U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

FEB 17 2009

Tony B. Jobe, Esq.
[redacted]

Dear Mr. Jobe:

This letter responds to your letter of February 9, 2010, asking whether a state court may transfer an air carrier operating certificate issued under 14 C.F.R. Part 135 to another company without prior approval of the Federal Aviation Administration (FAA). The answer is no.

No entity may operate as an air carrier without FAA authorization. The FAA issues an air carrier certificate only after ensuring that an applicant has met all the necessary certification requirements.[1] Air carrier certificates are not transferable. The FAA would not recognize an air carrier certificate transferred from one entity to another.

Further, with only limited exceptions, none of which apply here, Federal law preempts state law in the area of aviation.

We trust that this letter of interpretation has answered your question. It was prepared by Sheila Skojec, Senior Attorney, and was coordinated with the Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel
Regulations Division

[1] 14 C.F.R. § 119.1(b)(2) (14 C.F.R. Part 119 prescribes the FAA certification requirements an operator must meet to obtain and hold a certificate authorizing operations under Part 135 and other parts).