

FIRST ANNUAL REPORT

of

TERRITORIAL AERONAUTICAL COMMISSION

TERRITORY OF HAWAII

May 9 - June 30, 1927

TERRITORY OF HAWAII
AERONAUTICAL COMMISSION
NATIONAL GUARD ARMORY
HONOLULU

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August 17, 1927

Honorable Wallace R. Farrington
Governor of Hawaii
Honolulu, T. H.

Your Excellency:

In compliance with the request of the Governor's
letter of May 25, 1927 I have the honor to submit the first an-
nual report of this Commission for the period May 9 - June 30,
1927.

Respectfully yours,

(SGD) P. M. Smoot
P. M. SMOOT,
Colonel, A. G. D.,
Chairman.

Inc. (Report)

REPORT OF TERRITORIAL AERONAUTICAL COMMISSION
May 9 - June 30, 1927

GENERAL REMARKS

The Territorial Aeronautical Commission was authorized by the Fourteenth Session of the Legislature of the Territory of Hawaii and became Territorial Law when the Governor signed Act 238 on April 27, 1927. That Act is as follows:

ACT 238

(S. B. No. 273)

A N A C T

AMENDING SECTIONS 3894, 3900 AND 3901 AND REPEALING SECTION 3902 OF CHAPTER 214 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO AERONAUTICS, AND MAKING AN APPROPRIATION OF TEN THOUSAND DOLLARS (\$10,000.00) FOR THE TERRITORIAL AERONAUTICAL COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. Section 3894 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3894. Lawfulness of flight. Flight in aircraft over the lands and waters of the Territory is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath, or unless in violation of the rules and regulations promulgated by the Territorial Aeronautical Commission pursuant to Section 3900. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable, as provided in Section 3895".

SECTION 2. Section 3900 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3900. Territorial Aeronautical Commission; powers and duties. There is hereby created the Territorial Aeronautical Commission, to consist of not less than five nor more than seven members, to be appointed by the Governor and to serve without pay, one of whom shall be designated by the Governor to act as chairman. At least three of

REPORT OF TERRITORIAL AERONAUTICAL COMMISSION - - May 9 - June 30,
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the members of said Commission shall be competent licensed aeronauts, or aeronauts holding commissions as such in the aviation service of some branch of the United States Army, Navy, Marine Corps or Coast Guard, including the Hawaii National Guard, the Naval Militia and Reserve Corps. The chairman shall approve all vouchers for the necessary expenses of the Commission, including necessary travel expenses of the commissioners while in the performance of their duties as such commissioners. The Commission shall have power, provided the necessary funds are available, to employ a secretary as well as stenographic and clerical assistants.

The powers and duties of said Commission shall be as follows:

(1) The preparation, promulgation and enforcement of rules and regulations governing aviation and all allied activities within the Territory of Hawaii, which rules and regulations, when approved by the Governor and promulgated, shall have the effect of law:

(2) Examination and licensing of commercial aeronauts, mechanics, aircraft and flying equipment, including the right of access to and inspection of all such aircraft and flying equipment at all times;

(3) The establishment and chartering of airways, and areas over which flying shall be prohibited, throughout the Territory;

(4) The exclusive control and operation of all territorially owned or leased airports.

Nothing herein contained shall be construed as applying to aeronauts, mechanics, aircraft or equipment employed by the United States Army, Navy, Marine Corps, or Coast Guard, the Hawaii National Guard, Naval Militia of Hawaii or the Reserve Corps."

SECTION 3. Section 3901 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3901. Penalties. It shall be unlawful for any person to operate any aircraft within, across or above the Territory of Hawaii, unless such person and his mechanic or mechanics, aircraft and flying equipment have been duly licensed pursuant to Section 3900, and any person so doing, and any person violating any rule or regulation duly promulgated by the Commission, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for

REPORT OF TERRITORIAL AERONAUTICAL COMMISSION - - May 9 - June 30,
1927

not more than one year, or by both such fine and imprisonment."

SECTION 4. Section 3902 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 5. There is hereby appropriated, from the general revenues of the Territory, the sum of Ten Thousand Dollars (\$10,000.00) for the necessary expenses of the Territorial Aeronautical Commission for the 1927-29 Biennial period.

SECTION 6. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1927.

(SGD) W. R. FARRINGTON
Governor of the Territory of Hawaii.

The Commission actually was established when the Governor of the Territory complying with the terms of such Act commissioned on the 9th day of May, 1927, the following members:

Colonel P. M. Smoot (Chairman)
Mr. Will C. Crawford
Mr. Herbert F. Cullen
Mr. Leo G. Fehlman
Mr. A. W. Van Valkenburg

There are still two vacancies at the disposal of the Governor for appointment to this Commission. The following members of the Commission are qualified aviators:

Mr. Leo G. Fehlman, 2nd Lieutenant, Air Corps Reserve,
United States Army

Mr. Will C. Crawford, 2nd Lieutenant, Air Corps Reserve,
United States Army

Mr. Herbert F. Cullen, Former Pilot, Royal Air Force of
Great Britain

Mr. Cullen has made his application for a pilot's license under the regulations of the Department of Commerce of the United States as his war service in the Royal Air Force does not qualify him as one of the aviator members of this Commission.

This Commission has held three meetings, the first one being on June 2, 1927 when the Commission was officially organized and rules and regulations adopted by its members for the operation of the Commission.

The establishment of this organization by the Legislature was the natural outcome of the previous law on the statute books of the Territory wherein the Legislature of 1925 authorized the Governor to appoint a Territorial Aviation Examining Board, which board was for the purpose of examining for the Governor aeronauts and certain of their flying equipment. Act 128, 1927 Legislature of Hawaii, appropriated \$512.00 for the operation of this board.

The National Congress at its session during the year 1926 passed an Act creating a Bureau of Aeronautics within the Department of Commerce of the United States and giving to such Bureau the authority to promulgate rules and regulations relative to aircraft and their personnel as between the various states and between the states and the territories and within the territories and the District of Columbia. The rules and regulations promulgated by this Bureau of Aeronautics within the Department of Commerce were eventually published and when received in the Territory of Hawaii during the early months of this year were the first official notification that the Federal Government would control most of the examining, licensing and operation of commercial aircraft throughout these islands. It then became necessary for the Territory to readjust its laws to conform to this new scheme for the control of aeronautics and as the Fourteenth Legislature was in session at the moment, a bill was presented to that body and passed in Act 238 as quoted above. This Act had to be hastily drawn up as it was in the closing days of the session that it was discovered necessary to alter our Territorial Laws so quite naturally the Act as quoted above contains many defects and in a minor way conflicts with Federal laws and regulations promulgated from such laws.

Just at the time when it was found necessary to change the Territorial Law to conform to the Federal Statutes, aviation took a sudden boom within the Territory, the number of commercial planes doubling within a few months and the applications from aeronautical personnel for examinations of themselves and their equipment were being made almost daily. Unfortunately the Federal Government has not completed any provision for the examining and licensing of commercial aircraft within the Territory and as the Federal Law of 1926 takes such matters from the jurisdiction of the Territorial authorities, we now have the unfortunate conditions wherein there are numerous persons and their aircraft and equipment for which applications for their examinations and licensing have been received and no agency of the government within these islands can act on such applications.

COMMERCIAL PLANES

At present it is estimated by this Commission that there are the following commercial aircraft in a serviceable or semi-serviceable condition and irregularly operating from the Island of Oahu: 1 Ryan 4-passenger biplane and 4 JN-4 biplanes. Two of the above are mostly used for short passenger flights around the Island of Oahu and an occasional flight to the other islands in the group. Two of the JN-4's have been used principally for agricultural experimentation. None of the pilots for these planes have been examined or licensed by the Department of Commerce of the United States, though three pilots have been previously examined and licensed by the former Territorial Aviation Examining Board. None of the planes with the exception of 1 Ryan and 1 JN-4 have been examined or licensed by either the Federal or Territorial Government.

AIRPORTS AND LANDING FIELDS

The future expansion of commercial and pleasure flights throughout the Hawaiian Archipelago primarily depends upon the establishment of suitable airdromes, airports and landing fields and this Commission believes it to be the fundamental duty of the Territory to establish as rapidly as possible a chain of suitable landing fields on the following islands of this group: Oahu, Hawaii, Maui, Kauai, Molokai, Lanai and Kahoolawe.

John Rodgers Airport

At present the Territory owns and is developing two airports, one on the Island of Oahu located at Keehi Lagoon on the shore line of Kalihi Basin about five miles west of the center of the City of Honolulu. This airport is known as the "John Rodgers Airport" and was dedicated to the memory of Commander John Rodgers of the United States Navy and a tablet was unveiled by the Governor of the Territory on March 21, 1927 at the dedication ceremonies. The labor of clearing and grading the 119 ³/₁₀ acres of this airport is progressing slowly but surely under appropriations of the 1925 and 1927 sessions of the Territorial Legislature. The original appropriation to secure the land for this airport was contained in Act 176, Session Laws of the Territory of Hawaii, 1925, wherein the sum of \$45,000 was appropriated provided a sum of \$20,000 should be raised by private subscription and paid into the treasury of the Territory to the credit of the "Air Port and/or Landing Field Fund". The expenditure of this money was placed

in the hands of the Superintendent of Public Works of the Territory. Act 257 of the 1927 session of the Territorial Legislature appropriated \$100,000 for the acquisition of land and the improvement of airports on the Island of Kauai, Oahu, Molokai and Maui, \$75,000 of which is to be used on the John Rodgers Airport. The authority for the expenditure of the moneys appropriated in this Act is placed in the hands of the Superintendent of Public Works of the Territory. It is anticipated by this Commission that a portion of this airport will be in suitable condition for use by the smaller type of aircraft by the first of January, 1928.

Hilo Airport

The Hilo Airport was originally created by Act 18 of the Session Laws of 1925 wherein \$10,000 was appropriated for the expenses of transportation, housing and feeding of territorial prisoners to be used in the development of an airport at Waiakea in the District of South Hilo, County of Hawaii. As such appropriation did not provide for the purchase of any equipment, the prisoners were greatly handicapped in making any headway in clearing and leveling the ground. Act 277 of the Session Laws of 1927 of the Territorial Legislature appropriated the sum of \$25,000 to continue the work on the Hilo Airport and this time by the wording of the law suitable tools, equipment and material can be purchased for use by prisoner labor. Both Act 18 of the 1925 session and Act 277 of the 1927 session of the Territorial Legislature placed the expenditures of these appropriations under the authority of the Attorney General of the Territory. The clearing and grading of this airport is now proceeding rapidly and satisfactorily and it is anticipated that this field will be partially ready for the use of aircraft by the first of December of this year.

Landing Fields, Maui

Two sites have been selected on the Island of Maui for landing fields and recommendations have been presented to Your Excellency by this Commission for the securing of these tracts of land. It is proposed to establish the main airport for the Island of Maui in the "Paukukalo Basin" situated about one mile north of the town of Wailuku. This tract of land comprising 106 $\frac{2}{10}$ acres is known as the "National Guard Rifle Range and Camp Site". The other site for a landing field approximately three miles west of the town of Lahaina and comprising 54 $\frac{4}{10}$ acres is known as "Hahakea", Lahaina. This tract of land belongs to the Pioneer Mill Company of Lahaina, Maui, and its acquisition is requested by an exchange or purchase of the land.

Instigators of Landing Fields and Airports

All credit and much praise for the agitation, selection and ap-

appropriations for the landing fields and airports throughout the Territory are given to the Honolulu Chapter of the National Aeronautic Association as it was due to the perseverance of this organization and its untiring efforts that these were initiated. As this Commission has been in existence only one month and twenty-three days, it has not been possible for us to proceed much further into the subject of airports and landing fields.

CONCLUSION

Owing to the national strategical value and situation of these islands, there are many complicated problems that face this organization in its endeavors to successfully perform its mission. The seriousness of such matters is thoroughly understood and appreciated by this body and exerts a great influence to inspire our recommendation that the Bureau of Aeronautics, Department of Commerce, appoint a representative within the City of Honolulu to license aircraft and its personnel and to work in close harmony with this Commission in the promulgation and the enforcement of rules and regulations governing commercial flying. It is the opinion of this Commission that at present the regulations of the Department of Commerce fail to safeguard inter-island air traffic by omitting therefrom that aircraft should be equipped with an operating compass and suitable charts and maps of the Territory. Also the carrying of explosives should be prohibited and there should be some restrictions relating to the flying over certain fortifications and the promiscuous taking of aerial photographs of certain strategical features of our national defenses. As this subject of safeguarding and protecting commercial aviation is such a new one and developing at a most rapid rate, it can be expected that there is much yet to be done before sufficient and suitable regulations can be established. This Commission hopes that its earnest and untiring efforts will be of constructive assistance to the development of aero transportation within the Territory of Hawaii.

Respectfully yours,

(SGD) P. M. Smoot
P. M. SMOOT,
Colonel, A. G. D.,
Chairman.