

No. 1984-164

AN ACT

SB 785

Amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to aviation; and making an appropriation.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a part to read:

TITLE 74
TRANSPORTATION

Part

III. Aviation

PART III
AVIATION

Chapter

- 51. Preliminary Provisions
- 53. Authority of Department of Transportation
- 55. Legal Status of Air Navigation
- 57. Obstructions to Aircraft Operation
- 59. Airport Operation and Zoning
- 61. Aviation Development

CHAPTER 51
PRELIMINARY PROVISIONS

Sec.

- 5101. Short title of part.
- 5102. Definitions.
- 5103. Aviation Restricted Account.

§ 5101. Short title of part.

This part shall be known and may be cited as the Aviation Code.

§ 5102. Definitions.

The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Aircraft.” Any contrivance, except an unpowered hang-glider or parachute, used, for manned ascent into or flight through the air.

“Airport.” Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

“Airport hazard.” Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

“Airport hazard area.” Any area of land or water upon which an airport hazard might be established if not prevented as provided in this part.

“Aviation development.” Any work involved in the construction, reconstruction, improvement or repair of a landing area, heliport, airport or any

portion thereof. For purposes of this part, aviation development shall include, but shall not be limited to, the removal, lowering and relocation of airport equipment and facilities, including the marking and lighting of any airport; the construction and maintenance of maintenance hangars and T-storage hangars; the installation or improvement of navigation aids used in the landing and taking off of aircraft; the installation of equipment used for the suppression of noise, including the construction of physical barriers and landscaping for the purpose of diminishing the effect of aircraft noise in any area adjacent to an airport; the acquisition of land, or any interest therein, or any easement, for purposes which are compatible with the operation of the airport, including the removal of airport hazards; and any other aviation-related improvements so long as they are directly involved in the movement, servicing or housing of aircraft on an airport.

“Aviation-related area.” Any area of an airport used, or intended to be used, in the direct operation of the airport. The term includes, but is not limited to, any portion of the airport used in the landing, taking off or surface maneuvering of an aircraft. The term does not include hangars, terminals and any portion of the airport used for the housing of aircraft or areas dedicated to hotels, motels, shops, restaurants, parking areas and garages and other for-profit establishments whose purpose is unrelated to the landing and taking off of aircraft.

“Board.” A zoning hearing board or joint zoning hearing board established pursuant to Article IX of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, but not including a joint airport zoning board established pursuant to section 5912 (relating to power to adopt airport zoning regulations). In municipalities where the Pennsylvania Municipalities Planning Code does not apply, the term shall mean the body having the powers listed in section 5917 (relating to administrative appeals).

“Commercial flight operations.” The carrying of persons or goods for hire, including the conduct of flight instruction for compensation.

“Commercial operator.” A person who deals in the sale or resale of aircraft or aircraft parts or aircraft maintenance.

“Department.” The Department of Transportation.

“Helicopter.” A rotorcraft, other than a model or radio-controlled rotorcraft, that, for its horizontal motion, depends principally on its engine-driven rotor.

“Heliport.” Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

“Landing area.” Any area used, or intended to be used, for the landing, taking off or surface maneuvering of aircraft.

“Planning agency.” A planning commission, planning department, planning committee of the governing body of a municipality or planning committee of a joint airport zoning board.

“Private airport.” An airport which is privately owned and which is not open or intended to be open to the public.

“Public airport.” An airport which is either publicly or privately owned and which is open to the public.

“Secretary.” The Secretary of Transportation.

“Statewide regional apportionment formula.” The method utilized by the department to determine whether or not an airport qualifies for State revenue to be utilized for capital construction projects and land acquisitions.

“Structure.” Includes buildings, towers, smokestacks and overhead transmission lines.

§ 5103. Aviation Restricted Account.

(a) Creation of account.—There is hereby created a special account in the State Treasury which shall be known as the Aviation Restricted Account.

(b) Source.—The revenue from the following sources shall be deposited in the Aviation Restricted Account:

(1) Proceeds of all excise taxes upon the use of fuel in aircraft engines.

(2) The cost of the use of department aircraft by Commonwealth agencies and the General Assembly, charged pursuant to section 5302 (relating to aircraft for official use).

(3) Moneys collected pursuant to sections 5703 (relating to disposition of fines, fees and forfeitures) and 5901 (relating to Harrisburg International Airport).

(4) Proceeds from the sale of State-owned airports or property thereon.

(5) Proceeds from rents, fees and other moneys derived from any source under the provisions of section 5903 (relating to authority of department).

(c) Use of account.—The moneys from time to time in the Aviation Restricted Account, after providing therefrom for the cost of administration and collection of the excise tax upon the use of fuel in aircraft or aircraft engines, shall be appropriated by the General Assembly to the department or political subdivisions for use in the following manner:

(1) The portion of the account derived from the tax on fuel sold for use in propeller-driven piston aircraft or aircraft engines as provided for in the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, and the act of January 14, 1952 (1951 P.L.1965, No.550), known as the Fuel Use Tax Act, and all the moneys collected pursuant to section 6121 (relating to tax on aviation fuels) shall be reserved solely for local real estate tax reimbursements for public airports, for costs of administering the program as provided for in section 6122(e) (relating to allocation of funds) and for payment of obligations incurred for such purposes. This portion of the account shall be maintained by the State Treasurer and shall be administered by the department. On or before February 1 of each year, the State Treasurer shall notify the department of the moneys collected and deposited in that portion of the Aviation Restricted Account reserved solely for local real estate tax reimbursements for the preceding calendar year. The notification shall include any moneys gained through the State Treasurer's investment of revenues.

(2) The portion of the account derived from the tax sold for use in turbine-propelled jet, turbojet and jet-driven aircraft and aircraft engines as provided for in The Liquid Fuels Tax Act and the Fuel Use Tax Act and all the moneys collected pursuant to section 6131 (relating to tax on jet fuels) shall be appropriated to fund the continuation of existing aviation programs, including aviation development grants; a runway marking program for public airports; administration, operation and maintenance of all State-owned airports, other than Harrisburg International Airport; payment of debt service for improvements on State-owned airports, including improvements at Harrisburg International Airport authorized prior to July 1, 1984; matching fund programs for public airports as determined by the Statewide regional apportionment formula; and the operations of the Bureau of Aviation. The sum allotted for bureau operations shall not exceed the amount of aviation development grants.

(3) The balance of the account may be used for the purchase, construction, reconstruction, operation and maintenance of State-owned airports, including Harrisburg International Airport; the operation, maintenance and other costs of aircraft owned or leased by the Commonwealth; and any other purpose reasonably related to air navigation. The moneys in the Aviation Restricted Account shall not be diverted by transfer or otherwise to any other purpose.

CHAPTER 53

AUTHORITY OF DEPARTMENT OF TRANSPORTATION

Sec.

5301. Authority of department.

5302. Aircraft for official use.

§ 5301. Authority of department.

(a) General powers.—The department shall administer the provisions of this part and, for that purpose, shall promulgate and enforce regulations as necessary to execute the powers vested in it by this part and other laws relating to aviation, airports and air safety within this Commonwealth. The secretary shall have the powers and perform the functions provided by this part. Where any provision of this part confers powers or imposes duties upon the department which under any Federal statute may be exercised by or imposed on only the Secretary of Transportation, the reference to the department shall be construed to mean the department acting by and through the Secretary of Transportation or the person for the time being acting as the Secretary of Transportation personally.

(b) Specific powers.—The department is authorized to:

(1) Provide for the examination, rating and licensing of airports.

(2) Operate and maintain airports which are owned or leased by the Commonwealth and encourage and assist in the establishment and construction of other airports.

(3) Expend moneys appropriated to it for the purposes of the administration of this part, including proceeds from aviation fuel excise taxes and

finances arising from violations of Chapter 57 (relating to obstructions to aircraft operation) from time to time in the Aviation Restricted Account.

(4) Accept and expend money, property or other things of value received from the Federal Government or from any other source for the making of surveys and plans and the purchase of lands for and the construction of airports.

(5) Expend Commonwealth funds for search and rescue operations and organ transport by the civil air patrol, and educational materials and equipment related thereto.

(6) Encourage and assist in the establishment and construction of airports.

(7) Provide for the licensing of commercial operators. If the department should fail to exercise this power, or if it should discontinue its use, it shall publish notice thereof in the Pennsylvania Bulletin at least 60 days prior to its discontinuance.

(8) Provide for education and training in crash fire rescue operations.

(9) Provide for placement of appropriate runway markings, hazard markings and highway directional signing.

(c) Additional power.—In addition to the aforementioned specific powers, the department may arrange for the publication of aeronautical charts, aircraft directories and other aviation information.

(d) Conformity to Federal law.—All rules and regulations promulgated by the department under the authority of this part shall be consistent with and conform to the Federal statutes and regulations governing aeronautics.

(e) Limitation on powers.—

(1) No license for a new airport, which is proposed to be located within a five-mile radius of an existing airport, or for the conversion of a military airport to joint use shall be issued by the department unless it has held a public hearing on the license application. The hearing shall be held in the area where the proposed airport is to be located and at least 60 days' notice of the date, time and place of the hearing shall be given to the public in at least one newspaper of general circulation. No license shall be issued unless the department is satisfied that fair consideration has been given to the interest of the communities in or near which the proposed airport is to be located and in no event shall the department license any airport within two miles of the boundary of an existing airport. Any person aggrieved by a decision of the department to grant or deny a license for a new airport or for a conversion of a military airport to joint use may take an appeal as provided in Title 2 (relating to administrative law and procedure). Nothing in this subsection shall be construed as applying to the licensing of heliports, existing airports, upgrading of existing airports or airports under construction unless for conversion of military airports to joint use.

(2) Any license for an airport issued by the department shall be effective for a period not less than two years from the date of its issuance. The department may revoke an airport license upon proof of any violation of law or regulation relating to aviation.

(3) The department shall not utilize the Statewide regional apportionment formula for any project when it has not received approval of the Federal Aviation Administration and at least 5% of the project's funding from the Aviation Restricted Account.

§ 5302. Aircraft for official use.

The department may purchase or lease and maintain aircraft required for the proper conduct of the business of the Commonwealth agencies and the General Assembly. The total cost, including all ordinary and necessary expenses for the use of such aircraft, shall be charged by the department to the using agency or the General Assembly. The amount of such charge shall be paid into the Aviation Restricted Account and be credited to the amounts appropriated therefrom for the use of the department. All amounts so credited are hereby appropriated to the department for the same purposes as other appropriations out of the Aviation Restricted Account for the use of the department.

CHAPTER 55
LEGAL STATUS OF AIR NAVIGATION

Sec.

5501. Ownership of space.

5502. Damage to persons and property on ground.

5503. Law applicable to crimes and torts.

5504. Law applicable to contracts.

§ 5501. Ownership of space.

(a) General rule.—The ownership of the space over and above the lands and waters of this Commonwealth is declared to be vested in the owner of the surface beneath, but the ownership extends only so far as is necessary to the enjoyment of the use of the surface without interference and is subject to the right of passage or flight of aircraft. Flight through the space over and above land or water, at a sufficient height and without interference to the enjoyment and use of the land or water beneath, is not an actionable wrong unless the flight results in actual damage to the land or water, or property thereon or therein, or use of the land or water beneath.

(b) Penalty.—Except in an emergency, no aircraft may land on, taxi or maneuver upon, or take off from a public airport unless operated by a person possessing proof of having attained a national standard of competence in the operation of that aircraft. Any person violating any of the provisions of this part, unless the violation is by this title or other statute of this Commonwealth declared to be a misdemeanor, or any of the rules and regulations adopted by the department pursuant to this part, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 and not more than \$200 and, in default thereof, to undergo imprisonment for a period not exceeding 30 days.

§ 5502. Damage to persons and property on ground.

(a) General rule.—The owner and the pilot, or either of them, of an aircraft which is operated over the lands or waters of this Commonwealth shall

be liable for injuries or damage to persons or property on or over the land or water beneath, caused by the ascent, descent or flight of aircraft or the dropping or falling of any object therefrom in accordance with the law applicable to torts on land in this Commonwealth.

(b) *Definition.*—As used in this section the word “owner” includes a person having full title to aircraft and operating it through agents and also includes a bona fide lessee or bailee of the aircraft whether gratuitously or for hire. It does not include a bona fide bailor or lessor of the aircraft, whether gratuitously or for hire, or a mortgagee, secured party, trustee for creditors of the aircraft or other persons having a security title only. The owner of the aircraft shall not be liable when the pilot of the aircraft is in possession thereof as a result of theft or felonious conversion. The person in whose name an aircraft is registered with the United States Department of Transportation is prima facie the owner of the aircraft within the meaning of this section.

§ 5503. Law applicable to crimes and torts.

(a) *General rule.*—All crimes, torts and other wrongs committed by or against a pilot or passengers, while in flight over or above the lands and waters of this Commonwealth, shall be governed by the law of this Commonwealth. The issue of whether damage occasioned by or to an aircraft, while over this Commonwealth, constitutes a tort, crime or other wrong by or against the owner of the aircraft shall be determined by the law of this Commonwealth.

(b) *Liability for injury to passengers.*—The liability of the owner or pilot of an aircraft carrying passengers, for injury or death to the passengers, shall be determined by the law applicable to torts on the lands or waters of this Commonwealth arising out of similar relationships.

(c) *Liability for collision of aircraft.*—The liability of the owner of one aircraft to the owner of another aircraft, or to pilots or passengers on either aircraft, for damage caused by collision, on land or in the air, shall be determined by the law applicable to torts on the lands or waters of this Commonwealth.

(d) *Liability of insurer.*—No insurer shall deny coverage under an exclusion in an agreement where there is no causal connection between the exclusion and any loss resulting from any accident.

(e) *Rental insurance disclosure.*—

(1) Every person who, in the ordinary course of his business, rents an aircraft to another person, shall deliver to such renter a written notice stating the nature and extent of insurance coverage provided, if any, for the renter against loss of or damage to the hull of the aircraft, or against liability arising out of the ownership, maintenance or use of the aircraft. The notice shall contain the name of the person giving the notice and shall be in such form as required by the department.

(2) Every person subject to the requirements of paragraph (1) shall, in addition thereto, conspicuously post in every place he conducts business, a statement setting forth the nature and extent of insurance coverage.

(3) Any person who fails to deliver the notice in accordance with paragraph (1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.

§ 5504. Law applicable to contracts.

All contractual and other relations entered into by pilots or passengers, while in flight over or above the lands or waters of this Commonwealth, shall be governed by the laws applicable to similar relations entered into on the lands of this Commonwealth.

CHAPTER 57 OBSTRUCTIONS TO AIRCRAFT OPERATION

Sec.

5701. Department approval.

5702. Commencement of proceedings for summary offenses.

5703. Disposition of fines, fees and forfeitures.

§ 5701. Department approval.

(a) Obstructions to aircraft within approach area.—A person who erects and maintains any smokestack, flag pole, elevated tank, radio station tower, antenna, building, structure, any object of natural growth or other obstruction to the operation of aircraft within an approach area that extends above an inclined plane without first obtaining prior approval thereof from the department commits a summary offense. Each day a violation of this subsection continues constitutes a separate offense.

(b) Structures in close proximity to airport.—A person who erects a new structure or adds to an existing structure in violation of guidelines or regulations adopted by the Federal Aviation Administration of the United States Department of Transportation, or who erects the structure with respect to the airport without, in either event, first obtaining prior approval from the department, commits a summary offense.

(c) Definition.—As used in this section the term “approach area” includes all that area lying within and above an inclined plane, starting at each end of each runway or landing strip of a public-use airport, as described by guidelines or regulations adopted by the Federal Aviation Administration of the United States Department of Transportation.

§ 5702. Commencement of proceedings for summary offenses.

In cases where the alleged violation of this chapter is designated a summary offense, proceedings shall be instituted under applicable law within 30 days after the commission of the alleged violation. If the proceedings are instituted against a person prima facie guilty of an offense and it subsequently appears that another person was the violator, proceedings may be instituted against the other person within 30 days after his identity has been discovered.

§ 5703. Disposition of fines, fees and forfeitures.

All fines, fees and forfeitures collected under this part for violations thereof, and all bail forfeited, shall be paid to the Department of Revenue and transmitted to the State Treasury and credited to the Aviation Restricted

account by the district justice or other officer imposing or receiving them. A district justice who fails to pay the fines, fees and forfeitures to the Department of Revenue commits a misdemeanor of the third degree.

CHAPTER 59 AIRPORT OPERATION AND ZONING

Subchapter

- A. General Provisions
- B. Airport Zoning

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 5901. Harrisburg International Airport.
- 5902. Other airports.
- 5903. Authority of department.
- 5904. Airport authorities.
- 5905. Certain State-owned airport.

§ 5901. Harrisburg International Airport.

All right, title and interest in certain property located in Lower Swatara Township and the Borough of Middletown, Dauphin County, formerly known as Olmsted Air Force Base, presently known as Harrisburg International Airport and more fully described in the act of April 25, 1929 (P.L. 755, No. 319), entitled "An act to cede jurisdiction to the United States over the tracts of lands and buildings occupied by the Army Air Depot and Flying Field located in and adjacent to the Borough of Middletown, Dauphin County," which has been acquired by the Commonwealth from the Federal Government shall vest in the Commonwealth and shall be under the administration and control of the department for the uses and purposes set forth in this section.

§ 5902. Other airports.

All right, title and interest in certain properties known as Capital City Airport, located in York County, and Grand Canyon, located in Tioga County, shall be under the administration and control of the department for the uses and purposes set forth in this part.

§ 5903. Authority of department.

(a) Powers enumerated.—The department is authorized to:

(1) Allocate so much of the property for use as airports as it determines to be necessary.

(2) Operate and maintain the airports.

(3) Grant leases, licenses, easements and rights-of-way over, under and upon the property, for any period under such terms and conditions and for such rent or other consideration as the department deems proper. With respect to leases or agreements relating to airports, the appropriate department, in negotiations with any person regarding such leases or agreements, shall insure that retention and creation of employment shall

be the ultimate result of these negotiations. Further, such lease or agreement shall include provisions that require the lessee to adequately maintain access roads, runways and buildings and keep the airport operational. If the lessee fails to abide by the terms of the lease or agreement with regard to the above, the appropriate department, after giving reasonable notice, shall terminate the lease or agreement.

(4) Sell and convey or exchange with the approval of the Governor and the General Assembly any of the property under such terms and conditions and for such consideration as the department deems proper.

(5) Equip, alter, repair, maintain, renew, relocate or demolish all or any portion of the property including any building, structure or fixture.

(6) Mark, build, rebuild, relocate, fix the width of, construct, repair and maintain roads over the property.

(7) Purchase, contract for and maintain all equipment, machinery, materials, services and supplies necessary to construct, operate or maintain the airport or the property.

(8) Maintain and operate utility services such as water, sewage, heat, electric power or other services and provide them to any tenant or other person occupying or using any of the property or facilities covered by this section, under such terms and conditions and for such rent or other consideration as the department deems proper; the department shall incur no monetary loss in the execution of these functions.

(9) Provide fire protection for the property and facilities if required by Federal law or regulation.

(10) Provide police protection in accordance with the act of May 21, 1943 (P.L.469, No.210), entitled "An act providing for commissioning as police officers certain employes of institutions maintained in whole or in part by the Commonwealth; conferring upon them the powers of constables in certain cases; and imposing duties on wardens and keepers of jails, police stations and lock-ups", and perform arrests and collect and retain all fines arising from infractions of the law including, but not limited to, vehicle parking violations.

(11) Employ such officers, technicians, professional assistants and other persons as the department deems necessary to carry out this section.

(12) Acquire additional lands with legislative approval.

(13) Collect rents, fees and other moneys derived from any source pursuant to any provision of this section.

(14) Acquire easements, leases, licenses, permits or other rights or interests necessary for the proper accomplishment of the purposes of this section.

(b) Procedures.—The powers and duties granted by this act shall be exercised in accordance with the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, where not inconsistent with this chapter.

§ 5904. Airport authorities.

Any airport authority, except an authority located within a county of the first or second class, is hereby empowered to employ such persons as are nec-

essary to provide for the safety and well-being of persons and property at the airport. The persons who are so employed shall have the power to act in accordance with the provisions of Title 75 (relating to vehicles). The persons who are so employed shall also be subject to the provisions of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law. All fines forfeited, recognizances and other fines imposed, lost or forfeited, shall be payable to the airport authority.

§ 5905. Certain State-owned airport.

Notwithstanding any other provision of law to the contrary, all right, title and interest in the property known as Mid-State Airport located in Centre County, containing 496.68 acres, more or less, including the present access road from L.R. 504 to and into Mid-State Airport, shall be transferred to and held within the jurisdiction and control of the Department of General Services for all purposes, and the Department of General Services shall have the same powers and duties with respect to Mid-State Airport as it has with respect to other real estate under its jurisdiction, with the exception that the facilities currently owned, used and operated at Mid-State Airport by the Department of Environmental Resources for wild fire attack operations and full access thereto by land and by air shall remain, without charge of any kind, in the Department of Environmental Resources, it being intended that nothing herein shall diminish the ability of the Department of Environmental Resources to continue its wild fire air attack operations as conducted at and out of Mid-State Airport prior to the effective date hereof. Because this involves a transfer of State forest and State park lands, no future use of Mid-State Airport shall impair in any way the integrity of the adjacent State forest and State park lands and their ecosystems. If at any time the jurisdiction and control of the land herein transferred entails significant maintenance and operation responsibilities for the Department of General Services, then and thereafter the jurisdiction and control of the land shall be transferred to the Department of Transportation.

SUBCHAPTER B AIRPORT ZONING

Sec.

- 5911. Short title of subchapter.
- 5912. Power to adopt airport zoning regulations.
- 5913. Relation to other zoning regulations.
- 5914. Procedure for adoption of zoning regulations.
- 5915. Airport zoning requirements.
- 5916. Permits and variances.
- 5917. Administrative appeals.
- 5918. Judicial review.
- 5919. Notice to department.
- 5920. Acquisition of air rights.

§ 5911. Short title of subchapter.

This subchapter shall be known and may be cited as the Airport Zoning Act.

§ 5912. Power to adopt airport zoning regulations.

(a) General rule.—In order to prevent the creation or establishment of airport hazards, every municipality having an airport hazard area within its territorial limits shall adopt, administer and enforce, under the police power and in the manner and upon the conditions prescribed in this subchapter and in applicable zoning law unless clearly inconsistent with this subchapter, airport zoning regulations for such airport hazard area. The regulations may divide the area into zones and, within the zones, specify the land uses permitted and regulate and restrict the height to which structures may be erected or objects of natural growth may be allowed to grow. A municipality which includes an airport hazard area created by the location of a public airport is required to adopt, administer and enforce zoning ordinances pursuant to this subchapter if the existing comprehensive zoning ordinance for the municipality does not provide for the land uses permitted and regulate and restrict the height to which structures may be erected or objects of natural growth may be allowed to grow in an airport hazard area.

(b) Joint airport zoning board.—Where any airport hazard area appertaining to an airport is located outside the territorial limits of the municipality encompassing the airport, all of the municipalities involved may, by ordinance or resolution, create a joint airport zoning board which shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subsection (a) in the municipality within which the area is located. Each joint airport zoning board shall have as members two representatives appointed by each municipality participating in its creation and, in addition, a chairman elected by a majority of the members so appointed.

(c) Definition.—As used in this section the word “airport” does not include facilities designated as heliports and which can be used only by rotary wing aircraft, nor airports which are private airports.

§ 5913. Relation to other zoning regulations.

(a) Incorporation.—In the event that a municipality has adopted or hereafter adopts a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of the comprehensive zoning regulations and be administered and enforced in connection therewith.

(b) Conflict.—In the event of conflict between any airport zoning regulations adopted under this subchapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality under this subchapter or otherwise, the more stringent limitation or requirement shall prevail.

§ 5914. Procedure for adoption of zoning regulations.

(a) Notice and hearing.—No airport zoning regulations shall be adopted, amended or changed except by action of the municipality or the joint airport zoning board after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. The notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality or municipalities affected. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.

(b) Airport Zoning Planning Agency.—Prior to the initial zoning of any airport hazard area, the municipality or joint airport zoning board which is to adopt the regulations shall appoint a planning agency, to be known as the Airport Zoning Planning Agency, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. The planning agency shall make a preliminary report and, after notice given in the same manner as is provided in subsection (a), shall hold public hearings thereon before submitting its final report. The municipality or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of the planning agency. Where a planning agency already exists, it may be appointed as the Airport Zoning Planning Agency.

§ 5915. Airport zoning requirements.

(a) Reasonableness.—All airport zoning regulations adopted under this subchapter shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this subchapter. In determining what regulations it may adopt, each municipality and joint airport zoning board shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

(b) Nonconforming uses.—No airport zoning regulations adopted under this subchapter may require the removal, lowering or other change or alteration of any structure or any object of natural growth not conforming to the regulations when adopted or amended or otherwise interfere with the continuance of any nonconforming use, except as provided in section 5916 (relating to permits and variances).

(c) Model ordinance.—A municipality shall adopt, either in full or by reference, any provision of any model zoning ordinance or other similar guidelines suggested or published by the Federal Aviation Administration of the United States Department of Transportation regarding airport hazard areas.

§ 5916. Permits and variances.

(a) Permit.—Any airport zoning regulations shall require that a permit be obtained before any new use or structure may be established or constructed and before any existing use or structure may be substantially

changed, but no permit may be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. However, all regulations shall provide that before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the municipality authorizing the replacement or change. Applications for permits shall only be granted unless to do so would allow the establishment or creation of an airport hazard or permit a nonconforming structure or object of natural growth or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted, or than it is when the application for a permit is made.

(b) Variance.—Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of section 5919 (relating to notice to department) are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this subchapter. Any variance may be granted subject to any reasonable conditions that the board may deem necessary to effectuate the purposes of this subchapter.

(c) Hazard marking and lighting.—In granting any permit or variance under this section, the board shall, if it deems the action advisable to effectuate the purpose of this subchapter and reasonable in the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the Federal Aviation Administration of the United States Department of Transportation.

§ 5917. Administrative appeals.

(a) Right of appeal.—Any person aggrieved or taxpayer affected by any decision of the municipality or joint zoning hearing board may appeal to the board as provided by law.

(b) Stay of proceedings.—An appeal shall stay all proceedings in furtherance of the action appealed from unless the municipality or joint zoning hearing board certifies to the board, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would in its opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the board or notice to the municipality or joint zoning appeal board.

(c) Board of appeals.—All airport zoning regulations shall provide for a board to hear and decide appeals, special exceptions and requests for variances. Where a zoning board of appeals or adjustment already exists, it may

be appointed as the board. Otherwise, the board shall consist of five members, each to be appointed for a term of three years by the authority adopting the regulations and to be removable by the appointing authority, for cause, upon written charges and after public hearing.

§ 5918. Judicial review.

Any person aggrieved or taxpayer affected by any decision of a board may appeal to the court of common pleas as provided by law. In cases where applicable law does not provide an appeal from a municipality to a board, a person or taxpayer may appeal from a decision of a municipality or joint airport zoning board, as provided by law for similar zoning proceedings.

§ 5919. Notice to department.

Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or variance under this subchapter shall notify the department of its decision. This notice shall be in writing and shall be sent so as to reach the department at least ten days before the date upon which the decision is to issue. Nothing in this section shall be construed as impairing the rights of any person under section 5918 (relating to judicial review).

§ 5920. Acquisition of air rights.

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than by airport zoning regulations, the municipality within which the property or nonconforming use is located, or the municipality or municipal authority owning the airport or served by it, may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this subchapter. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

CHAPTER 61 AVIATION DEVELOPMENT

Subchapter

- A. Preliminary Provisions
- B. Reimbursement of Local Real Estate Taxes for Public Airports
- C. Jet Fuels Tax
- D. Aviation Development Loan Program
- E. Bond Issuance

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

- 6101. Short title of chapter.
- 6102. Administration of chapter.
- 6103. Service fees.
- 6104. Construction of chapter.

§ 6101. Short title of chapter.

This chapter shall be known and may be cited as the Aviation Development Act.

§ 6102. Administration of chapter.

The department shall, in the manner provided by law, promulgate the rules and regulations necessary to carry out this chapter, and the department shall administer this chapter in relation to the conduct and operation of State aviation programs.

§ 6103. Service fees.

(a) General rule.—The department may by regulation establish appropriate fees for aviation services including:

- (1) Crash fire rescue training.
- (2) Landing area site inspections.
- (3) Issuance of private airport licenses.
- (4) Special aviation license board meetings.

(b) Recoupment of certain costs.—The department may recoup any costs incurred in the placement of appropriate runway markings on airport runways and highway directional signs to airports. The costs of highway direction signs shall be recouped from the Aviation Restricted Account.

(c) Prohibition.—The department may not impose or collect a fee for the privilege of landing aircraft at State-owned airports on persons engaged in flight instruction or on noncommercial flight operations.

§ 6104. Construction of chapter.

(a) Federal programs unaffected.—Nothing in this chapter shall be construed to affect or impair the distribution or use of any Federal aviation moneys allocated pursuant to Federal aviation assistance programs.

(b) Alleviation of unemployment.—It is the declared policy of this Commonwealth that the money raised by the tax imposed by this chapter be used, to the greatest extent possible, to create jobs and to rehire the unemployed in this Commonwealth. In order to reach this goal, firms with facilities based in this Commonwealth shall be actively solicited to make bids on contracts to furnish products and materials including, but not limited to, steel and steel products, to be used in the projects funded through this chapter.

SUBCHAPTER B
REIMBURSEMENT OF LOCAL REAL ESTATE TAXES
FOR PUBLIC AIRPORTS

Sec.

- 6121. Tax on aviation fuels.
- 6122. Allocation of funds.

6123. Denial of reimbursement.

6124. Agreement of maintenance.

§ 6121. Tax on aviation fuels.

(a) Imposition.—There is hereby imposed, effective July 1, 1984, an additional State tax of 1.5¢ per gallon, or fractional part thereof, on all fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston aircraft or aircraft engines as provided for in the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act.

(b) Annual adjustment.—Beginning on January 1, 1985, and each January 1 thereafter, the tax imposed under this section shall be adjusted annually and shall be set for that calendar year. The adjustment shall be based upon the percentage change of the Producer Price Index for Jet Fuel, as determined by the Bureau of Labor Statistics for the United States Department of Labor for the most recent 12-month period available as of the immediately preceding November 1. For every 10% increase or decrease in the Producer Price Index, there shall be a 0.1¢ per gallon, or fractional part thereof, increase or decrease in the rate of tax. The rate of tax shall be determined by the Secretary of Revenue, who shall cause such rate to be published as a notice pursuant to 45 Pa.C.S. § 725(a)(3) (relating to additional contents of Pennsylvania Bulletin) in the Pennsylvania Bulletin on or before December 15 of each year. The tax, as adjusted, shall never exceed 6¢ per gallon, or fractional part thereof, nor shall it be less than 3¢ per gallon, or fractional part thereof.

(c) Construction of section.—This section shall be construed in conjunction with The Liquid Fuels Tax Act, which shall apply to the collection, administration and enforcement of the tax imposed under this section.

§ 6122. Allocation of funds.

(a) Grants.—Each year the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. Except as otherwise provided in subsection (d), the grant shall be equal to the amount of local real estate tax paid on those portions of an airport which are aviation-related areas.

(b) Application form.—The owner of a public airport shall apply for the grant provided for in this section in the manner and on the forms as prescribed by the department.

(c) Notice to State Treasurer.—The department, following its review of each application for a grant, shall notify the State Treasurer of each applicant who qualifies therefor and the amount of the grant to which each applicant is eligible. Within 30 days of receiving the notification, the State Treasurer shall issue the grant to the qualifying applicant.

(d) Limit on grant.—The total grant of moneys in any one year shall not exceed a sum equal to the moneys collected on the sale of fuels sold for use in propeller-driven piston aircraft or aircraft engines for the previous year, plus any income earned on the fund. In the event that there are insufficient funds in the fund to meet the total annual grants provided for under this section,

the department shall make such grants on a pro rata basis. In the event that there are surplus funds in the fund with which to meet the total annual grants provided for under this section, the department may make additional grants to public airport owners, which shall be used for airport development purposes.

(e) Administrative costs.—The costs of administering the grant program under this section shall be paid out of the revenues described in section 5103(c) (relating to Aviation Restricted Account). The costs of administering this program shall not exceed 10% of such revenues collected for that year.

§ 6123. Denial of reimbursement.

Any applicant found not eligible for a grant, or for any portion thereof, shall receive written notice that his application has been denied and the reason for the denial.

§ 6124. Agreement of maintenance.

(a) Terms.—Prior to applying for an appropriation under section 6122 (relating to allocation of funds), every public airport owner shall enter into an agreement with the department. This agreement shall specify that the owner shall continue to maintain the property for which the grant will be sought as an airport, at least equal in size and capacity to its size and capacity as of the owner's initial grant application, for a period of not less than ten years.

(b) Covenant.—The agreement specified under this section shall be a covenant which runs with the land and, upon the acceptance of any grant, the covenant shall be deemed extended for one additional year.

(c) Violation.—Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for that year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the department shall receive all costs of prosecution.

SUBCHAPTER C JET FUELS TAX

Sec.

6131. Tax on jet fuels.

§ 6131. Tax on jet fuels.

(a) Imposition.—There is hereby imposed, effective July 1, 1984, a State tax of 1.1¢ per gallon, or fractional part thereof, on all fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines. The tax shall be increased by 0.2¢ per gallon, or fractional part thereof, effective January 1, 1985, and by 0.2¢ per gallon, or fractional part thereof, effective July 1, 1985. Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this section. The tax shall be collected by the distributor and shall be paid to the Commonwealth only once with respect to any fuels.

(b) Annual adjustment.—Beginning on January 1, 1986, and each January 1 thereafter, the tax imposed under this section shall be adjusted annually and shall be set for that calendar year. The adjustment shall be based upon the percentage change of the Producer Price Index for Jet Fuel, as determined by the Bureau of Labor Statistics for the United States Department of Labor, for the most recent 12-month period available as of the immediately preceding November 1. For every 10% increase or decrease in the Producer Price Index, as determined by comparing the index for the first month of the 12-month period with the index for the last month of the period, there shall be a 0.1¢ per gallon, or fractional part thereof, increase or decrease in the rate of tax. The rate of tax shall be determined by the Secretary of Revenue, who shall cause such rate to be published as a notice pursuant to 45 Pa.C.S. § 725(a)(3) (relating to additional contents of Pennsylvania Bulletin) in the Pennsylvania Bulletin on or before December 15 of each year. The tax, as adjusted, shall never exceed 2¢ per gallon, or fractional part thereof, nor shall it be less than 1.5¢ per gallon, or fractional part thereof.

(c) Construction of section.—This section shall be construed in conjunction with the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, as if jet fuels were liquid fuels as defined in that act, and all of the provisions of that act, except for section 4 thereof to the extent it imposes any tax, shall apply to the collection, administration and enforcement of the tax imposed under this section. Upon the effective date of the tax imposed by this section upon jet fuels, such jet fuels shall not be subject to the tax imposed by the act of January 14, 1952 (1951 P.L.1965, No.550), known as the Fuel Use Tax Act, except that dealer-users shall remain liable to report and pay the fuel use tax on any jet fuels used thereafter upon which the tax provided by this section has not been imposed.

(d) Disposition of taxes.—All moneys collected under this section shall be deposited by the State Treasurer in the Aviation Restricted Account.

SUBCHAPTER D AVIATION DEVELOPMENT LOAN PROGRAM

Sec.

- 6141. Terms of loans.
- 6142. Denial of loan application.
- 6143. Enforcement of loan agreement.

§ 6141. Terms of loans.

(a) Application.—The owner or operator of a public airport may apply for a loan from the Aviation Development Account. Applications for the loans shall be made in such manner and on such forms as are prescribed by the department.

(b) Limits on loans.—The department may, prior to approving any loan, appropriate from the Aviation Development Account an amount equal to the cost of administering the cost of the aviation development loan program. The department, following its review of each loan application, may approve any loan sought solely for aviation development at an airport located in this

Commonwealth. No loan shall be approved for more than 10% of the total moneys contained in the Aviation Development Account at the time when the loan is applied for, or \$100,000, whichever is greater.

(c) Interest and repayment period.—All loans approved by the department under this section shall bear interest at a rate substantially equal to the department's cost of administering the airport development program, including debt service, and shall be repaid within a period not to exceed ten years.

(d) Notice to treasurer.—The department, following its review of each loan application, shall notify the treasurer of each applicant who qualifies for a loan and the amount of the loan for which the applicant is eligible. Within 30 days of receiving this notice, the treasurer shall issue to the qualifying applicant the full amount of the loan.

§ 6142. Denial of loan application.

Any applicant deemed not eligible for a loan shall receive written notice that the loan has been denied and the reason for denial.

§ 6143. Enforcement of loan agreement.

(a) Posting of security.—The department may, prior to its approval of any loan application, require that the applicant post with the department such security as will assure compliance with the terms of the loan. The amount that shall be posted shall not exceed 25% of the loan application. After a period of demonstrated compliance with the loan agreement, the department may reduce the amount posted or may eliminate the posting entirely. In the event of a default, the security shall be utilized for the retirement of the bonds provided for in Subchapter E (relating to bond issuance).

(b) Lien.—Upon entering into an agreement with a loan applicant, the department may enter a lien against the property of the applicant. The lien shall attach to all property and rights to the property immediately upon acquisition of any interest therein by any other corporation, association or person, whether the interest be legal, equitable or subject to a security interest as defined by Title 13 (relating to commercial code), including any interest that may be created therein pursuant to a trust, lien or other device by a creditor of the corporation, association or person to secure repayment of any obligation of the corporation, association or person.

(c) Recording and priority.—The department shall record the lien provided for under this section with the office of the prothonotary of the county wherein the airport is located and the lien shall be given a priority exceeded only by claims of the Federal Government, insofar as the laws of the United States may give a prior claim to the Federal Government.

(d) Release and appeal.—The department shall release the lien upon a showing by the applicant that he has not violated the loan agreement. The applicant may appeal a determination by the department that he has violated the agreement to the Board of Finance and Revenue. The appeal shall be made in accordance with Title 2 (relating to administrative law and procedure), including appeal to the courts.

SUBCHAPTER E
BOND ISSUANCE

Sec.

- 6161. Authority to borrow.
- 6162. Bonds.
- 6163. Sale of bonds.
- 6164. Refunding bonds.
- 6165. Disposition and use of proceeds.
- 6166. Registration of bonds.
- 6167. Information to General Assembly.
- 6168. Redemption of bonds.
- 6169. Expenses of preparation, issue and sale of bonds.

§ 6161. Authority to borrow.

The Governor, Auditor General and State Treasurer are hereby authorized to borrow, by the issuance of limited obligations of the Commonwealth, money not exceeding \$25,000,000 for aviation development throughout this Commonwealth.

§ 6162. Bonds.

(a) Issuance.—As evidence of the indebtedness authorized, limited obligation bonds of the Commonwealth payable solely from the Aviation Development Account may be issued from time to time for such terms and conditions of issue, redemption and maturity, rate or rates of interest and time of payment of interest, as the Governor, Auditor General and State Treasurer shall direct, except that the latest stated maturity date shall not exceed ten years from the date of the bond first issued for each series.

(b) Signatures.—All bonds issued under this chapter shall bear facsimile signatures of the Governor, Auditor General and State Treasurer and a facsimile of the Great Seal of the Commonwealth of Pennsylvania, and shall be countersigned by one authorized officer of the authorized loan and transfer agent of the Commonwealth.

(c) Limited obligation of Commonwealth.—All bonds issued under this subchapter shall not be deemed to pledge the full faith and credit of the Commonwealth but shall be limited obligations of the Commonwealth, payable solely from the Aviation Development Account, which is hereby pledged to the extent necessary for the payment of the interest thereon as it becomes due and the payment of the principal thereof at maturity. All bonds issued under this subchapter shall be exempt from taxation for State and local purposes. The principal of and the interest on the bonds shall be payable in lawful money of the United States of America.

(d) Type of bonds.—The bonds may be issued in certificate or book-entry form as the issuing officials may determine.

(e) Amortization and retirement.—The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the

expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements computed in accordance with either a level annual debt service plan, as nearly as may be, or upon the equal annual maturities plan.

(f) Printing.—The Governor, Auditor General and State Treasurer shall proceed to have the necessary bonds prepared and printed. The bonds, as soon as they are prepared and printed, shall be forthwith deposited with the duly authorized loan and transfer agent of the Commonwealth, there to remain until sold in accordance with the provisions of this subchapter.

§ 6163. Sale of bonds.

(a) Public sale.—Whenever bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the Governor, Auditor General and State Treasurer to the highest and best bidder or bidders after due public advertisement, on such terms and conditions and upon such open competitive bidding as the Governor, Auditor General and State Treasurer shall direct. The manner and character of the advertisement and the times of advertising shall be prescribed by the Governor, Auditor General and State Treasurer.

(b) Private sale.—Any portion of any bond issue so offered and not sold or subscribed for may be disposed of by private sale by the Governor, Auditor General and State Treasurer in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this subchapter.

(c) Series.—When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with general obligation bonds of the Commonwealth.

§ 6164. Refunding bonds.

The Governor, Auditor General and State Treasurer are authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this subchapter and then outstanding, either by voluntary exchange with the holders of the outstanding bonds, or to provide funds to redeem and retire the outstanding bonds with accrued interest and any premium payable thereon, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the Governor, Auditor General and State Treasurer in respect to them shall be governed by the provisions of this subchapter, insofar as they may be applicable. Refunding bonds may be issued by the Governor, Auditor General and State Treasurer to refund bonds originally issued or to refund bonds previously issued for refunding purposes.

§ 6165. Disposition and use of proceeds.

(a) Aviation Development Account.—The proceeds realized from the sale of bonds under the provisions of this subchapter and all payments of interest on loans made and repayments of principal on such loans shall be

paid into the Aviation Development Account which is hereby established and which shall be used for aviation development loans in this Commonwealth.

(b) Development loans and repayments.—Each owner or operator of a public airport may apply for a development loan from the Aviation Development Account. Applications for the loans shall be made in such manner and on such forms as are prescribed by the department. Development loans made under the provisions of this subchapter shall not exceed a period of ten years. Proceeds from repayment of the loans, including principal and interest thereon, shall be credited to the Aviation Development Account.

(c) Interest.—Pending their application to the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of the funds shall be paid into the State Treasury to the credit of the Aviation Development Account.

§ 6166. Registration of bonds.

The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the Governor, Auditor General and State Treasurer. All bonds which are issued shall be registered in the registry books kept by the duly authorized loan and transfer agent of the Commonwealth.

§ 6167. Information to General Assembly.

It is the duty of the Governor to include, in every budget submitted to the General Assembly, full information relating to the issuance of bonds by the Commonwealth for the payment of the interest on the bonds and the principal thereof at maturity.

§ 6168. Redemption of bonds.

All bonds issued under the authority of this subchapter shall be redeemed at maturity and all interest due from time to time shall be paid from the Aviation Development Account.

§ 6169. Expenses of preparation, issue and sale of bonds.

There is hereby appropriated to the State Treasurer, from the proceeds of the bonds issued, as much moneys as may be necessary for all costs and expenses in connection with the issue of sale and registration of the bonds in connection with this subchapter.

Section 2. Repeals.

(a) Specific repeals.—The following acts or parts of acts are repealed:

Sections 526 and 1208 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Act of April 25, 1929 (P.L.755, No.319), entitled “An act to cede jurisdiction to the United States over the tracts of lands and buildings occupied by the Army Air Depot and Flying Field located in and adjacent to the Borough of Middletown, Dauphin County.”

Act of May 8, 1929 (P.L.1683, No.540), entitled “An act making an appropriation out of the Motor License Fund to the Department of Property and Supplies.”

Act of May 25, 1933 (P.L.1001, No.224), known as The Aeronautical Code.

Act of May 25, 1933 (P.L.1016, No.226), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts."

Act of May 25, 1933 (P.L.1017, No.227), entitled "An act making an appropriation out of the Motor License Fund to the Department of Property and Supplies to assist in the development of aeronautics."

Act of June 21, 1937 (P.L.1967, No.387), entitled "An act requiring all terminal airports maintaining regular scheduled flights, and all radio transmission stations used for air navigation purposes, to maintain auxiliary aerial night lighting equipment, and an auxiliary source of electric current for the same; and providing penalties."

Act of May 21, 1943 (P.L.328, No.152), entitled "An act authorizing the Secretary of Highways, at the request of, and under agreement with the Public Roads Administration of the United States, to lay out, establish, construct and maintain flight strips and roads to the sites of war activities, or to replace roads or streets which have been closed by defense or military activities, and to condemn property for such purposes, authorizing a width of two hundred feet for such roads in certain cases; and making an appropriation."

Act of April 17, 1945 (P.L.237, No.107), known as the Airport Zoning Act.

Act of July 27, 1953 (P.L.641, No.186), entitled "An act prohibiting the erection and maintenance of obstructions to the operation of aircraft in certain areas and prescribing penalties."

Act of May 29, 1956 (1955 P.L.1787, No.596), entitled "An act authorizing the Department of Military Affairs to expend State funds for civil air patrol aviation, education, training aids and maintenance of civil air patrol aircraft, and making an appropriation."

Act of August 31, 1967 (P.L.287, No.119), entitled, as amended, "An act providing for the administration of property and facilities located in Dauphin County, now known as Olmsted Air Force Base, to be acquired by the Commonwealth from the United States of America; establishing an airport; conferring powers and imposing duties upon the Department of Transportation."

(b) General repeals.—All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 3. Existing programs.

Nothing in this act shall be construed to affect or repeal any appropriation made for the current fiscal year for existing aviation programs, and the

appropriations made for these programs shall continue at current levels for the remainder of the 1983-1984 fiscal year.

Section 4. Effective date.

This act shall take effect immediately. However, in the event this act is not finally enacted on or before July 1, 1984, the taxes imposed under sections 6121 (relating to tax on aviation fuels) and 6131 (relating to tax on jet fuels) shall not be effective as of July 1, 1984, but shall be effective on the first day of the first month following final enactment.

APPROVED—The 10th day of October, A. D. 1984.

DICK THORNBURGH