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SOUTH CAROLINA IN THE AIR AGE

THE STAFF

The complexion of aviation is changing rapidly, and as it does our society must be prepared to meet the demands that these changes are increasingly making upon it. Rapid developments in aviation have caused, and will continue to cause, eradication of traditional legal concepts. The trend should be encouraged, at least insofar as it is consistent with the law's role as a stabilizing force, so that South Carolina will be able to reap a full share of the benefits of the air age. This state is on the threshold of what could be one of the most progressive eras in its history, and integrally intertwined therein are the difficulties, benefits, confusions and innuendos of air commerce.

The following articles deal with some of the areas in which progress is being, or should be, made. The pervasive point seems to be that while the law may have taken some steps in the right direction, it has not yet passed far beyond the threshold and has quite a long way to go before the full measure of benefits will be realized. In every case the policy consideration is whether the public interests or the private interests override, and even in a period of change this consideration should remain paramount. The public has an interest in seeing that air travel is speedy, efficient and safe, and thus does not encourage the erection of structures around an airport which might hinder the airport's performance or possible expansion. Zoning of the surrounding area would seem to be one reasonable way of regulating heights of buildings and uses. On the other hand, no resolution of these perplexing considerations should disregard the plight of the private citizen in being subjected to the nuisances of aircraft noise and vibration. Although air travel needs to be encouraged to the disregard of some individual privileges, this encouragement must be balanced against the possibility of damage to private landowners. To this balance must be added some consideration of the jurisdiction and choice of law questions which may arise when injuries are caused by airplanes on or over the high seas. By constantly striving to discern the line between public and private interests, it is felt that the result will be a legal philosophy most beneficial to all interests.