



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MARK GOSCHE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *18th* day of *December* 2001

by **MARK GOSCHE**

Minister of Transport

Civil Aviation Rules

Part 135

**Air Operations—Helicopters and Small Aeroplanes,
Amendment 9**

Docket 1/CAR/1359

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Objective

Part 135 prescribes rules governing air transport operations and commercial transport operations using —

- (1) aeroplanes having a seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less; and
- (2) helicopters.

The objective of amendment 9 to Part 135 is to incorporate the changes regarding flight preparation and flight planning, and flights over water that are consequential to the revised VFR flight planning rules in amendment 6 to Part 91 *General Operating and Flight Rules*.

Extent of consultation

In October 2000 the CAA formed a Civil Aviation Industry Rules Advisory Group Technical Study Group (CIRAG TSG) to examine proposals made by the Airways Corporation of New Zealand and the Aviation Industry Association in respect to changes to VFR flight planning. This TSG examined and discussed the various issues raised and accepted the wording of a draft Notice of Proposed Rule Making.

A Notice of Proposed Rulemaking 01-1 containing the proposed amendments to VFR flight planning was subsequently issued for public consultation under Docket 1/CAR/1359 on 13 March 2001.

The publication of this NPRM was notified in the *Gazette* on 15 March 2001 and advertised in the daily newspapers in the five main provincial centres on 17 March 2001. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rules.

Summary of comments

The submissions and verbal comments were considered and where appropriate the proposed rules were amended to take account of the comments made. There were no significant changes made to the proposal as a result of the comments received

Examination of comments

Comments may be examined by application to the Docket Clerk at Aviation House between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of amendments

The amendments to the rules in this Part are reflected by the revocation of the existing rules and insertion of the amended rules.

Effective date of rule

Amendment 9 to Part 135 comes into force on 24 January 2002.

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/> or from:
Freephone: 0800 GET RULES (0800 438 785)

Part 135 Amendments

Subpart B — Flight Operations

Rule 135.57 is revoked and the following new rule inserted:

135.57 Flight preparation and flight planning

(a) The holder of an air operator certificate must ensure that for each air operation conducted under the authority of that certificate, appropriate information is available to the pilot-in-command to complete the preparation for the intended operation.

(b) The holder of an air operator certificate must ensure that prior to each —

- (1) air transport operation; and
- (2) commercial transport operation where passengers or goods are carried from or to a remote aerodrome,

conducted under the authority of that certificate, a flight plan meeting the requirements of 91.307(c) or 91.407 as appropriate for the type of operation is prepared, and if the flight plan is not prepared by the pilot-in-command, the pilot-in-command is informed of the contents of the flight plan before the intended operation.

(c) A VFR flight plan prepared under paragraph (b) in accordance with the requirements of 91.307(c) may incorporate multiple route segments provided that the SARTIME is amended for the next aerodrome of intended landing as the flight proceeds.

(d) The holder of an air operator certificate performing an air operation under VFR to an aerodrome where communications cannot be maintained, must ensure that prior to any such air operation —

- (1) the flight plan required by paragraph (b) includes a SARTIME for when the next communication with an ATS unit will be established; or

- (2) where the operation is covered by a flight following service under 119.73(b) or 119.121(b), the person providing the flight following service is given a time for re-establishing communications.
- (e) Except as provided in paragraph (f) the holder of the air operator certificate must ensure that the flight plan required under paragraph (b) is submitted to an appropriate ATS unit.
- (f) Except as required by 91.307(a)(1), a flight plan is not required to be submitted to an ATS unit if —
- (1) the air operation is a VFR flight; and
 - (2) the operation is covered by a flight following service under 119.73 or 119.121; and
 - (3) the requirements under 119.73(b) or 119.121(b) are met; and
 - (4) the pilot-in-command maintains a listening watch on the appropriate ATS radio frequency.
- (g) Notwithstanding 91.307(a) and 91.407(a)(1), the flight plan required to be submitted to an ATS unit under paragraph (e) may be submitted by the holder of the air operator certificate and the pilot-in-command must be informed of the contents of the flight plan.

Rule 135.87 is revoked and the following new rule inserted:

135.87 Flights over water

- (a) A person performing an air operation must not operate over water more than 10 nm beyond gliding or autorotational distance from shore unless—
- (1) life rafts are carried of sufficient capacity to carry all occupants of the aircraft; and
 - (2) a life preserver is worn by each passenger.

- (b) A person performing an air operation in a single engine helicopter must not operate over water more than 10 nm beyond autorotational distance from shore unless—
- (1) the helicopter is equipped with an operable flotation device; or
 - (2) the occupants are wearing immersion suits.
- (c) The operator of a multi-engine aircraft may, instead of the requirement in paragraph (a)(2), have life preservers available for use in a position accessible to each passenger.
- (d) Each person performing an air transport operation over water beyond 100 nm from shore must conduct the flight under IFR.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 135. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 9 to Part 135 are contained with the associated amendment 6 to Part 91. The comments and all the background material used in developing the rules are held on the docket and are available for public scrutiny. Persons wishing to view the docket should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket 1/CAR/1359.