

HAWAII AERONAUTICS COMMISSION  
 Regular Monthly Meeting  
 Saturday, April 28, 1956

The regular monthly meeting of the Hawaii Aeronautics Commission was called to order by Dr. Francis K. Sylva, Chairman, on Saturday, April 28, 1956 at 9:45 a.m., in the Board Room of the Commission, Overseas Terminal Building, Honolulu International Airport.

A quorum of the Commission was in attendance. (See Record of Attendance.)

GENERAL

MINUTES OF MARCH 24, 1956 MEETING: The item captioned "Ground Transportation License - Hana Ranch Company" was corrected to read: "VOTED: to grant the application from Hana Ranch Company for additional services to their ground transportation operations at Hana Airport". The Minutes were then unanimously approved as corrected, on motion by Mr. Edwards, seconded by Mr. Furtado.

ESTABLISHMENT OF POSITIONS - LEGAL COUNSEL AND LEGAL STENOGRAPHER, SR-11:

The Director referred to his memorandum of April 23d to the Commission, relative to the hiring of a Legal Counsel and Legal Stenographer. He advised that because of the specialized type of work involved in legal matters and the present workload of the steno pool, it would be advisable to hire a Legal Stenographer to work with the Legal Counsel.

It was pointed out that the Attorney General is the appointing authority for any attorney to be hired by a territorial department; and that the attorney's services would be secured on a year-to-year basis, for as long as such services are needed.

In reply to Commissioner Edwards' query as to whether or not the Commission would be able to rely on opinions rendered as to legality or propriety, the Director stated that the Commission would be able to do so. He pointed out also that the Commission would not hereafter have to refer matters to the Attorney General's office as is presently done, thereby saving considerable time.

Mr. Honda made a motion seconded by Mr. Kobayashi, and it was unanimously

VOTED: to approve the staff's recommendation to establish the following two positions, effective June 1st: Legal Counsel, at \$650 a month (appointment to be made by Attorney General), and Legal Stenographer, SR-11.

OUTSIDE EMPLOYMENT AND PECUNIARY INTERESTS OF HAC EMPLOYEES - REVISION OF

POLICY: The Director advised that the question of outside employment had been raised by an employee who requested permission to work part-time after his regular working hours for an aeronautical tenant on Honolulu Airport. He stated that permission had been denied in view of incompatibility and possible interference with the performance of the employee's duties. The Director further advised that the question of pecuniary interest should be clarified inasmuch as it poses similar problems as does outside employment. He said that Mr. Robert Fukuda, Deputy Attorney General, had verbally expressed the opinion that the first half of the Commission's policy of December 15, 1947 with regard to these matters had been superseded by Act 208, S.L. 1955, and that the second half of the policy is too broad and probably illegal. He suggested that the second half of the Commission's policy of December 15, 1947 be reworded with similar provisions as found in Act 208.

The Director explained that the Commission's policy imposes restrictions not only on the employee but also his immediate family. The new statement of policy as recommended was as follows:

"No employee of the Hawaii Aeronautics Commission shall accept any outside employment which is inconsistent or incompatible with or interferes with the proper discharge of the employee's duties to the Hawaii Aeronautics Commission, nor shall he have any pecuniary interest, direct or indirect, in

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any civil aeronautics enterprise or any enterprise conducted on any airport in the Territory which is inconsistent, incompatible with or interferes with the proper discharge of the employee's duties to the Hawaii Aeronautics Commission.

"Any employee of the Hawaii Aeronautics Commission may secure permission or clarification prior to accepting outside employment or acquiring any pecuniary interest in any civil aeronautics enterprise or any enterprise conducted on any airport in the Territory, by writing to the Director of Aeronautics or his duly authorized representatives through departmental channel or communication setting forth specific and pertinent information. The Director of Aeronautics may refer any case to the Commission for its decision. In any event, the decision of the Commission shall be final."

Mr. Edwards made a motion, which was seconded by Mr. Honda and unanimously

VOTED: that the action of the Director in denying the privilege of accepting outside employment by the employee in question be approved, and that the suggested new statement of policy be given more study and be acted upon at the next meeting of the Commission.

#### HAWAII

##### KONA AIRPORT

RELOCATION OF EXISTING BAGGAGE COUNTER: Mr. Furtado reported that the airlines need additional baggage counter space, but that he was not in agreement with the suggested plan to relocate the baggage counter to the east end of the terminal. He asked that the matter be deferred in order that he may take the matter up with the airport manager and airline representatives.

There being no objection, the matter was deferred.

##### HILO AIRPORT

CONSTRUCTION OF CAR PORTS: Commissioner Furtado pointed out that there is a letter on file from the CAA requesting construction of car ports for tower and Weather Bureau employees. He said it was a good idea and should be done and therefore made a motion, seconded by Mr. Edwards, and it was unanimously

VOTED: that the matter be referred to the staff for further study, and that a report be made at the next meeting of the Commission, covering details.

REGULATION OF PRE-ARRANGED GROUND TRANSPORTATION SERVICES - (Big Island U-Drive and Ruddle Sales & Service Co.): The Director advised that a letter from an attorney representing the Big Island U-Drive and Ruddle Sales & Service Company, contending that the Commission is without power to regulate pre-arranged ground transportation services, had been referred to the Attorney General's office. The Assistant Attorney General has advised that if this regulation is not important to the Commission, the HAC should then return the payments received under protest. However, if it is important, the Commission should get a court decision on the question, to determine whether it has the power to so regulate. In this connection, the two firms could file suit to recover payments, on the ground that the Commission is without power to charge them.

The Director stated that this point should be clearly ascertained; and also, that if the Commission took the position that it is not important to regulate, all of the tour and U-drive activities throughout the Territory will be affected. He added that it has always been the Commission's policy to regulate services generated at the airport.

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In the following discussion, Mr. Edwards commented on the importance of the Commission knowing what its legal rights are in the matter.

Mr. Edwards then made a motion, seconded by Mr. Furtado and it was unanimously

VOTED: that the Commission inform the Attorney General's office and any other counsel involved that the Commission considers the matter to be one of importance, and that the Commission take whatever steps that are necessary to resolve this in proper manner.

HAWAII VISITORS BUREAU - INFORMATION OFFICE: Mr. Furtado reported that the Hawaii Visitors Bureau is willing to staff an information office at Hilo Airport and, in exchange for free rent, they propose to offer this service on a 7-day a week basis. He continued, that it created a problem in that there is no space available presently, and it would require the staff to investigate the possibility of finding space for this activity. He then moved, and it was seconded by Mr. Edwards and unanimously

VOTED: that the staff be authorized to take the matter up with the HVB and find out what services they are willing to render and what help they will be to the traveler and HAC and that a report be made to the Commission at its next meeting.

#### MAUI

##### HANA AIRPORT

REREHABILITATION OF AIRPORT PAVEMENT IN LANDING AREA: Mr. Wirtz made a motion, seconded by Mr. Furtado and unanimously

VOTED: to concur in the Superintendent of Public Works recommendation to award the contract for Hana pavement rehabilitation to Hawaiian Bitumuls Co., Ltd., on their low bid of \$5,285.00 plus \$565 for extras and \$650 for engineering and inspection.

##### PUUNENE AIRPORT

MAUI ECONOMIC DEVELOPMENT ASSOCIATION - Request for Transfer of Surplus Land: Mr. Wirtz advised that he and the Chairman of the MEDA had not yet been able to get together on MEDA's request. However, in view of the Quitclaim Deed and CAA requirements, he made a motion, which was seconded by Mr. Edwards and unanimously

VOTED: to refer the matter to the staff and CAA to determine whether the Commission can favorably concur in their request, and to report back at the next Commission meeting.

##### NATIONAL BUREAU OF STANDARDS, RADIO PROPAGATION FIELD STATION - Request for Site Relocation of Radio Frequency and Time Station WWVH:

In line with the staff's recommendation, Mr. Wirtz made a motion, which was seconded by Mr. Furtado and unanimously

VOTED: to refer the request to the staff, CAA and Airspace Subcommittee for recommendations.

##### KAHULUI AIRPORT

QUITCLAIM DEED: Mr. Wirtz reported that a meeting had been held on Maui with representatives of the Navy, CAA and Attorney General's office, relative to the Quitclaim Deed for Kahului Airport, with a subsequent meeting being held in the office of the Director, HAC. He continued, that at the second meeting, Mr. MacKenzie Shannon had submitted another draft of the deed,

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as there were some minor corrections made at the request of the Attorney General and himself. In the last draft, all of the buildings not in aeronautical use have been eliminated; the only facilities the Commission is required to maintain are of a purely aeronautical nature. He added that there was no provision for federal participation; however, territorial funds may be expended. Mr. Wirtz stated that the conditions on repossession are not necessarily to his liking, but there is nothing that the Navy can do at the present time because of the Enabling Act of Congress authorizing the transfer. He commented that the Commission now has the best possible deed it can get within the limits of the Enabling Act. He moved that the Commission accept the deed on the condition that the HAC make every effort to secure legislation through Hawaii's Delegate to Congress to amend the Enabling Act so that the deed can be amended in regard to the recapture clause. (The MOTION failed for lack of a second.)

Mr. Hodgson advised that the matter was a serious one, and he did not feel the Commission was ready to vote on it. He said that copies of the Deed should be reproduced and distributed to members in order that they can see the commitments they will be voting on. He stated that the first deed contained many objectionable items. Further, that if this deed is to be conditioned on mandatory legislation by Congress, it should be in the deed itself so that when such legislation is enacted there will be a commitment by both parties to conform to the legislation. Mr. Hodgson said that he would feel better if this were deferred until the Commission has the necessary information.

Mr. Wirtz said that he thought copies of the deed had been circulated; however, if this were not so, Mr. Hodgson's request was reasonable.

Mr. Hodgson made a MOTION, which was seconded by Mr. Furtado, to defer the matter until the next meeting and to have copies of the deed distributed to the members.

The Director advised that his April 24th memo on the subject 'Salient Points of Kahului Airport Quitclaim Deed' incorporated all the changes to the deed.

Mr. Edwards said he would be pleased to see some action on the Quitclaim Deed at this time, in order to hasten action on construction of a new control tower and turn back the financial responsibility for the operation of the control tower to the CAA, thereby saving the Commission \$3,654.83 per month.

Mr. Wirtz agreed with Mr. Edwards' remarks and said that was the reason he would be sorry to see the matter deferred.

Mr. Edwards commented also that no matter how long the commission studies the deed, the commission cannot get more from the Navy than the Navy is willing to give. Mr. Wirtz added that the only other thing the HAC could do would be to have both parties join in seeking legislation, but that he doubted the Navy would commit itself in this regard.

Mr. Edwards asked if it would be possible to proceed with action first contemplated, to accept the deed subject to possible revision by legal counsel.

Mr. Hodgson said that, if the matter were voted upon at this time, he could vote only in the negative. He emphasized that the deed should first be circularized.

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Commissioner Wirtz said that if the Commissioners have any questions on the deed and wish to discuss them with him he could possibly arrange to come to Honolulu to do so.

The Director pointed out that it might be advisable to have the Navy indicate in writing their agreement with the changes discussed and agreed to in principle, in order to secure their inclusion in the revised document being prepared by the Navy. Commissioner Wirtz agreed with this.

A vote was then taken on Mr. Wirtz's motion, seconded by Mr. Furtado, and it was unanimously

VOTED: to defer the matter until the next meeting and to have copies of the deed distributed to members.

The Director was instructed to also distribute copies of the Act of Congress authorizing the transfer.

REQUEST FROM CORPS OF ENGINEERS, U.S. ARMY, FOR USE OF BLDG. #354, KAHULUI AIRPORT: Commissioner Wirtz pointed out that the HAC is not using Building #354 and sees no foreseeable need for it. He therefore made a motion, seconded by Mr. Furtado, and it was unanimously

VOTED: to grant the Corps of Engineers' request to use Building #354 at Kahului Airport.

REQUEST FROM MARCO M. MEYER, RESTAURANT CONCESSIONAIRE, FOR RENEWAL OF LEASE: Mr. Wirtz reported that Mr. Meyer's term of lease will expire in another year. He stated that he would like to have the matter referred to the staff for investigation and a determination as to whether the concessionaire intends to make improvements if the lease is renewed at a revised rate. Mr. Wirtz added that he has received many complaints with regard to the concession. He then moved, and it was seconded by Mr. Furtado and unanimously.

VOTED: to refer the matter to the staff for investigation.

HONOLULU AIRPORT

TRANSOCEAN AIR LINES - REQUEST FOR ASSIGNMENT OF LAND AREA WITHIN AIRPORT MASTER PLAN: There being no objection, the Chairman referred the matter to the staff.

RCA - REQUEST FOR SALE OF AIR TRIP TRAVEL INSURANCE OVER-THE-COUNTER THROUGH TELE-TRIP POLICY COMPANY, INC.: The Director reported that he has made a special investigation of over-the-counter insurance sales in the past and has found that, in general, there is a greater amount of business generated in this manner as compared with insurance machines. He said that it would be to the interest of the travelling public to be able to purchase insurance either by machine or over-the-counter. The Director recommended that the application from RCA for sale of air trip travel insurance over the counter, through Tele-Trip Policy Company, Inc. be approved, provided RCA pays to the HAC a concession fee of 13% of the total gross premium of all insurance sales, less any bona fide refund; also, that the concession be granted on a non-exclusive, month-to-month basis.

Mr. Honda made a motion, seconded by Mr. Kobayashi, and it was unanimously

VOTED: to approve the Director's recommendations.

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KAUAI

LIHUE AIRPORT

EXTENSION OF DRAINAGE CULVERTS: Mr. Edwards explained that some of the drains extending under the runway stop too near the edge of the runway for safety, and the ditches should be extended. He therefore made a motion, which was seconded by Mr. Honda, and it was unanimously

VOTED: to appropriate \$150 for extension of the drainage culverts.

HONOLULU AIRPORT

DAMON TRACT LAND USE: The Chairman advised having received an invitation from the City Planning Commission for commission representation at a meeting to be held with other government agencies on May 3d to discuss proposed future land use of the Damon Tract in view of the proposed development of Honolulu International Airport.

Mr. Hodgson made a motion, seconded by Mr. Furtado, and it was unanimously

VOTED: that the Chairman and such other persons he may elect represent the Commission at this meeting.

CONDEMNATION OF LAND - DAMON TRACT: Mr. Honda made a motion, seconded by Mr. Wirtz, and it was unanimously

VOTED: that in view of public necessity, the Hawaii Aeronautics Commission proceed with the acquisition of private land adjacent to Honolulu International Airport, comprising approximately 14.2 acres. The Land being a portion of Land Court Application 1074; being also those Damon Tract lots with a depth of about 150ft. on both sides of the road known as John Rodgers Airport Road, and including all of said John Rodgers Airport Road and a portion of Kaimana Road; bounded on the north by Nimitz Highway and to the south by land abutting Honolulu Airport, which land is presently being acquired by the Territory for airport purposes. Said property is necessary to develop the principal access road to the new terminal area as set forth in the basic terminal site plan.

HAWAII

INSPECTION BY COMMISSION TO REVIEW PROPOSED PROJECTS: Mr. Furtado asked that as many commissioners as possible visit Hawaii in the near future to look over projects which must be undertaken. The Chairman advised that he would call for such an inspection trip to the Island of Hawaii soon. He said that the regular meeting of the Commission would not be held on Hawaii, but if there is a majority of the Commission on the inspection trip and certain action is deemed necessary, a special meeting could be called.

GENERAL

INVITATION FROM CIVIL AIR PATROL: An invitation from the Hawaii Wing, Civil Air Patrol, for the Director's attendance at the Air Force Air Proving Ground Command Aerial Fire-Power Demonstration at Eglin Air Force Base, Florida, October 8 & 9, was presented, along with the Director's request for allowance of additional time of one week to go to Washington to confer with certain officials with regard to problems affecting Honolulu and Kahului airports, as well as provision of a per diem of \$140 (7 days). It was noted that air travel expense would be through the courtesy of MATS.

It was pointed out that the invitation from CAP should either be accepted or rejected at this time, to allow for proper planning by the CAP.

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Mr. Furtado commented that the Territory would be well represented by the CAP, and he could not see the necessity of having an HAC staff member go.

Mr. Honda pointed out that the CAP is a growing organization with an expanding program, and that it is very important that someone from the staff or Commission understand the program.

After a brief discussion, Mr. Honda moved, and it was seconded by Mr. Kobayashi and

VOTED: to accept CAP's invitation and to grant the director's request for a week's additional time to allow for conferences with Washington officials, and a per diem of \$140 (7 days).

Motion Carried

Affirmative Votes: Messrs. Honda, Wirtz, Edwards,  
Kobayashi and Hodgson

Negative Vote: Mr. Furtado

ADJOURNMENT: Meeting adjourned at 10:55 a.m.

ATTENDANCE:

Hawaii Aeronautics Commission

Present: Dr. F. K. Sylva, Chairman  
Mr. D. W. Edwards, Vice Chairman (Kauai)  
Mr. R. C. Honda, Secretary  
Mr. David Furtado, Vice-Secretary (Hawaii)  
Mr. George Kobayashi, Member  
Mr. Joseph V. Hodgson, Member  
Mr. Cable Wirtz, Member (Maui)

Absent: Mr. C. J. Pietsch, Jr., Member  
Mr. Richard Wheeler, Member

In Attendance: Mr. R. M. Lee, Director, HAC  
Mr. J. V. Dolan, CAA  
Mr. W. Clopp, AOPAH  
Mr. C. E. Perin, HAC  
Mr. O. V. Andrew, TPA & AFS  
Mr. W. Woollett, Canadian Pacific Airlines  
Mr. W. T. Waterhouse, Murrayair, Ltd.  
Mr. R. B. Wise, Murrayair, Ltd.  
Mr. T. A. Vierra, Architect

Respectfully submitted,



Ralph C. Honda, Secretary