—Dr. Robert McD. Brown, 510 Marion National Bank Building, Marion.

Kansas.—Dr. Otto A. Hennerich, 110 East Eighth Street, Hays.

Louisiana.—Dr. Reuben S. Roy, 508½ Front Street, Natchitoches.

Massachusetts.—Dr. Harold J. Holleran, 12 Elm Street, Westfield.
 Michigan.—Dr. Robert J. Biggar, 214 Sperry Building, Port Huron.
 Minnesota.—Dr. Samuel B. Solhaug, 615 Medical Arts Building, Minneapolis.
 New Jersey.—Dr. John R. Burbidge, 34 Mercer Street, Princeton.
 New Mexico.—Dr. Thomas L. Morgan, 118 East Taylor Street, Hobbs.
 New York.—Dr. Ermin L. Ray, North Beach Airport, N. Y. (as air line medical examiner).
 North Carolina.—Dr. Kenneth L. Cloninger, Conover.
 Pennsylvania.—Dr. David A. Brown, 6 South Mercer Street, Greenville.
 Utah.—Dr. Ralph O. Porter, 52 First Street, Logan; Dr. William B. Preston, Cache Valley Bank Building, Logan.
 Canal Zone.—Capt. C. E. McEnany, Medical Corps, United States Army, France Field (as air line medical examiner).
 Puerto Rico.—Dr. Thomas D. Slagle, Presbyterian Hospital, San Juan.

The following named physicians are no longer making examinations for the Authority:

Dr. Francis O. Darby, Baton Rouge, La.; Dr. Robert D. Haire, Jr., Hobbs, N. Mex.; Dr. Roy S. Hubbs, Sheridan, Wyo.; Capt. Ehrling L. Bergquist, France Field, C. Z.

Certificates, Approvals, and Ratings

Summary

Pilot certificates of competency, active.....	31,264
Airline transport pilot certificates of competency, active.....	1,197
Student pilot certificates, active.....	33,032
Glider pilot certificates of competency, active.....	170
Student glider pilot certificates, active.....	235
Mechanic certificates of competency, active.....	10,296
Parachute rigger certificates of competency, active.....	425
Certificated aircraft, active.....	12,829
Uncertificated aircraft, active.....	943
Certificated gliders, active.....	44
Uncertificated gliders, active.....	177
Repair stations holding certificates of competency, active.....	191
Schools holding certificates of competency, active.....	49
Ground instructors certificates of competency, active.....	446
Air-traffic control-tower operators certificates of competency, active.....	220
Air carrier dispatchers certificates of competency, active.....	330

Schools Issued Certificates of Competency

Cape Aircraft, Inc., Falmouth Airport, Hatchville, Mass., approved December 15, 1939, as a primary flying school (solo and private).

Orlando Air School, Municipal Airport, Orlando, Fla., approved December 16, 1939, as a primary flying school (solo and private).

E. W. Wiggins Airways, Inc., Box 121, Norwood, Mass., approved December 15, 1939, as a primary flying school (solo and private).

Repair Stations Issued Certificates of Competency

American Airlines, Inc., Grand Central Parkway and Ninety-fourth Street, Jackson Heights, Long Island, N. Y., approved December 26, 1939, for repair of welded steel-tube structure; fabric covering; steel fittings; aluminum-alloy structure; aluminum-alloy fittings; and assembly.

Bishop Flying Service, Inc., Bishop Airport, Flint, Mich., approved December 19, 1939, for repair of welded steel-tube structure; wood structure, excluding box and laminated spars, wood-covered fuselages, wings and control surfaces; fabric covering; steel fittings; and engines.

Charlotte Flying Service, Inc., Municipal Airport, Charlotte, N. C., approved December 1, for repair of welded steel tube structure; wood structure excluding box and laminated spars, wood covered fuselages, wings and control surfaces; steel fittings; and assembly.

Hangar Six, Inc., Stinson Field, San Antonio, Tex., approved December 12, for repair of welded steel tube structure; wood structure, excluding box and laminated spars, wood covered fuselages, wings and control surfaces; fabric covering; steel fittings; assembly; and engines.

Meyer Flying Service, 919 Oakland Street, Hendersonville, N. C., approved December 26, 1939, for repair of welded steel-tube structure, excluding fittings; wood structure, excluding box and laminated spars, wood-covered fuselages, wings and control surfaces; and assembly.

Changes in List of Repair Stations Issued Certificates of Competency

Delete "Walter B. Higley, Denver, Colo."
 Add for repair of engines "Western Flying Service, Inc., 2600 Oneida Street, Denver, Colo."

New Type Certificates

[Certificate numbers and dates of assignment in parenthesis]

ENGINES

Wright, Duplex Cyclone GR-3350-A2, 18 cylinders, radial air cooled, 1,700 horsepower at 2,300 revolutions per minute at 6,500-foot pressure altitude (218, December 15, 1939).

PROPELLERS

Sensenich, 66A, wood, 5-foot 6-inch diameter, 2-foot 11-inch pitch, 65 horsepower, 3,500 revolutions per minute (731, December 12, 1939).

Status of Aircraft, Gliders, Pilots, and Glider Pilots, by States, as of Jan. 1, 1940

State	Aircraft			Glider	Pilots						Glider pilots
	Certificated	Uncertificated	Total		Air-line transport	Commercial	Limited commercial	Private	Solo	Total	
Alabama.....	88	4	92	2	0	56	7	118	29	210	3
Arizona.....	79	8	87	0	1	35	3	89	55	183	0
Arkansas.....	75	10	85	1	0	47	5	50	22	124	0
California.....	1,281	63	1,344	28	162	1,153	112	2,424	1,342	5,193	8
Colorado.....	136	7	143	6	29	62	7	111	146	355	1
Connecticut.....	158	4	162	1	1	79	16	190	131	417	3
Delaware.....	62	1	63	1	0	18	5	48	11	82	2
District of Columbia.....	149	4	153	2	4	109	5	166	78	362	2
Florida.....	293	9	302	0	72	208	7	326	135	748	0
Georgia.....	155	17	172	2	57	93	5	166	114	435	0
Idaho.....	63	1	64	0	0	31	4	58	92	185	0
Illinois.....	774	22	796	11	160	402	54	774	427	1,817	7
Indiana.....	410	70	480	11	2	182	35	377	313	909	8
Iowa.....	245	18	263	1	3	112	21	226	236	598	0
Kansas.....	205	39	244	5	4	103	8	168	147	430	1
Kentucky.....	89	15	104	0	1	48	7	79	46	181	0
Louisiana.....	134	2	136	0	14	96	10	93	108	321	0
Maine.....	113	9	122	0	1	47	13	66	57	184	0
Maryland.....	157	10	167	3	14	101	12	195	86	408	1
Massachusetts.....	322	6	328	11	20	186	35	411	410	1,062	5
Michigan.....	529	40	569	27	24	268	50	525	336	1,203	27
Minnesota.....	775	58	833	4	51	134	36	202	121	544	3
Mississippi.....	111	6	117	0	0	35	2	71	33	141	0
Missouri.....	331	31	362	1	90	178	9	196	265	738	5
Montana.....	76	16	92	1	0	33	7	70	49	159	1
Nebraska.....	162	23	175	1	1	62	12	102	117	294	1
Nevada.....	28	7	35	0	1	12	2	22	20	57	0
New Hampshire.....	48	3	51	1	0	24	7	58	40	129	1
New Jersey.....	388	16	404	21	146	241	20	467	102	976	18
New Mexico.....	37	1	38	0	1	14	2	30	22	69	0
New York.....	991	27	1,018	26	23	644	77	1,216	676	2,636	30
North Carolina.....	231	32	263	1	0	85	23	225	185	518	1
North Dakota.....	68	19	87	0	0	31	4	32	36	103	0
Ohio.....	698	54	752	19	17	348	74	693	339	1,471	18
Oklahoma.....	243	19	262	0	1	121	17	177	113	429	0
Oregon.....	149	42	191	2	18	71	10	134	176	409	0
Pennsylvania.....	888	18	906	13	6	346	74	934	522	1,882	12
Rhode Island.....	97	5	102	0	1	20	3	47	38	109	1
South Carolina.....	102	8	110	0	2	39	10	83	74	208	0
South Dakota.....	71	2	73	1	1	30	9	51	45	136	0
Tennessee.....	157	7	164	0	25	74	13	271	34	417	0
Texas.....	612	87	699	4	118	411	24	540	291	1,834	3
Utah.....	44	4	48	2	33	29	7	55	28	152	0
Vermont.....	39	3	42	0	0	22	4	33	33	92	0
Virginia.....	181	10	191	0	13	156	12	257	114	552	5
Washington.....	221	14	235	7	38	248	27	304	258	875	2
West Virginia.....	130	13	143	0	1	45	19	118	88	271	0
Wisconsin.....	256	42	298	5	1	122	28	201	115	467	1
Wyoming.....	46	12	58	0	18	22	24	21	28	113	0
Alaska.....	94	3	97	0	1	86	1	27	10	125	0
Canada ¹	1	0	1	0	2	6	2	17	8	35	0
Canal Zone.....	1	0	1	0	4	26	0	7	0	37	0
Hawaiian Islands.....	24	1	25	0	0	50	6	79	22	157	0
Mexico ¹	0	0	0	0	0	1	0	4	1	6	0
Philippine Islands ²	0	0	0	0	0	15	0	4	2	21	0
Puerto Rico.....	17	1	18	0	1	8	1	5	1	16	0
Foreign miscellaneous ³	5	0	5	0	14	67	1	39	8	129	0
Total.....	12,829	943	13,772	221	1,197	7,292	988	13,452	8,335	43,164	170
Percent.....					3.8	23.3	3.2	43.0	26.7	100.0	

¹ Figures for these countries are for aircraft and pilots registered by the United States.

² Civil aircraft in the Philippine Islands are now registered with the local government.

³ Includes 44 certificated and 177 uncertificated gliders.

⁴ Includes 903 women pilots divided as follows: 86 commercial, 30 limited commercial, 476 private, and 311 solo. The glider pilots include 3 women.

AIRWAYS AND AIRPORTS

Improvements Made in Radio Broadcast Stations

The Authority is installing special equipment at 14 of its simultaneous radio range and broadcast stations which will permit the transmission of a distinctive attention signal designed to warn pilots who are listening to the radio range signals with the filters of their receivers set at the "range only" position that a broadcast is about to take place. Installations will be made at other of the Authority's stations as soon as the necessary equipment is available. This project, when completed, will provide an additional safety feature and still further add to the usefulness of these aids to air navigation along the Federal Airways System.

Radio range filters, which are required on air line aircraft receivers by the Authority's regulations, permit the pilot to listen to the range signals, to the broadcast, or to both, as he chooses. Should a nonscheduled broadcast be put on the air, however, when his filter is set at "range only," he will not hear it and as a result might not receive information of importance. The new attention signal will warn him that a broadcast is about to go on the air and that he must readjust his filter setting to receive it.

Transmission of the attention signal will be accomplished by the suspension of the range signals and modulation of the carrier channel with a 1020-cycle tone at the rate of approximately 10 dots per second. The signal, which will consist of the transmission of dots for a

period of 2 seconds, equivalent to 20 or 25 dots, will pass through aircraft band-pass filters.

In a memorandum to field personnel containing instructions relative to the use of the attention signal, it was pointed out that the signal must be transmitted immediately before the nonscheduled broadcast of special weather reports, special forecasts, and notices to airmen not included in scheduled transmissions.

The 14 stations now being equipped to transmit the attention signal are as follows: Albuquerque, Atlanta, Cleveland, Fort Worth, Kansas City, Los Angeles, Minneapolis, Nashville, Newark, Oakland, Salt Lake City, Seattle, St. Louis, and Washington.

Status of Landing Facilities by States, Jan. 1, 1940

Airports and Landing Fields

Seaplane Bases and Anchorages

	Airports and Landing Fields							Seaplane Bases and Anchorages								
	Municipal	Commercial	C. A. A.	Auxiliary	Navy	Army	Miscellaneous Government, private, and State	Total	Partially or fully lighted	Base ¹	Anchor- age ²	Coast Guard	Navy	Army	Total	Lights
Alabama.....	9	2	6	14		2	2	35	12							
Alaska.....	1	7		118				126	2							
Arizona.....	9	7	8	18		1		43	15							
Arkansas.....	10	2	4	6			2	24	8							
California.....	48	45	15	34	5	5	16	168	59	3		1	2		6	
Colorado.....	8	2	2	19				31	6							
Connecticut.....	7	6	1	3				18	7	2	6	1			9	
Delaware.....	1	3				1		1	3							
District of Columbia.....		1			1	1		3	3			1			2	1
Florida.....	33	10	3	62	3	2	7	120	27	8	8	2	1		20	2
Georgia.....	19	3	10	18		1		51	19	1	2		2		3	
Idaho.....	15		8	16			10	49	12							
Illinois.....	13	29	6	2		2	3	55	28		2				2	
Indiana.....	13	18	6	8		2	3	50	18							
Iowa.....	16	8	3	4			2	33	11							
Kansas.....	15	7	4	11		2	1	40	14							
Kentucky.....	5	1	3	7		1	3	20	4							
Louisiana.....	9	1	3	6		1	5	25	11	1	1				2	
Maine.....	9	3		7			1	20	5	5	4				9	1
Maryland.....	2	8	1	1		3	3	18	9	2	1		1		4	
Massachusetts.....	7	24	1	4	1	1	1	39	11	2	7	1	1		11	
Michigan.....	39	12		33	1	3	32	120	24	1	3		1	1	6	
Minnesota.....	13	5	4	8		1	1	32	11	1	4				5	
Mississippi.....	13	1	6	11				31	14		2	1			3	
Missouri.....	9	6	13	6				37	19							
Montana.....	20	1	15	26			11	73	22		1				1	
Nebraska.....	14	5	4	4		3		30	15							
Nevada.....	2	3	8	8	1			22	12		1				1	
New Hampshire.....	7	3		2				12	4	2	2				4	
New Jersey.....	4	13		1	2	1	1	22	8	3	1	1			5	
New Mexico.....	5	5	10	9			3	32	14							
New York.....	22	32	4	14		5	11	88	27	8	28	1			37	3
North Carolina.....	16	7	2	4		1		30	10	1	1				2	
North Dakota.....	9	5	7	18				39	11							
Ohio.....	27	40	10	15		3	11	106	27		4				4	1
Oklahoma.....	18	4	8	9		1	2	42	23							
Oregon.....	13	2	7	6			3	31	15	2					2	
Pennsylvania.....	20	54	7	9	1	1	9	101	35	2	3		1		6	1
Rhode Island.....		3		2			1	6	1						1	
South Carolina.....	11	4	3	6	2		2	28	7		2	1	1		3	
South Dakota.....	16	1		7				25								
Tennessee.....	7	1	8	5				21	14							
Texas.....	42	13	26	42		9	9	141	51							
Utah.....	2	1	11	8				22	14							
Vermont.....	6	3		1		1		11	1		1				1	
Virginia.....	12	13	7	8	3	1	1	45	17				3	1	4	
Washington.....	15	4	6	15	1	4	4	49	17	2	2	1	1		6	
West Virginia.....	10	7	1	7			1	26	5	2					2	
Wisconsin.....	17	19	4	8			3	51	18	2	8				10	
Wyoming.....	5	2	11	15				33	15							
Total.....	643	456	266	665	21	59	170	2,280	735	50	95	10	14	2	171	9

¹ Equipped to render full servicing, including hangar, ramp, beach, repairs, aviation fuel, etc.
² Limited facilities for servicing, such as float and aviation fuel.

³ Includes 1 Marine Corps base.

CIVIL AERONAUTICS AUTHORITY

OFFICIAL



ACTIONS

OPINIONS, ORDERS AND REGULATIONS

FOR THE PERIOD JANUARY 1-15, 1940, INCLUSIVE

C. A. A. OPINIONS

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DOCKET NOS. 295 AND 297

TRANSCONTINENTAL & WESTERN AIR, INC., ADDITIONAL MAIL SERVICE

In the matter of the petition of Transcontinental & Western Air, Inc., for amendment of a certificate of public convenience and necessity under section 401 (h) of the Civil Aeronautics Act of 1938.

In the matter of the certification by the Postmaster General, pursuant to section 401 (n) of the Civil Aeronautics Act of 1938, with respect to the transportation of mail by aircraft between Kansas City, Mo., and Newark, N. J., via Chicago, Ill., and between Kansas City, Mo., and Pittsburgh, Pa., via Chicago, Ill.

Decided December 20, 1939

Additional mail service between Kansas City, Mo., Chicago, Ill., Newark, N. J., and New York, N. Y., and between Kansas City, Mo., Chicago, Ill., and Pittsburgh, Pa., found to be required by the public convenience and necessity. Certificate of public convenience and necessity held by Transcontinental & Western Air, Inc., amended to provide for such additional service.

APPEARANCES:

William C. O'Brien, for the Postmaster General.

Gerald B. Brophy and *George A. Spater*, for Transcontinental & Western Air, Inc.

William I. Denning, for Braniff Airways, Inc., intervener.

Emory T. Nunneley, Jr., for the Civil Aeronautics Authority.

Note on the Arrangement of These Pages

This part of the CIVIL AERONAUTICS JOURNAL will be devoted in each issue to presenting a record of the official actions taken by the Civil Aeronautics Authority. Digests of all orders and regulations will be carried in outer columns under the title "Abstracts." Persons having specific interest in any of these orders may obtain complete verbatim copies by writing to the Director of Statistics and Information, Civil Aeronautics Authority, Washington, D. C.

In the inner columns will be carried verbatim copies of all opinions accompanying Authority actions. They are set in exactly the same type and format as will be used in bound volumes of such opinions to be issued in the future. The first part of Volume I of C. A. A. Opinions, which will include all opinions of the Authority from its organization to the date upon which it is ready for the presses, is now being prepared. After that date opinions as printed in the JOURNAL will be organized into divisions equivalent to pages in the ultimate bound volume and will carry at the head of each such division the actual page number it will bear in that volume. Thus reference to opinions by volume and page can be made within a few weeks after the opinion has been issued.

Until enough progress has been made on the first part of Volume I, finally to determine the volume page numbers of current opinions, opinions will be organized in the JOURNAL by pages but will carry mere temporary numbers in Roman numerals.

ABSTRACTS

ORDERS

Order No. 303: Walter E. Dicke, additional suspension of private pilot certificate.

The Authority on December 18, suspended for an additional 30 days from December 16 private pilot certificate No. 49591 issued to Walter E. Dicke, Carthage, Mo.

Order No. 304: Laura Ingalls, solo pilot certificate suspended. (For full text of opinion and order, see docket No. SR 30, page 30.)

Order No. 305: TWA certificate amended to provide additional mail service on its routes between Kansas City and New York via Chicago and Pittsburgh. (For full text of opinion and order, see docket Nos. 295 and 297, page 23.)

Order No. 306: Charles P. Loring, solo pilot certificate suspended for additional 30 days.

The Authority on December 22, suspended for an additional 30 days from December 25 solo pilot certificate No. 50183 issued to Charles P. Loring, Auburn, Maine.

Order No. 307: Offers accepted in compromise of civil penalties for violations.

The Authority on December 22, accepted certain offers in compromise of civil penalties incurred for violations of the Civil Aeronautics Act of 1938 and the Civil Air Regulations, as follows:

Charles William Albrecht, Edwardsville, Ill.—For permitting his aircraft to be flown on a civil airway by a person other than one possessed of a pilot certificate valid for the operation involved, and other violations—\$75;

A. L. Jackson, St. Joseph, Mo.—For permitting his aircraft to be flown on a civil airway by a person other than one possessed of a pilot certificate valid for the operation involved, and other violations—\$50;

Raymond Lee Kidd, New Orleans, La.—For piloting an aircraft, while possessed of a temporary solo pilot certificate, on a civil airway, carrying a person other than a certificated instructor actually giving instruction—\$100; and

George E. Peterson, Nashville, Tenn.—For piloting an aircraft on a civil airway although said aircraft had been damaged in an accident and had not been re-rated as to airworthiness—\$25.

OPINION

BY THE AUTHORITY:

By petition filed August 17, 1939, under section 401 (h) of the Civil Aeronautics Act of 1938, Transcontinental & Western Air, Inc., hereinafter referred to as the petitioner, seeks an amendment of its certificate of public convenience and necessity issued on June 16, 1939, as amended on August 8, 1939,¹ authorizing the transportation of persons and property between Kansas City, Mo., and Newark, N. J., via Chicago, Ill., and between Kansas City, Mo., and Pittsburgh, Pa., via Chicago, Ill., to include authorization to transport mail.

¹ Transcontinental & Western Air, Inc., certificates of public convenience and necessity, docket No. 17-401-E-1.

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The Acting Postmaster General, on August 17, 1939, certified to the Authority, in accordance with the provisions of section 401 (n) of the act, that,

the needs of the Postal Service require the transportation of mail by aircraft between Kansas City, Mo., and Newark, N. J., via Chicago, Ill., and between Kansas City, Mo., and Pittsburgh, Pa., via Chicago, Ill., in addition to the transportation of mail now authorized in the certificates of public convenience and necessity issued by the Authority on the 16th day of June 1939 to Transcontinental & Western Air, Inc., covering service on air mail route Nos. 2 and 36,

and filed with the Authority a statement showing the additional service required and the facilities necessary in connection therewith.

Braniff Airways, Inc., hereinafter referred to as "Braniff," intervened, but presented no direct evidence.

After due notice to the public and interested parties, in accordance with the provisions of the act, a public hearing was held, the petition and certification having been consolidated into one proceeding, before Examiner Robert J. Bartoo, of the Authority, whose report was duly filed and served. Under the Authority's procedure, an opportunity was given for filing exceptions to this report. No exceptions were filed.

Section 401 (d) provides that the Authority may issue a certificate of public convenience and necessity authorizing air transportation if it finds that the applicant is fit, willing, and able to perform such transportation properly, and to conform to the provisions of the act and the rules, regulations, and requirements of the Authority, and that public convenience and necessity requires such transportation. Section 401 (h) provides that the Authority, upon petition or complaint or upon its own motion, after notice and hearing, may alter, amend, modify, or suspend any certificate if the public convenience and necessity so require. Section 401 (n) provides, among other things, that whenever the Postmaster General shall find that the needs of the Postal Service require the transportation of mail between any points within the United States in addition to the transportation of mail authorized in certificates currently effective, he shall certify such finding to the Authority and the Authority shall, after notice and hearing, and if found by it to be required by the public convenience and necessity, make provision for such additional service. Thus, except for the provisions in section 401 (d) relative to the fitness, willingness, and ability of the applicant, public convenience and neces-

sity is the test which must be satisfied to warrant the authorization of the proposed service under the provisions of each section.

The term "public convenience and necessity" has not been definitely defined by the courts. However, it is generally recognized that public convenience and necessity statutes impose upon the regulatory agency the duty, through the exercise of a reasonable judgment based upon

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its particular functions and knowledge of the utility which it regulates, together with such guidance as is furnished in the act, to determine whether a project is in the public interest. *Texas & P. R. Co. v. Gulf C. & S. F. R. Co.*, 270 U. S. 266, 273. Section 2 of the act provides that the Authority shall in the exercise and performance of its powers and duties consider, among other things, as being in the public interest and in accordance with the public convenience and necessity, the following:

(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation and to improve the relations between, and coordinate transportation by, air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(e) The regulation of air commerce in such manner as to best promote its development and safety; and

(f) The encouragement and development of civil aeronautics.

In addition to its nonmail route, involved in this proceeding, petitioner holds certificates of public convenience and necessity authorizing it to engage in air transportation with respect to persons, property, and mail over the following routes.

- A. Between the coterminal points New York, N. Y., and Newark, N. J., and the terminal point Los Angeles, Calif., via Philadelphia, Harrisburg, and Pittsburgh, Pa., Columbus and Dayton, Ohio, Indianapolis, Ind., St. Louis and Kansas City, Mo., Wichita, Kans., Amarillo, Tex., Albuquerque, N. Mex., Winslow, Ariz., and Boulder City, Nev. (Route No. 2);
- B. Between Chicago, Ill., and Dayton, Ohio, via Fort Wayne, Ind. (Route No. 36);
- C. Between Winslow, Ariz., and San Francisco, Calif., via Boulder City and Las Vegas, Nev., Fresno and Oakland, Calif. (Route No. 37); and
- D. Between Phoenix, Ariz., and Las Vegas, Nev., via Prescott and Kingman, Ariz. (Route No. 38).

At the time of the hearing petitioner scheduled eight daily round trips between Newark and Chicago and three between Chicago and Kansas City. Two of the round trips between Newark and Chicago were nonstop schedules and the others were scheduled to stop at Pittsburgh. Four nonstop trips were scheduled from Pittsburgh to Chicago and two trips were scheduled to stop at Dayton. Three of the east-bound trips were scheduled to stop at Dayton and three were

ABSTRACTS

(Continued)

Order No. 308: Grumman permitted to fly aircraft bearing Canadian identification in United States for test purposes.

The Authority, on December 22, granted Grumman Aircraft Engineering Corporation, Bethpage, N. Y., permission to fly a Grumman aircraft bearing Canadian registration identification marks in the vicinity of applicant's factory for test purposes and for James Town to fly said aircraft from Roosevelt Field, N. Y., to Buffalo en route to Canada on some day prior to December 31, 1939, subject to certain terms and conditions.

Order No. 309: Western Air Express to intervene in merger application of United Air Lines.

The Authority, on December 22, granted Western Air Express Corporation permission to intervene in the application of United Air Lines Transport Corporation for approval of a proposed acquisition of control of, and of merger with or purchase of all of the assets of Western Air Express Corporation.

Order No. 310: Private pilot certificate of Adolph P. Netzel revoked. (For full text of opinion and order, see docket No. SR31, page 34.)

Order No. 311: Minority shareholders committee of Western Air Express denied request for postponement of hearing.

The Authority on December 22 denied the request of minority shareholders committee of Western Air Express for postponement of a hearing for approval of a proposed acquisition of control of, and of merger with or purchase of all of the assets of, Western Air Express Corporation by United Air Lines Transport Corporation.

Order No. 312: Student pilot certificate of Robert Puvogel revoked.

The Authority on December 27 revoked student pilot certificate No. 79732, held by Robert Puvogel, Hicksville, N. Y., for piloting an aircraft at an altitude of less than 1,000 feet over an open-air assembly of persons, and other violations of the Civil Air Regulations.

Order No. 313: New York and Bermudian Air Line denied permission to intervene in application of American Export Airlines.

The Authority on December 27 denied New York and Bermudian Air Line permission to intervene in the application of American Export Airlines, Inc., for a permanent certificate of convenience and necessity for trans-Atlantic services.

ABSTRACTS

(Continued)

Order No. 314: Application of Dakota Air Transport dismissed without prejudice.

The Authority on December 27 dismissed without prejudice the application of Dakota Air Transport Corporation for a certificate of public convenience and necessity, by the applicant's own request.

Order No. 315: Interlocking relationships approved in eight cases.

The Authority on December 27 approved interlocking relationships in the cases of the following individuals: Samuel J. Solomon, Lawrence F. Whittimore, John W. Rimmer, George F. Glacy, Arthur B. Nichols, William A. Cole, Albert J. Raynes, and Henry F. McCarthy.

Order No. 316: Hearing on UAL merger application postponed to January 8.

The Authority on December 28 postponed to January 8 the hearing originally set for January 3, in the matter of the application of United Air Lines Transport Corporation for approval of a proposed acquisition of control of, and of merger with or purchase of all of the assets of, Western Air Express Corporation.

Order No. 317: R. S. Johnson, temporary suspension of airman certificate.

The Authority on December 28 suspended for a period of 30 days from December 23, 1939, aircraft and aircraft engine mechanic certificate No. 3870, held by R. S. Johnson, Houston, Tex., for certifying as airworthy an aircraft on which the rib stitching was broken, the fuel lines leaked, five ribs were damaged, and five cylinder heads of the engine were cracked, and other violations of the Civil Air Regulations.

REGULATIONS

Regulation No. 52: Pan American authorized to issue free transportation to Air Safety Board Chairman.

The Authority on December 18 authorized Pan American Airways, Inc., and Pan American-Grace Airways, Inc., to issue free transportation to Thomas O. Hardin, Chairman, Air Safety Board, Civil Aeronautics Authority, for a flight over their respective routes in the Caribbean, Central and South America, and Mexico, for the purpose of making an inspection tour to familiarize himself with the operative practices and procedures of these companies.

scheduled to operate from Chicago to Pittsburgh, nonstop. With the exception of the Kansas City-Chicago, Chicago-Newark, and Chicago-Pittsburgh nonstop service, all scheduled flights on the petitioner's system were authorized to carry mail.

On the basis of the schedules in effect at the time of the hearing, the amendment of petitioner's certificate of public convenience and necessity to authorize the transportation of mail, as requested in this proceeding, would make available for mail service the following schedules not now available for such service: Two nonstop round trips daily between Newark and Chicago; four west-bound trips daily between Pittsburgh and Chicago; three east-bound trips daily between Chicago and Pittsburgh; and three round trips daily between Chicago and Kansas City.

American Airlines, Inc., hereinafter referred to as "American," and United Air Lines Transport Corporation, hereinafter referred to as "United" provide mail service between New York and Chicago. As of October 1, 1939, each of these carriers scheduled three direct nonstop round trips between these points. In addition to those trips, American operated six round trips daily between Chicago and Newark via Buffalo, N. Y., Detroit, Mich., and South Bend, Ind., while United scheduled six round trips daily providing intermediate stops at Allentown-Bethlehem, Pa., Akron, Ohio, and Cleveland, Ohio.

Direct mail service between Kansas City and Chicago is provided by Braniff's route No. 9, over which two round trips are operated daily. A combination of route No. 2 and Chicago and Southern Air Lines' route No. 6, or route No. 2 and American's route No. 30, connecting in each instance at St. Louis, are sometimes used for routing mail between these cities. A combination of routes Nos. 2 and 9 connecting at Kansas City, United's route No. 1 and Western Air Express Corporation's route No. 13, connecting at Salt Lake City, Utah, and sometimes a combination of American's route No. 4 and route No. 9, or American's routes Nos. 4 and 30, connecting at Dallas or Fort Worth, Tex., are used in routing mail between Chicago and Los Angeles.

At the present time there is no direct mail service between Pittsburgh and Chicago. Mail from Pittsburgh to Chicago is routed via Dayton over petitioner's routes Nos. 2 and 36, over Pennsylvania-Central Airlines Corporation's route No. 14 to Cleveland and then to Chicago on route No. 1, or over route No. 14 to Detroit and then to Chicago on route No. 7. Philadelphia mail is routed to Chicago via Pittsburgh, Newark, and, in some instances, Washington, D. C. Mail between Harrisburg and Chicago is routed through Pittsburgh.

Exceptionally heavy mail loads are carried between Newark and Chicago. The 2,054,248,896 mail pound-miles performed on American's route No. 7 and on that portion of United's route No. 1 between

Newark and Chicago, account for 12.99 percent of the total performed on all domestic routes during the year ended June 30, 1939. The average mail loads on pay mail trips on route No. 7 and the Newark-Chicago portion of route No. 1 were 565 and 703 pounds, respectively,

during the year. Figures for June 1939, show that mail loads in excess of 900 pounds were frequently dispatched from Newark on American's trip 5, leaving at 8:15 p. m., and many loads well in excess of that figure were dispatched on United's trips 5 and 15, leaving at 9:45 p. m. and 10:45 p. m., respectively. These heavy loads on the night trips have forced the carriers to block out passenger seats in order to take care of the mail. The Superintendent of Air Mail Service of the Post Office Department testified that these mail loads are constantly increasing.

The history of petitioner's flight No. 4 illustrates how additional mail schedules between Kansas City and Chicago would improve mail service from Los Angeles to Chicago. This particular flight departed from Los Angeles at 8:45 p. m. and arrived at Kansas City at 8:05 a. m. The mail was put off at Kansas City and the plane continued on to Chicago as flight 10. A Braniff plane carried the mail from Kansas City to Chicago. Effective March 16, 1938, the Braniff schedule was changed and the connection broken at Kansas City. During the period January 1, 1936, to March 15, 1938, petitioner's flight No. 4 put off a daily average load of 288 pounds at Kansas City. The daily average load of mail off at Kansas City on flight No. 4 dropped to 132 pounds during the period March 16, 1938, to June 30, 1939. The daily average weight of mail on at Los Angeles was 650 pounds during the period prior to March 16, 1938, and 495 pounds in the second period. These figures indicate the probability that approximately 155 pounds of mail moving from Los Angeles to Chicago daily were dispatched over other routes after the connection at Kansas City was broken.

As of October 1, 1939, petitioner's flight No. 4 was scheduled to leave Los Angeles at 9 p. m. and to arrive at Kansas City at 8:12 a. m. The same plane continued on to Chicago as flight No. 10 arriving at 10:47. The Chicago mail previously carried on flight No. 4 was probably routed from Los Angeles to Salt Lake City over route No. 13 and then to Chicago on route No. 1. Mail routed this way would be dispatched from Los Angeles at 11:30 p. m. and would arrive in Chicago at 1:46 p. m., too late for a carrier delivery that day. If petitioner were permitted to carry mail on flight No. 10 from Kansas City to Chicago, mail accumulated at Los Angeles between 7 p. m., the departure time of the early evening schedule on route No. 13, and 9 p. m., could be dispatched on petitioner's flight No. 4 and carrier delivery in Chicago advanced 1 day.

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During the calendar year 1938 sales of ordinary postage in Philadelphia constituted 2.54 percent of the total for the entire country. Philadelphia produced only 1.37 percent of the total air mail during this year. As previously explained air-mail service between Chicago and Philadelphia, the second and third largest cities in the entire country, is available only over circuitous routes.

The transit manager of the Philadelphia National Bank testified that air-mail service to Chicago and points in the northwest was not particularly good and that service to Indianapolis, Kansas City, and St. Louis has been more satisfactory. The bank has tested air-mail service to various points by enclosing in each letter dispatched a

return postcard with the time of mailing recorded thereon. The addressee is requested to fill in the time of receipt of the letter. These cards are filed and are used to determine the advisability of continuing the use of air mail to various points. Mail placed in the Philadelphia Post Office by 7 p. m. is scheduled to arrive in Chicago by air at 1:45 a. m. the following morning. The witness stated that on an average of 1 or 2 days per week Chicago mail has not been delivered in time to permit the addressee banks to meet the clearing at 10 a. m. The witness stated that he knew of one bank in Philadelphia which had discontinued the use of air mail to Chicago because the results were not satisfactory.

The transit department of the Philadelphia National Bank handles approximately 200,000 checks per day and all checks are dispatched by air mail when that service will save time. A 2-day count indicated that a daily average of 22 letters, containing approximately 3,800 checks and weighing 14 pounds, were dispatched to Chicago, and 25 letters, containing 1,700 checks and weighing 6 pounds, were dispatched by way of Chicago to Milwaukee, Omaha, Helena, Spokane, and Minneapolis. The witness stated that an improved service to Chicago would probably increase the bank's business and result in an increased use of air-mail service.

Alternate routings offer definite advantages to the Post Office Department because frequently when one route is closed another carrier can operate. There have been times when service from Los Angeles to Chicago over routes Nos. 13 and 1 has been interrupted because of weather conditions and schedules between these points have been completed over petitioner's routes. Flights between Newark and Chicago have been completed via Pittsburgh when routes Nos. 1 and 7 were closed. Petitioner's chief meteorologist testified that flights between Kansas City and New York can frequently be operated via Chicago when flights along route No. 2 are interrupted or held.

Any through service has some advantage over a route involving connections. The experience of the Post Office has been that missed

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connections, where two routes are involved, occur more frequently than disrupted service on a through route.

The testimony of the Superintendent of Air Mail Service of the Post Office Department shows that there is a sufficient volume of business to justify the additional service covered by the certification of the Postmaster General. If petitioner were authorized to carry mail between New York and Kansas City, the Department would have an additional carrier between New York and Chicago, another through service between New York and Kansas City and a through service between Los Angeles and Chicago. The direct route between Pittsburgh and Chicago would permit the Department to provide direct service between Chicago, the second largest Post Office in the United States, and Philadelphia, Harrisburg, and Pittsburgh. Petitioner's proposed service between Kansas City and Chicago would be more desirable than additional schedules over route No. 9 because that route is designed to provide service between Chicago and important Texas cities and its schedules must be arranged to provide the best

north-south service rather than to provide connections with an east-west service.

Petitioner's nonmail schedules are operated with Douglas aircraft, which are equipped with mail compartments of the type required by the Postmaster General. No additional facilities or personnel would be required to perform mail service between the points covered by the petition. The Superintendent of Air Mail Service testified that the experience of the Post Office Department indicates that improvements in Air Mail Service are followed by increased patronage.

It will not be necessary to decide whether the order of the Authority in this proceeding is properly issuable under sections 401 (d), 401 (h), or 401 (n) as the record clearly establishes that the petitioner is fit, willing, and able to perform properly the air transportation for which authorization is sought and to conform to the provisions of the act and the rules, regulations, and requirements of the Authority and we so find.

On November 7, 1939, the Authority amended certain certificates of public convenience and necessity authorizing service to "the terminal point Newark, N. J.," so as to authorize service to "the coterminal points Newark, N. J., and New York, N. Y."² In that opinion it was recognized that both Newark and New York are in the New York-northeastern New Jersey metropolitan district and that the needs of the district required service through both points. The certificate of petitioner authorizing the transportation of persons and property over the routes involved in the present proceeding was amended pursuant to that opinion. Accordingly, the authority granted pursuant to this opinion should authorize the carriage of mail to "the coterminal points Newark, N. J., and New York, N. Y."

² Docket Nos. 278, 282, 284, and 302.

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We find that the public convenience and necessity requires mail service by Transcontinental & Western Air, Inc., between the terminal point, Kansas City, Mo., the intermediate point, Chicago, Ill., and the coterminal points, Newark, N. J., and New York, N. Y., and between the terminal point, Kansas City, Mo., the intermediate point, Chicago, Ill., and the terminal point, Pittsburgh, Pa.

Ryan, Mason and Warner, Members of the Authority concurred in the above opinion. Hinckley and Branch, Members, did not take part in the decision.

ORDER

Transcontinental & Western Air, Inc., having filed a petition, under section 401 (h) of the Civil Aeronautics Act of 1938, for an amendment of a certificate of public convenience and necessity and the Acting Postmaster General having certified to the Authority, pursuant to section 401 (n) of the Civil Aeronautics Act of 1938, that the needs of the Postal Service require the transportation of mail by aircraft between Kansas City, Mo., and Newark, N. J., via Chicago, Ill., and between Kansas City, Mo., and Pittsburgh, Pa., via Chicago, Ill., in addition to the transportation of mail now authorized in certificates of public convenience and necessity currently effective, and the petition and certification having been consolidated into one proceeding, and a full hearing thereon having been held, and the Authority, upon consideration of the record in said proceeding, having issued its opinion containing its findings of fact, conclusions, and decision, which

is attached hereto and made a part hereof, and finding that its action in this matter is necessary pursuant to said opinion:

IT IS ORDERED, That the certificate of public convenience and necessity authorizing Transcontinental & Western Air, Inc., subject to the provisions of said certificate, to engage in air transportation with respect to persons and property, except mail, between the terminal point Kansas City, Mo., the intermediate point Chicago, Ill., and the coterminal points Newark, N. J., and New York, N. Y., and between the terminal point Kansas City, Mo., the intermediate point Chicago, Ill., and the terminal point Pittsburgh, Pa., be amended so as to authorize Transcontinental & Western Air, Inc., subject to the provisions of said certificate to engage in air transportation with respect to persons, property, and mail between the terminal point Kansas City, Mo., the intermediate point Chicago, Ill., and the coterminal points Newark, N. J., and New York, N. Y., and between the terminal point Kansas City, Mo., the intermediate point Chicago, Ill., and the terminal point Pittsburgh, Pa.

IT IS FURTHER ORDERED, That the exercise of the privileges granted by said certificate shall be subject to the terms, conditions, and limitations prescribed by section 238.3 of the Authority's rules and regulations (formerly Regulation 401-F-1) issued by the Authority on February 24, 1939, all amendments thereto, and such other terms, conditions, and limitations as may from time to time be prescribed by the Authority.

IT IS FURTHER ORDERED, That the said certificate, as amended, shall be issued in the form attached hereto and shall be signed on behalf of the Authority by the Chairman of the Authority and shall have affixed thereto the seal of the Authority attested by the Secretary. Said certificate, as amended, shall be effective from the 21st day of December 1939.

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DOCKET No. SR-30

IN THE MATTER OF LAURA INGALLS, NEW YORK, N. Y.,
HOLDER OF SOLO PILOT CERTIFICATE NO. 9330

Decided December 22, 1939

APPEARANCES:

Douglas L. Hatch, counsel for the respondent.

Lambert S. O'Malley, counsel for the Civil Aeronautics Authority.

OPINION

BY THE AUTHORITY:

Upon informal complaint presented to the Authority, we issued an order (No. 609-55) on September 26, 1939, directing Laura Ingalls (hereinafter referred to as the "respondent") to appear before an examiner of the Authority and show cause why her solo pilot certificate should not be suspended or revoked by reason of violations of the Air Commerce Act of 1926 and the Civil Air Regulations. The order was based on reported facts indicating that she flew an airplane within an air space reservation in Washington, D. C., in which the navigation of aircraft was prohibited, and that during the flight she dropped numerous printed leaflets or pamphlets from the plane in violation of section 60.347 of the Civil Air Regulations.

Pursuant to notice, a hearing was held in the matter before an examiner of the Authority at Washington, D. C., on October 7, 1939. The examiner filed his report on October 19, 1939, in which he found

that on the day specified in the show cause order the respondent, as a member and a representative of the Women's National Committee to Keep U. S. Out of War, flew from New York to Washington, D. C., and upon her arrival flew at an altitude ranging from 1,000 to 2,000 feet within the air space reservation prescribed by Executive Order No. 7910, and dropped one-page printed leaflets containing an appeal to the Congress from the committee to take legislative action designed to keep the United States out of war. The examiner further found that by flying within the above-mentioned air space reservation and by dropping leaflets during the flight, the respondent had violated the Civil Air Regulations. He recommended that the respondent be reprimanded.

The respondent on November 4, 1939, filed exceptions to the examiner's report. She contended that Executive Order No. 7910 which established the air space reservation in question was not in force at the time of respondent's flight by reason of the passage of

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the Civil Aeronautics Act of 1938 subsequent to the promulgation of the Executive order. The Executive order was issued pursuant to section 4 of the Air Commerce Act of 1926, which specifically authorizes the President of the United States to set apart an air space reservation in the District of Columbia. No provision of the Civil Aeronautics Act purports to repeal section 4 of the Air Commerce Act, either expressly or by implication. We hold, therefore, that the act and the Executive order were in effect at the time of respondent's flight.

The respondent further contended that the designation of the air space reservation is not valid because its boundaries are not marked. The air space reservation is described in the Executive order as follows:

All that area extending one quarter of a mile in the horizontal plane beyond the outside limits of that section of the city of Washington, D. C., and all the land included within its boundaries, which are marked on the northeast corner by the Union Station, on the southeast corner by the Capitol, on the southwest corner by the Naval Hospital (approximately three-eighths of a mile north of the Lincoln Memorial), and on the northwest corner by the Executive Mansion.

It is true that no special markers have been provided for the purpose of designating the area set aside in the Executive order but, in view of the fact that the boundaries of the air space reservation are prescribed by reference to well-known structures easily discernible from the air, this is not necessary to the validity of the designation. Consequently, we hold that the respondent's exception is groundless.

The respondent also advanced the contention that the establishment of an area over which all flight is prohibited, such as the air space reservation in question, is in conflict with the legislative recognition of the public right of freedom of transit through the navigable air space of the United States contained in section 3 of the Civil Aeronautics Act of 1938. Section 3 of the act recognizes the right of every citizen to travel in air commerce through the navigable air space of the United States. This section, however, merely grants to all citizens of the United States equal rights to navigate aircraft

in air commerce; it does not affect the specific powers of the President or the Authority by general regulation to prescribe in the public interest reasonable limitations upon such navigation. Section 3 of the Civil Aeronautics Act is a general statutory provision, while section 4 of the Air Commerce Act is a specific provision granting the President the power to establish air space reservations. Unquestionably, if the Congress had intended by the enactment of section 3 of the Civil Aeronautics Act to repeal or amend section 4 of the Air Commerce Act, it would have done so specifically and would not have left the matter to such a doubtful inference as that relied upon by the respondent. For these reasons we hold that the air space

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reservation in question was not affected by the enactment of section 3 of the Civil Aeronautics Act and that the Executive order creating it was valid and in full force and effect at the time of the respondent's flight.

The respondent also took exception to the finding of the examiner that by dropping one-page printed leaflets from her plane she had violated section 60.347 of the Civil Air Regulations which prohibits the dropping of objects from an airplane while in flight. She contended that the essential purpose of the regulation was to provide for the safety of persons on the ground, and that since no person could be injured by the dropping of leaflets, such leaflets do not constitute "objects" within the meaning of that section of the Civil Air Regulations. The pertinent portion of 60.347 of the Civil Air Regulations provides that:

No object or thing, other than fine sand, fine (No. 7 or smaller) lead shot, fuel, or water (all unconfined), shall be dropped or released from an aircraft in flight by any person on board the aircraft, unless permission therefor has been granted by the Authority in accordance with the provisions of 60.901. * * *

A printed leaflet of the kind dropped by respondent from her plane is clearly included within the above-quoted provision, because it is impossible to conceive of anything tangible which would not be included within the extremely broad terms "object or thing" used in the regulations. The respondent may well be correct in her statement that no person on the ground can be injured as a result of dropping leaflets from an airplane flying above. The fact, of course, makes the respondent's violation of the provision less grave than if a heavy, bulky object were involved and would be given consideration by the Authority if, in accordance with this section, permission should be requested to drop such leaflets, but does not compel us to conclude that no violation of section 60.347 was committed by the respondent.

The evidence in this case clearly sustains the allegations of the show-cause order. The respondent herself, in answer to questions asked by the examiner and by counsel for the Authority, admitted, after having been fully advised as to the boundaries of the air space reservation, that she had flown at an altitude of from 1,000 to 2,000 feet within the reservation, and that she had dropped printed leaflets from her plane during the flight. In defense of her acts, however, she testified that she had not flown over the White House, that she at all times maintained a sufficient altitude to have made a safe landing in the event of a motor failure, and that she had made the flight not for a

“lark,” but for the serious purpose of making an effort to keep the United States out of war. She stated that her violation of the Civil Air Regulations, if one occurred, was not intentional because she did not consider the printed leaflets which she dropped to be “objects”

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within the meaning of the section of the regulation prohibiting the dropping of objects from an aircraft in flight.

Also in the course of her testimony, Miss Ingalls introduced a statement setting forth in some detail her experience as a pilot. This statement indicates that she has had long and varied experience as a pilot and has held the highest licenses and certificates of competency issued by Federal aviation authorities.

The acts with which the respondent is charged and which the respondent has admitted are serious violations and are made all the more serious when we consider the respondent's long experience in aeronautics. All pilots must exercise an extremely high standard of care in the operation of aircraft, must have a thorough knowledge of the pertinent parts of the Civil Air Regulations, and must carefully observe them if the maximum safety in air navigation is to be achieved. However, to accomplish this purpose, we must expect even more of the pilots of long experience who have had thousands of hours of solo flying time, for they provide guidance and instruction for those of more limited experience.

During the course of these proceedings, no doubt has been cast upon the ability of the respondent to pilot an airplane, nor is there any evidence that she habitually acts in disregard of the regulations. On the contrary, the uncontroverted evidence in the record is that the violations under consideration here are the first ones with which the respondent has been charged. However, during the course of the hearing the respondent showed that there were disturbing deficiencies in her knowledge of the current provisions of the Civil Air Regulations. By her own admission she was unfamiliar with the existence of the air space reservation in the District of Columbia despite the fact that the boundaries of the reservation are specifically set forth in an appendix to Part 60 of the Civil Air Regulations, which part prescribes the air traffic rules. Moreover, she testified during the hearing that her livelihood depended upon her continued possession of her pilot certificate, thus revealing a lack of knowledge of the privileges and restrictions conferred and imposed by the Civil Air Regulations upon the holders of various types of pilot certificates since, as the holder of only a solo pilot certificate, she was prohibited by section 20.611 of the Civil Air Regulations from piloting an aircraft for hire.

Our purpose in proceedings of this character is to take such action with respect to individual airmen as will promote safety in air navigation. The accomplishment of this purpose does not require the revocation of the respondent's solo pilot certificate because no showing has been made that she is inherently unfit to continue as a pilot. However, her lack of knowledge of the Civil Air Regulations indicates the necessity of suspending the respondent's pilot certificate until such time as she shall have demonstrated through a written examination to the satisfaction of a designated representative of the Authority

that she is thoroughly familiar with those parts of the regulations which have a direct bearing upon the pilot's responsibility in the operation of aircraft.

ORDER

The Civil Aeronautics Authority, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 609 thereof, and finding that the interest of the public so requires, orders that solo pilot certificate No. 9330, held by Laura Ingalls, New York, N. Y., be suspended until she shall have demonstrated to the satisfaction of a designated representative of the Authority that she is thoroughly familiar with Parts 01, 20, and 60 of the Civil Air Regulations through a written examination given in accordance with sections 20.39 and 20.5 of the Civil Air Regulations.

Ryan, Mason, and Warner, Members, concurred in the above opinion and order. Hinckley and Branch, Members, did not take part in the decision.

DOCKET No. SR31

IN THE MATTER OF ADOLPH F. NETZEL, PONTIAC, MICH.,
HOLDER OF PRIVATE PILOT CERTIFICATE NO. 35276

Decided December 22, 1939

APPEARANCES:

Odin H. Johnson, Pontiac, Mich., appearing on behalf of the respondent.

OPINION

BY THE AUTHORITY:

On October 3, 1939, we issued an order (No. 609-57) directing Adolph F. Netzel (hereinafter referred to as the "respondent") to appear at a hearing and show cause why his private pilot certificate should not be suspended or revoked by reason of his violations of the Civil Air Regulations. The order was based on reported facts which indicated that the respondent was not qualified to hold a private pilot certificate because on July 23, 1939, he flew an airplane near Pontiac, Mich., while carrying passengers for hire, in violation of the terms of his private pilot certificate and the Civil Air Regulations.

Pursuant to notice, a hearing was held in the matter before an examiner of the Authority at Detroit, Mich., on October 9. On October 28 the examiner filed his report which contained findings to the effect that the record of the proceedings sustained the aforementioned allegation. The examiner recommended that the respondent's certificate be revoked and copies of his report were served upon the respondent and his attorney.

On November 9, 1939, the respondent filed exceptions to the examiner's report. He contended that because of his aeronautical knowledge and his cross-country and night-flying experience, he was qualified for a commercial pilot rating which would have entitled him to carry passengers for hire. A search of the record fails to reveal any evi-

dence from which we would be justified in finding that the respondent, at the time of the flight in question, was qualified to receive a commercial pilot certificate. However, even if this were not the case, the respondent's qualifications would have no bearing on this proceeding, since the regulations do not require merely that a pilot have the qualifications for a limited commercial or commercial pilot certificate before carrying passengers for hire, but require that he actually demonstrate these qualifications to an inspector of the Authority and receive the appropriate certificate. Thus, it is our conclusion that this exception is without merit.

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Exception is also taken to the fact that Part 92 of the Civil Air Regulations was not complied with during the proceedings. Part 92, which prescribed rules for the conduct of hearings similar to the one held in this case, was stricken from the regulations on July 11, 1939, and therefore was not in effect on July 23, 1939, when the respondent is alleged to have committed the aforementioned violation, or upon October 9, 1939, when the hearing was held.

The respondent also takes exception to the refusal of the Authority to renew his pilot certificate for a period of approximately 45 days after it expired on July 31, 1939. This appears to have no bearing upon the issues involved in this proceeding. However, the application for renewal was made after the violation under consideration is alleged to have been committed and, for that reason, we are of the opinion that the denial of the respondent's application for his certificate was justified.

The respondent further states that he was not served with a copy of the transcript of the proceedings. Under the procedure followed by the Authority in such matters, a copy of the transcript of the proceedings is not served upon the respondent, but may be secured by him upon application to the stenographic reporter engaged by the Authority and upon the payment of a reasonable fee therefor. Since there is no indication that the respondent made such an application or tendered such a fee, we are of the opinion that this exception is without merit.

In addition to the foregoing, the respondent contends, in effect, that the examiner was biased by hearsay testimony, that his findings were not based upon evidence contained in the record, and that the record contains no competent testimony to the effect that the respondent carried passengers for hire. After careful consideration of the record of this proceeding, we are of the opinion that these exceptions are groundless.

At the hearing Victor W. Camisa and William V. Huhler were called as witnesses by the examiner and testified that as a result of solicitation by a ticket seller, Mr. Camisa paid him the sum of \$4 with the understanding that he (Mr. Camisa) and his three friends would each be given a ride in an airplane, and that the ticket seller gave Mr. Camisa a ticket and pointed out to him a Waco four-place aircraft as the plane in which the rides were to be taken. Mr. Camisa and a Mr. McQuade were then given a ride in the airplane so indicated, which was piloted by the respondent, and at the conclusion of this ride, Mr. Huhler and a Mr. Warren Eby were taken for a short flight by the

respondent in the same airplane. The evidence shows that these men, at the time of the hearing, were residents of Detroit, Mich., and were employed by the Detroit National Bank.

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Mr. Eby testified that the aircraft in which he and the other passengers were carried bore the identification number NC 13052, and the respondent's attorney stipulated that the respondent owned a Waco four-place airplane identified as NC 13052.

Joseph F. Read and James E. Howarth, aeronautical inspectors of the Authority stationed at the Wayne County Airport, Wayne County, Mich., both testified that within a period of 10 days after the subject flights were made the respondent, in discussing his alleged violation, stated to him that he had carried passengers for hire in his aircraft.

No evidence was presented at the hearing by the respondent, but his counsel cross-examined each witness extensively.

While there is no direct evidence that each of the afore-mentioned passengers personally paid the respondent for his ride, it is clear from the record that Mr. Camisa paid the sum of \$4 to a ticket seller with the understanding that in consideration of this sum, Mr. Camisa and each of his three friends would be given an airplane ride. It is also apparent that the rides were taken in accordance with that understanding and in an airplane owned and piloted by the respondent. Since it is evident that the respondent was not acquainted with the passengers in question prior to the subject flights, we must conclude that he received at least a portion of the money paid by Mr. Camisa to the afore-mentioned ticket seller, and that the respondent carried passengers for hire within the meaning of section 20.612 of the Civil Air Regulations.

Section 609 of the Civil Aeronautics Act empowers the Authority to revoke an airman certificate "for any cause which, at the time of revocation, would justify the Authority in refusing to issue to the holder of such certificate a like certificate." A disposition to disregard the explicit terms of the regulations, if known in advance, would be reason for refusing to issue a certificate entitling the holder to pilot aircraft. For this reason we find that sufficient cause exists to justify the revocation of the private pilot certificate held by the Respondent.

ORDER

The Civil Aeronautics Authority, upon the foregoing findings and conclusions and pursuant to section 205 (a) and section 609 of the Civil Aeronautics Act of 1938, orders that private pilot certificate No. 35276, issued to Adolph F. Netzel, of Pontiac, Michigan, be, and the same is, revoked.

Ryan, Mason, Warner, Members of the Authority, concurred in the above opinion and order. Hinckley and Branch, Members, did not take part in the decision.