

STATEMENT OF WILLIAM V. VITALE, DEPUTY DIRECTOR,
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BEFORE THE HOUSE COMMITTEE ON INTERSTATE AND
FOREIGN COMMERCE, SUBCOMMITTEE ON TRANSPORTATION
AND AERONAUTICS, OCTOBER 1, 1974.

Mr. Chairman and Members of the Subcommittee:

Thank you for the invitation to appear today to discuss the following legislation: H. R. 11131, related to Elkhart, Kansas; H. R. 783, related to Algona, Iowa; H. R. 5815, related to Camden, Arkansas; and, H. R. 8022, related to Rolla, Missouri. Appearing with me today is Oscar Shienbrood of our Chief Counsel's office.

The above-named communities have at least one thing in common. All four communities, following World War II, had certain property transferred to them by the United States Government. The property was to be used for airport purposes only. In order to assure such use, all four deeds of conveyance contained clauses, required by section 16 of the Federal Airport Act, providing for automatic reversion of the property to the United States in the event the property was not developed, or ceased to be used, for airport purposes.

These clauses in effect foreclosed the grantees from using the property, or portions thereof, for other than airport purposes. For example, the land could not be developed for industrial purposes. In some cases this inability to develop portions of the property for non-aviation revenue raising uses actually worked adverse to aviation interests because these small airports were not self-sufficient.

Under the Federal Airport Act, as carried over by a savings provision in the Airport and Airway Development Act of 1970 (P. L. 91-258), the Secretary of Transportation lacked authority to release the restrictions contained in the deeds of conveyance.

The bills you are considering today would authorize the Secretary of Transportation to grant a release from the reversionary clause so that the communities affected could use the property for industrial development. The bills contain a safeguard against abuse by making the Secretary's authority subject to the provisions of section 4 of the Act of October 1, 1949 (50 App U.S.C. 1622c). That section requires that before property is released for non-airport purposes it must be determined that the property is no longer necessary to accomplish the purpose for which it was originally transferred and is not necessary to protect or advance U. S. Civil Aviation. That section further provides that the Secretary may impose such conditions on the conveyance as he deems necessary so as to insure that any proceeds arising from non-airport use of the property will be used for the development and maintenance of the airport.

Mr. Chairman, there is precedent for such legislation. Under similar facts legislation was approved by the Congress in connection with airport property in Clarinda, Iowa, in 1966 (Public Law 89-649). It has been our consistent position that the vesting of this authority in the Secretary is in the best interests of civil aviation.

We have looked at the situations in Algona, Rolla, Elkhart and Camden. The release authority provided by the bills to permit use of portions of these properties for industrial or non-airport uses is not inconsistent with the needs of the Department of Transportation. Accordingly, enactment of this legislation is recommended.

Mr. Chairman, this concludes my prepared statement. If you or other members of the subcommittee have any questions, I and my associates will be pleased to answer them.