

## CHAPTER 27. AIR TRANSPORTATION

Sec.	
27.1.	Definitions.
27.2.	Application of rules.
27.3.	Classification of common carriers.
27.4.	[Reserved].
27.5.	Certificates, limitations and compliance.
27.6.	Transfer of rights.
27.7.	Modification of certificates and suspension of rules.
27.8.	[Reserved].
27.9.	Beginning or abandonment of service.
27.10.	Accounts, record and reports.
27.11.	Leased equipment.
27.12.	Time and rate schedules.
27.13.	Continuity of service.
27.14.	Aircraft, airports or landing areas and pilots.
27.15.	Safety of operations.
27.16.	Compliance.

### Source

The provisions of this Chapter 27 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131, unless otherwise noted.

### § 27.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Aircraft*—A vehicle which travels through the air including but not limited to airplanes, autogiros, helicopters and lighter-than-aircraft, except free balloons.

*Airport*—A landing area approved and licensed by the Bureau of Aviation, Department of Transportation, as suitable and adopted for the landing and taking off of aircraft, and those airports maintained by the Government of the United States or the Commonwealth.

*Base of operations*—An airport or landing area within this Commonwealth at which a charter carrier regularly holds itself out to render charter service.

*Certificate*—A certificate of public convenience as issued by the Commission.

*Commission*—Pennsylvania Public Utility Commission.

*Common carrier*—Any and all persons or corporations holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or property, or both, or a class of passengers or property, between points within this Commonwealth by aircraft, and including forwarders, but not contract carriers, or brokers, or a *bona fide* cooperative association transporting property exclusively for the members of the association on a nonprofit basis.

*Corporation*—Bodies corporate, joint stock companies or associations, domestic or foreign, their lessees, assignees, trustees, receivers or other successors in interest, having any of the powers or privileges of corporations not possessed by individuals or partnerships, but not including municipal corporations, except as otherwise expressly provided in the act, nor *bona fide* cooperative associations which furnish service on a nonprofit basis only to their stockholders or members.

*Landing area*—A locality, either water or land, licensed by Bureau of Aviation, Department of Transportation, as being adapted for the landing or taking off of aircraft and those landing areas maintained by the Government of the United States or the Commonwealth.

*Person*—Individuals, partnerships or associations, other than corporations, and including their lessees, assignees, trustees, receivers, executors, administrators or other successors in interest.

*Pilot*—A person authorized by the United States Government to operate aircraft used in common carrier service.

#### Source

The provisions of this § 27.1 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131; amended March 10, 1978, effective March 11, 1978, 8 Pa.B. 717. Immediately preceding text appears at serial page (32847).

### § 27.2. Application of rules.

This chapter applies to common carriers and is subject to amendment, change or modification that the Commission may deem advisable, and to exceptions in individual cases that the Commission may deem proper.

#### Source

The provisions of this § 27.2 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

### § 27.3. Classification of common carriers.

(a) *Scheduled service.* Certificates authorizing scheduled service within this Commonwealth shall, unless otherwise specifically provided in the certificates, authorize a common carrier to operate on schedule between specified airports or landing areas within the limits of this Commonwealth.

(b) *Charter service.* Certificates authorizing charter service within this Commonwealth shall, unless otherwise specifically provided in the certificates, authorize a common carrier to transport persons or property on call or demand from or to an airport or landing area in this Commonwealth to or from another airport or landing area in this Commonwealth. The certificate shall specify a base of operations or bases of operations which may not be changed except with prior approval of the Commission. At least 80% of the flights of a charter service carrier shall originate or terminate at its base or bases of operations in any year.

**Source**

The provisions of this § 27.3 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131; amended March 10, 1978, effective March 11, 1978, 8 Pa.B. 717. Immediately preceding text appears at serial page (32848).

**§ 27.4. [Reserved].****Source**

The provisions of this § 27.4 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (26119).

**§ 27.5. Certificates, limitations and compliance.**

Certificates of public convenience approving applications will be issued subject to the limitations and conditions that the Commission may deem proper. Whenever the Commission approves an application, a compliance order will issue notifying the applicant that it shall file with the Commission within 30 days of receipt of the notice, a certificate of insurance or other security, as required by § 27.8 (Reserved), together with a tariff setting forth the proposed rates and charges as required by § 27.12 (relating to time and rate schedules). This compliance order does not grant the applicant the right to operate and a certificate of public convenience, permitting the applicant to operate, will not issue until insurance tariff and other filing requirements have been complied with. If a common carrier shall fail to meet the requirements of the compliance order within the 30-day period in this section, the Commission may rescind approval and dismiss the application.

**Source**

The provisions of this § 27.5 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.6. Transfer of rights.**

(a) *Sale or transfer of certificates.* Except as otherwise provided in this chapter, no certificate or right thereunder may be sold or transferred by act, or deed, or by operation of law, unless the approval of the Commission be first had and obtained.

(b) *Death or incapacity of a certificate holder.* Upon the death of a person to whom a certificate has been issued, or upon that person being legally declared insane or otherwise incompetent, the rights conferred by the certificate shall continue with the legal representative of the deceased or legally incompetent holder thereof for a period of 1 year, after which the rights conferred thereby shall terminate unless application has been made to transfer the rights to the heir, guardian, trustee, legatee or others, in which case the rights shall continue with the legal representative until the application is granted or refused. Provided, however, that in the event application is made by the legal representative not less than 30 days prior to the end of the period of 1 year, the Commission may, at its discre-

tion, and for cause shown, permit the transfer of the rights to the executor, administrator, guardian, trustee or other legal representative of the deceased or legally incompetent holder for a period to be fixed by the Commission. In considering petitions, pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or legally incompetent person may be deemed cause for the granting thereof.

(c) *Transfer of certificate without hearing.* When the individual holder of a certificate dies or is legally declared insane or otherwise incompetent, and an application is made to transfer the rights granted under the certificate to his legal representative, or where the certificate holder is a partnership and the application for a transfer is in effect only to remove or substitute one or more of the partners, the Commission may dispose of the application with or without hearing, and after reasonable notice that the Commission may direct.

(d) *Successors by operation of law.* If a trustee, receiver, assignee, custodian or similar officer, or officers, shall be appointed by a court of competent jurisdiction, or shall be selected by creditors in accordance with provisions of law, with authority to take or retain possession and to operate the property and business of a certificate holder, the officer shall have authority to perform the service authorized in the certificate of the debtor carrier for a period of 90 days from his appointment or selection. The officer may petition the Commission for authority to conduct the operations for an additional period of time, and the Commission may, for good cause shown, grant authority. If the petition is filed within 90 days of the appointment or selection of the petitioner, he shall have authority to continue the operations pending decisions by the Commission on the petition. In considering the petition, pertinent orders or decrees of the court having jurisdiction may be deemed cause for the granting hereof.

(e) *Limitations.* Operations covered by subsections (b)—(d) shall be subject to the terms and conditions of the certificate of public convenience and this chapter.

#### Source

The provisions of this § 27.6 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

### § 27.7. Modification of certificates and suspension of rules.

Application may be made to the Commission at any time by a holder of a certificate for amendment or modification of the certificate, or for the suspension of a provision of this chapter, or of another regulation affecting the holder, either generally or in a specific case. The application shall be made by formal petition under Chapter 5 (relating to formal proceedings) and the Commission will, after due notice, if it considers the action desirable, schedule the petition for hearing. Applications for amendment or modification of a certificate of public convenience shall be accompanied by the filing fee of \$10.

**Source**

The provisions of this § 27.7 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.8. [Reserved].****Source**

The provisions of this § 27.8 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131; reserved July 31, 1987, effective August 1, 1987, 17 Pa.B. 3217; corrected November 20, 1987, effective August 1, 1987, 17 Pa.B. 4726. Immediately preceding text appears at serial pages (120409).

**§ 27.9. Beginning or abandonment of service.**

(a) *Beginning of service.* No common carrier may commence a public service unless there is in force a certificate of public convenience issued by the Commission authorizing the common carrier to engage in the service; provided, however, in unusual circumstances on a showing by the common carrier of good cause, the Commission may authorize the commencement of the service by appropriate order.

(b) *Abandonment or discontinuance of service.* No common carrier may abandon a route or part thereof or discontinue a service required by the carrier's certificate of public convenience, without first making application to the Commission and obtaining from the Commission a certificate of public convenience or order authorizing such abandonment or discontinuance of service. The application shall be accompanied by a filing fee of \$10. Subsequent to the filing of an application seeking approval of the abandonment and discontinuance of service at an airport on a scheduled route, the applicant shall post notice thereof in a conspicuous location at the airport and at other airports involved in the scheduled route service. The application may be considered by the Commission without hearing after 30 days, following the posting of the notice of the proposed change, provided no protest is filed with the Commission within such 30-day period. Each protest shall set forth the reasons which, in the judgment of the protestant, show that the Commission should not approve the application. A copy of the protest shall be served on the applicant at the time the protest is filed with the Commission.

**Source**

The provisions of this § 27.9 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.10. Accounts, records and reports.**

(a) *Annual reports.* A common carrier shall file annual reports, signed and notarized, and annual statements, under oath or affirmation, of gross intrastate operating revenues for assessment purposes, on the forms furnished and in the manner prescribed, and shall also file other reports as the Commission may order and direct. The annual report for charter carriers shall include a summary show-

ing the percentage of flights which either originated or terminated at the bases of operations of the carrier during the year for which the report is filed.

(b) *Accident reports.* Accident reports shall be as follows:

(1) *Fatal accidents.* In the event of an accident resulting in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Safety and Compliance, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17120. A detailed written report shall be forwarded to the Secretary of the Commission as soon as practicable in the same manner and form as provided in this section. A copy of the report submitted to Bureau of Aviation, Department of Transportation, will be acceptable.

(2) *Other reportable accidents.* Immediately following the occurrence of a reportable accident as defined in this paragraph, involving aircraft, or patrons or employes of the carrier, a detailed report shall be mailed to Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17120. The Commission may prescribe the form in which a report is to be submitted. A reportable accident is one occurring in this Commonwealth and involving:

(i) The death of a person.

(ii) Personal injuries which require medical attention.

(c) *Copies.* A copy of the report to the Federal Aviation Administration or a State agency with concurrent jurisdiction, if made out in sufficient detail, will be accepted in lieu of a separate report on a specified Commission form.

#### Authority

The provisions of this § 27.10 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 510 and 2508.

#### Source

The provisions of this § 27.10 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131; amended March 10, 1978, effective March 11, 1978, 8 Pa.B. 717; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5424. Immediately preceding text appears at serial pages (122582) and (120411).

#### Cross References

This section cited in 52 Pa. Code § 101.2 (relating to definitions); and 52 Pa. Code § 101.4 (relating to reporting requirements).

### § 27.11. Leased equipment.

Common carriers operating leased aircraft shall comply with safety rules and other regulations of the Commission and with the provisions of the laws of the Commonwealth. The leased aircraft shall be operated under the complete supervision and control of the lessee and only in the authorized service of the lessee and shall be covered by the insurance policies of the lessee.

#### Source

The provisions of this § 27.11 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.12. Time and rate schedules.**

(a) *Filing tariffs.* A common carrier shall comply with a general or special order of the Commission and with regulations that the Commission may formulate governing the filing, publishing and posting of tariffs.

(b) *Posting tariffs.* At least one complete copy of each tariff covering scheduled service shall be available for public inspection at each place where tickets are sold. At least one complete copy of each tariff covering charter service shall be available at the fixed base or bases of the operator and in each aircraft operated in the service.

(c) *Posting and filing schedules.* The common carriers operating as scheduled service shall file with the Bureau of Transportation of the Commission two copies of the time schedules, showing airports and times of arrivals and departures, at least 7 days in advance of their effective date. Information regarding the changes in the schedules of the carriers shall be made available by carrier personnel, upon request, at Commonwealth terminals at least 7 days in advance of the effective date.

**Source**

The provisions of this § 27.12 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131; amended March 10, 1978, effective March 11, 1978, 8 Pa.B. 717. Immediately preceding text appears at serial page (32853).

**Cross References**

This section cited in 52 Pa. Code § 27.5 (relating to certificates, limitations and complaints).

**§ 27.13. Continuity of service.**

(a) *Beginning service.* A common carrier shall within 90 days from the date of receipt of a certificate, begin operating and furnishing service. If it has not begun operations and furnished the authorized service within 90 days, the rights granted by the certificate shall terminate, unless, upon specific permission granted by the Commission, the time for commencement of service is extended.

(b) *Interruptions of service.* Interruption of service continued for more than 48 hours shall be reported to the Commission with a statement of the cause of interruption and its probable duration. Suspension of service for a period of 5 consecutive days without notice to and application for approval by the Commission will be deemed sufficient cause for revocation or cancellation of the rights of the carrier, excepting where the suspension is caused by conditions or events which are beyond the control of the carrier, including but not limited to weather conditions, strike or labor difficulties, riot, insurrection, war, governmental action, construction work on airports or landing areas, disaster or act of God, provided, however that no order of revocation may be issued until the carrier has been given opportunity for a public hearing on a rule to show cause why the rights should not be revoked and canceled.

**Source**

The provisions of this § 27.13 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.14. Aircraft, airports or landing areas and pilots.**

Aircraft, airports or landing areas utilized and pilots employed in providing common carrier service authorized by a certificate issued by the Commission shall be limited to those authorized by certificate, license, or permit issued by Federal Aviation Administration or Bureau of Aviation, Department of Transportation, as the case may be, and the service shall be operated in compliance with the regulations of Federal Aviation Administration or Bureau of Aviation, Department of Transportation, respectively, to the extent applicable.

**Source**

The provisions of this § 27.14 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.15. Safety of operations.**

(a) The safety of passengers shall be a matter of primary consideration. Evidence of recklessness, unsafe operation or unsafe equipment will constitute sufficient cause for revocation of a certificate, provided, however, that no order of revocation may be issued until the carrier has been given opportunity for a public hearing on a rule to show cause why the rights should not be revoked and canceled.

(b) No common carrier knowingly may permit the transportation of high explosives, acids, inflammables, loaded guns or other articles which will endanger life or limb in an aircraft used for the transportation of passengers, except in strict accordance with safety regulations promulgated by authorized State and Federal agencies. This section does not apply to firearms carried by police officers or by members of the armed forces while on duty or en route to or from duty.

**Source**

The provisions of this § 27.15 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

**§ 27.16. Compliance.**

Common carriers are required to comply with applicable provisions of the act not specifically referred to in this chapter. Failure of a carrier to comply with this chapter, the terms and conditions of the certificates of public convenience, and Federal or State law, governing operation of aircraft, will be sufficient cause for the Commission to suspend the right and privilege of the carrier, and to proceed according to law to revoke and rescind the rights and privileges.

**Source**

The provisions of this § 27.16 adopted August 15, 1975, effective August 16, 1975, 5 Pa.B. 2131.

[Next page is 29-1.]