



WELLINGTON NEW ZEALAND

PURSUANT to Sections 28, 29, and 30 of the Civil Aviation Act 1990

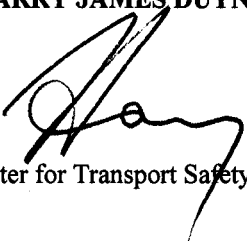
I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *fifth* day of *September* 2006

by **HARRY JAMES DUYNHOVEN**


Minister for Transport Safety

Civil Aviation Rules

Part 135, Amendment 14

Air Operations—Helicopters and Small Aeroplanes

Docket 4/CAR/2 & 3/CAR/4

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Rule objective

The objective of amendment 14 to Part 135 is to improve aviation safety by reducing the potential consequences of an aeroplane undershooting the runway during landing or overrunning the runway during take-off or landing. The amendment requires operators of aeroplanes conducting regular air transport services to, from, or outside of New Zealand to—

- use runways that have a runway end safety area at each end of the runway; or
- if a runway end safety area is not provided, the aeroplane operator must adjust the take-off and landing performance data for the aeroplane to provide the equivalent of a safety area at the overrun end of the runway.

This amendment also incorporates minor technical changes to rule 135.77 extracted from the general Omnibus Rule Fix Up Project Docket 3/CAR/4, NPRM 05-07.

This amendment 14 to Part 135 is associated with amendment 5 to Part 139.

Extent of consultation

RESA

In January 2000 the Civil Aviation Industry Rules Advisory Group (**CIRAG**) Executive accepted a terms of reference for the establishment of a Technical Study Group (**TSG**) to participate in a rule making project to implement the ICAO requirements for runway end safety areas. The terms of reference covered the provision of RESA in relation to the New Zealand aerodromes that are used by aeroplanes conducting regular international air transport operations, and the consistency of the requirement for RESA across all New Zealand aerodromes. Participants for the TSG were drawn from the 7 aerodromes that would be affected by the rule proposal, the aircraft operators who were involved with the international air transport operations, aircrew representatives, the airways system operator, and the CAA.

An external consultant was also engaged to carry out a comprehensive cost benefit analysis on the proposal to require RESA at the 7

aerodromes that would be directly affected by the rule to determine that the application of RESA would meet the criteria of the Act for safety at reasonable cost.

The members of the TSG have been fully involved with the input information that was required for the cost benefit analysis and, with the exception of the requirements where an existing aerodrome is certificated after the date of the rule, with the development of the proposed rules.

A Notice of Proposed Rulemaking, NPRM 04-03 Runway End Safety Areas (RESA), containing the proposed rules was issued for public consultation under Docket 4/CAR/2 on 2 July 2004.

Notification of the publication of this NPRM for public submissions was made in the *CARRIL*, on the CAA web site, and in the *Gazette* on 1 July 2004 and in the major metropolitan newspapers on Saturday 3 July 2004. Copies of the NPRM were sent to 195 interested parties and letters advising of the availability of the NPRM were sent to a further 34 organisations on 29 and 30 June 2004.

The period for public submissions was initially set to close on 16 August 2004, but following an industry request for an extension the period for public submissions was closed on 30 August 2004.

Omnibus Rule Fix Up

A Notice of Proposed Rulemaking, NPRM 05-07, containing the proposed changes to rule 135.77 as part of the Omnibus Rule Project was issued for public consultation under Docket 3/CAR/4 on 23 June 2005.

The publication of this NPRM was notified in the *Gazette* on 23 June 2005 and advertised in the daily newspapers in the five main provincial centres on 25 June 2005. 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 37 days was allowed for comment on the proposed rule.

New Zealand Transport Strategy

The amendments to Part 135 do not take into account the requirements of the New Zealand Transport Strategy (NZTS) because the development of the proposed rule changes and the publication of the NPRM for public submissions was undertaken before the requirements of the NZTS came into force on 1 December 2004 with the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

RESA

A total of 41 responses to the NPRM were received. Twenty two were written submissions, and 19 were enquiries, congratulations, or updates by aerodrome operators on their progress toward meeting the proposed rules. The 22 written submissions comprised 12 from aerodrome operators, 4 from aircraft operators, 3 from aviation consultants, and 3 from flight crew representative organisations.

The submissions, comments and internal CAA feedback have been considered and as a result the following changes have been made to the rule proposals:

- The word international has been changed to reflect the definition used in The Interpretation Act 1999.
- References to the specified declared distances for determining aeroplane performance data have been changed to refer to “appropriate declared distances” to ensure that the aeroplane operator takes into account the most critical distance for the runway when determining aeroplane performance data.
- For aerodromes outside New Zealand the reference to the 90 metres for the length of RESA from the end of the runway strip has been changed to 150 metres from the end of the runway to ensure that the standard 60 metres for the runway strip at the end of the runway is included in the application of the requirement. The runway end is generally clearly defined and this simplifies measurement as some runways may not have the standard 60 metres of strip at the end of the runway.

Omnibus Rule Fix Up

Nine written submissions were received on the NPRM 05-07 but none of these referred to the proposed amendments to rule 135.77.

Some editorial changes have also been made for the final drafting of the rules.

The rules as amended were then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority 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 revocation of existing rule 135.77 and insertion of amended rule 135.77.

Effective date of rule

Amendment 14 to Part 135 comes into force on 12 October 2006.

Availability of rules

Civil Aviation Rules are available from—

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Rule Amendments

Subpart B — Flight Operations

Rule 135.77 is revoked and replaced by the following new rule:

135.77 Use of aerodromes

(a) A holder of an air operator certificate must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or taking-off unless—

- (1) the aerodrome has physical characteristics, obstacle limitation surfaces, and visual aids that meet the requirements of—
 - (i) the characteristics of the aeroplane being used; and
 - (ii) the lowest meteorological minima to be used; and
- (2) if the operation is a regular air transport service operating to, from, or outside of New Zealand after 12 July 2007,—
 - (i) each runway at an aerodrome within New Zealand that is used for the operation is provided with a RESA at each end of the runway in accordance with the requirements of Part 139 Appendix A.1; or
 - (ii) if the runway does not have a RESA as required in paragraph (a)(2)(i), the certificate holder must ensure that for operations conducted after 12 October 2011 the takeoff and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90m RESA at the overrun end of the runway strip; and
 - (iii) each runway at an aerodrome outside of New Zealand that is used for the operation has a RESA that extends to at least 150m from the overrun end of the runway,

or an engineered equivalent that is acceptable to the Director; or

- (iv) if the runway does not have a RESA or an engineered equivalent as required in paragraph (a)(2)(iii), the certificate holder must ensure that the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of the RESA required in paragraph (a)(2)(iii) at the overrun end of the runway.

(b) A holder of an air operator certificate must ensure that any heliport used in its air transport operations meets the applicable requirements of Part 91.

(c) If an aeroplane operated under the authority of an air operator certificate uses an aerodrome that is not promulgated in the AIPNZ, the holder of the air operator certificate must maintain a register containing—

- (1) the aerodrome data; and
- (2) procedures to ensure that the condition of the aerodrome is safe for the operation; and
- (3) procedures to ensure that the condition of any required equipment, including safety equipment, is safe for the operation; and
- (4) details of any limitations on the use of the aerodrome.

(d) A holder of an air operator certificate must ensure that an aeroplane that is operated VFR by day under the authority of the holder's certificate does not use any place for the purpose of landing or taking-off unless—

- (1) the runway used has—
 - (i) a width that is at least twice the outer main gear wheel span of the aeroplane; and

- (ii) a surface without irregularities and of sufficient strength for take-off and landing for the aeroplane being used; and
 - (2) the width of the runway strip surrounding the runway being used is at least two and a half times the wing span of the aeroplane, or 30 m, whichever is greater.
- (e) A holder of an air operator certificate must ensure that an aeroplane, operated under the authority of the operator's certificate, that is not operated in accordance with paragraph (d) does not use any place for the purpose of landing or taking-off unless—
 - (1) the aerodrome reference code of the aeroplane being used is determined by reference to Table 1 of Appendix C; and
 - (2) the runway width is at least that width determined by reference to the aeroplane code number in Table 2 of Appendix C; and
 - (3) the minimum runway strip width for the runway used is determined by reference to Table 3 of Appendix C.
- (f) Notwithstanding paragraphs (d) and (e), a holder of an air operating certificate may use a lesser minimum runway width than that required under paragraph (d) or (e) for an aeroplane type if—
 - (1) a lesser minimum runway width determined by certificated flight testing is prescribed in the aeroplane's flight manual; or
 - (2) a lesser minimum runway width is acceptable to the Director; or
 - (3) a lesser minimum runway width was prescribed for the aeroplane in an air service certificate, issued to the holder of the air operator certificate under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993.

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.)

NPRM 04-03 Docket 4/CAR/2 - RESA

The consultation details relating to amendment 14 to Part 135 are contained in the consultation details of amendment 5 to Part 139. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 560 9603 and ask for docket 4/CAR/2.

NPRM 05-07 – Omnibus Rule Project

The amendment to rule 135.77 from the Omnibus Rule Project was developed under docket 3/CAR/4 and published as NPRM 05-07.

The consultation detail relating to the amendment to Part 135 from the Omnibus Rule Project is contained in the consultation details of amendment 13 to Part 135. None of the submissions related to the proposed changes to rule 135.77. The comments and all background material used in developing the rules are held on the docket and are available for public inspection at Aviation House, 10 Hutt Road, Petone.

Persons wishing to view the docket relating to the rule 135.77 should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 3/CAR/4.