



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

I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 17th day of February 2010

by **STEVEN JOYCE**



Minister of Transport

Civil Aviation Rules

Part 135, Amendment 19

Air Operations - Helicopters and Small Aeroplanes

Docket 9/CAR/1

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Rule objective

The objective of amendment 19 to Part 135 is to make minor editorial and minor technical changes to facilitate clearer interpretation of the rule, including the deletion of obsolete implementation dates.

Amendment 19 to Part 135 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 135 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

Summary of submissions

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 135, and consequently no changes were made to the proposed amendments.

The rule was then referred to the Minister of Transport for signing.

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 the revocation of 5 existing rules and the insertion of new rules.

Effective date of rule

Amendment 19 to Part 135 comes into force on 25 March 2010.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Part 135 Amendments

Subpart C — Operating Limitations and Weather Requirements

Rule 135.157 is revoked and replaced by the following rule:

135.157 Meteorological conditions – IFR flight

A pilot-in-command of an aircraft performing an air transport operation must not commence an operation under IFR unless current meteorological reports, or a combination of current meteorological reports and forecasts, indicate that conditions will, at the estimated time of arrival, be at or above the minima published in the applicable AIP for the instrument procedure likely to be used at the applicable destination aerodrome.

Rule 135.159 is revoked and replaced by the following rule:

135.159 Aerodrome operating minima – IFR flight

(a) A pilot-in-command of an aircraft must not continue an instrument approach to an aerodrome past the final approach fix or, if a final approach fix is not used, must not commence the final approach segment of the instrument approach procedure if, before passing the final approach fix or before commencing the final approach segment, current meteorological information indicates that the visibility at the aerodrome is less than the visibility published in the applicable AIP for the instrument approach procedure being used.

(b) For the purpose of paragraph (a), the final approach segment begins—

- (1) at the final approach fix or facility specified in the instrument approach procedure; or
- (2) if a final approach fix is not specified in the instrument approach procedure and the procedure includes a procedure turn, at the point where the procedure turn is completed and

the aircraft is established on the final approach course within the distance specified in the instrument approach procedure.

Subpart D — Performance

Rule 135.227 is revoked and replaced by the following rule:

135.227 Steep approach and short landing techniques

A holder of an air operator certificate may perform steep approach procedures using approach slope angles of 4.5°, or more, and with screen heights of less than 50 feet but not less than 35 feet, if—

- (1) the aeroplane flight manual states the maximum authorised approach slope angle, any other limitations, procedures, including emergency procedures, for the steep approach, as well as amendments for the field length data when using steep approach criteria; and
- (2) for air operations performed under IFR, an approach slope indicator system comprising of at least a visual approach slope indicating system is available for the runway to be used at the aerodrome at which steep approach procedures are to be conducted; and
- (3) for air operations performed under IFR, weather minima are specified and approved for each runway to be used with a steep approach; and
- (4) for air operations performed under IFR, consideration is given to—
 - (i) obstacles; and
 - (ii) the type of approach slope indicator reference and runway guidance such as visual aids, MLS, GPS, ILS, LOC, VOR, or NDB; and
 - (iii) the minimum visual reference to be required at DH and MDA; and
 - (iv) useable airborne equipment; and

- (v) pilot qualification and special aerodrome familiarisation; and
- (vi) aeroplane flight manual limitation and procedures; and
- (vii) missed approach criteria.

Subpart F — Instruments and Equipment

Rule 135.367 is revoked and replaced by the following rule:

135.367 Cockpit-voice recorder

A holder of an air operator certificate must ensure that each of its helicopters is equipped with a cockpit voice recorder if—

- (1) the helicopter's flight manual requires 2 or more flight crew members; and
- (2) the helicopter has a certificated seating capacity of 10 seats or more excluding any required pilot seat.

Rule 135.369 is revoked and replaced by the following rule:

135.369 Flight data recorder

A holder of an air operator certificate must ensure that each of its helicopters with a certificated seating capacity of 10 seats or more excluding any crew member seat is equipped with a flight data recorder in accordance with paragraph B.4 of Appendix B.

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.)

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 135, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 135.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.