

**RELATING TO THE CONVEYANCE OF INTERESTS IN AIR SPACE**

**Act of Aug. 14, 1963, P.L. 871, No. 419**

**Cl. 68**

**AN ACT**

Relating to the conveyance and transfer of estates, rights and interests in air space, and their status and taxation as real property.

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

Section 1. Estates, rights and interests in air space above the surface of the ground in this Commonwealth, whether or not contiguous to the surface of the ground, may be validly conveyed or otherwise transferred to a person or persons other than the owner or owners of the surface below.

Section 2. Estates, rights and interests in air space above the surface of the ground may be held, enjoyed, possessed, aliened, conveyed, leased or mortgaged as real property, shall pass by descent and distribution, and shall be dealt with for all purposes and in all respects as estates, rights and interests in real property. All the rights, privileges, incidents, powers, remedies, burdens, duties, liabilities and restrictions pertaining to estates, rights and interests in real property shall appertain and be applicable to estates, rights and interests in air space above the surface of the ground. All provisions of the laws, ordinances and regulations of this Commonwealth and its political subdivisions applicable to estates, rights and interests in and uses of real property shall appertain and be applicable to estates, rights and interests in and uses of air space above the surface of the ground. Estates, rights and interests in air space above the surface of the ground shall be subject to the exclusive national sovereignty of the United States of America in the air space of the United States and the public right of transit and flight of aircraft granted by the United States of America and the Commonwealth of Pennsylvania.

Section 3. Estates, rights and interests in air space or parcels thereof above the surface of the ground, whether or not contiguous to the surface of the ground, shall if separately owned be separately assessed for taxation by each assessing unit in the Commonwealth for all types of taxes authorized by law to be assessed against real property.

Section 4. The provisions of this act shall be applicable to estates, rights and interests in air space above the surface of the ground, whether heretofore or hereafter created.

Section 5. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.