



Summary of Public Submissions Received on

NPRM — Part 139 Rule update

March 2015

Executive summary

1. The Civil Aviation Authority (CAA) issued the Notice of Proposed Rule Making (NPRM) document, NPRM 11-02 R, on 13 March 2014. The purpose of this NPRM was to consult on proposed changes to improve the safety of New Zealand aerodromes. The comment period for this revised NPRM closed 28 April 2014.
2. The revised NPRM incorporated a number of recommendations made during the consultation period for the original NPRM (NPRM 11-02), published in 2012.
3. Our response to the feedback is grouped into two parts: part one addresses major contentious issues themes and part two addresses some of the more specific technical issues.
4. The majority of the submissions are supportive of the proposed technical changes that align the requirements for certificated aerodromes with International Civil Aviation Organisation (ICAO) Annex 14. The CAA intends to continue with the development of these parts in the final draft of the proposed rule.
5. There were four main areas of concern throughout the submissions. These were:
 - The creation of **three levels of certification** based on a variety of factors including destinations, passenger numbers and aircraft movements.
 - The requirement to undertake **aeronautical studies and the provision of aerodrome air traffic services**.
 - The **costs of compliance and the transition periods** needed to undertake the proposed changes.
 - The creation of **minimum standards for non-certificated aerodromes** based on ICAO standards.
6. In light of many of the comments and submissions around these three issues, the CAA has decided to undertake the following changes to the proposed Rule:
 - **Remove the three levels of certification and replace it with a two part risk based certification system.** This new system would involve mandatory certification for operations that service international flights or regular Part 121 operations. This is no change from the existing certification requirements

All other aerodromes would not require automatic certification unless required do to so by the Director of Civil Aviation (the Director) following a risk based assessment of their aerodromes. This allows for a case by case assessment of risk at non-certificated aerodromes, without the need for arbitrary thresholds for full certification. The process will include a new power for the Director to:

- require an aeronautical study (risk assessment) if he or she considers it necessary.
- assess the risk based on the aeronautical study
- consult with the operator to identify and mitigate the risk
- if this process identifies a clear need, require certification (via a separate 'process)

Aerodromes that are required to obtain certification through this approach would undergo a separate process to obtain a qualifying aerodrome operator certificate. Certification and operating requirements for these aerodromes are more flexible, and are designed in a manner to allow them to align with the risks identified during the aeronautical study.

This will be accompanied by due process provisions to ensure that a fair and reasonable process is followed by the Director.

- **Remove the automatic requirement for aeronautical studies for non-certificated aerodromes.** Instead, the requirement for an aeronautical study would be based on a set of triggers, and would be used to inform the risk based system outlined in the point above.
 - **Introduce transition periods and begin further analysis on the costs of compliance for the Rule changes.** The risk based tool will come into force immediately. However, for parts of the rule that require changes to standard design and operating requirements, and given that many of the changes in the proposed rule require capital investment, a three year transition period will be introduced. However, if the Director assesses a risk to be of such a threat to public safety, then they may require the implementation of any risk mitigation measures in a shorter timeframe. This process is outlined in the final rule.
 - **Withdraw the proposal to introduce minimum standards for non-certificated aerodromes.**
7. This system allows for an approach to aerodrome safety on the basis of risk mitigation, rather than by arbitrary thresholds. This approach is broadly in line with the CAA's risk based approach to aviation safety and the concept of Safety Management Systems.
 8. The completed final draft final rule will be ready for Ministry of Transport (the Ministry) review by April 2015.

Introduction and NPRM process

9. The purpose of this rule project is to improve the safety of New Zealand aerodromes, in line with international best practice, as outlined by the International Civil Aviation Organisation (ICAO).
10. The Rule has not been thoroughly reviewed since it was first introduced in 1993, with the exception of certain standards such as Runway End Safety Areas (RESA). Therefore the rule has not kept pace with the changing nature of aviation or with developments in international safety standards or the changes in aviation regulatory practice towards risk based regulation.
11. The Notice of Proposed Rule Making (NPRM), 11-02, was first published on 13 March 2012 and closed on 29 June 2012. 72 submissions were received. The CAA noted the extensive range of comments. Given the amount of revision recommended by the submitters it was determined that it would be beneficial to publish a revised NPRM for further comment.

12. This revised NPRM, 11-02 R, was published on 12 March 2014 and submissions on the revised NPRM closed on the 28 April 2014. During this round of consultation, 21 submissions were received by the CAA and this summary is a response to those submissions.

Difference between the two NPRMs

13. The original NPRM (NPRM 11-02) incorporated the below items.

- A certification framework that extends to aerodromes that support scheduled aircraft having a certified seating capacity of more than 9 passengers, and general aviation aerodromes having flight movements above specific thresholds.
- Requirements for all aerodromes published in the Aeronautical Information Publication, including those not requiring certification, to meet minimum standards for aerodrome design, limitations, public protection, movement data reporting, and publication of aerodrome information. These requirements also extend to unpublished aerodromes if deemed necessary in the interest of safety.
- Provision of Air Traffic Services consistent with CAA policy.
- Additional measures for the protection of Air Traffic Services.
- Requirements for maintaining good runway surface friction characteristics and standardised real-time runway surface condition reporting.
- Introduction of a new aerodrome rescue fire fighting category and a requirement for an expanded rescue fire fighting communication and alerting system.
- Relocation of minimum standards contained in advisory circulars into the rule
- Updated International Civil Aviation Organization standards and recommended practices and international best practice.
- This proposal included consequential amendments to Rule Parts 1, 121, 125, and 129.

14. This revised NPRM (11-02R) incorporated a number of changes. These changes included in the revised NPRM are:

- Added paragraph 139.7(5) to stipulate an application period for processing an application for a certificate.
- Rule 139.15(a) (1) now refers to a new Appendix J instead of rule 139.53.
- Added new paragraph 139.53(c) to limit the applicability of paragraph (b), and changed the aeroplane size criteria to certificated seating capacity rather than configuration capacity.
- Aerodrome categories 1 and 2 removed from Table 1 in rule 139.59 per submissions to the first NPRM; and clarified wording in paragraphs (b) and (c).
- Adjusted Table 2 in rule 139.61 to remove categories 1 and 2 to be consistent with Table 1.
- Paragraphs 139.105(b) and (c) reworded significantly to align with legal drafting conventions, but the intent remains the same.
- Rule 139.109 has been re-worded to make the intent clear.

- Reinstated existing wording in rule 139.111 so that it refers to apron management rather than traffic management in keeping with the title of the rule.
- Appendix B – re-titled to Aeronautical study requirement thresholds, and presents the criteria in text rather than a table.
- Appendix D – added runway surface requirements; and clarified runway width criteria in table D-1.
- Table D-2 has been deleted and the requirement shifted into the text of D.3.1.
- Appendix E.1 and E.2 have had exceptions added.
- Appendix F.3.17 has had exceptions added.
- Appendix F.4.2 has been added to specify sign lighting requirements.
- The Use of aerodromes rules in Parts 121 and 125 have been clarified.

This document

15. This document provides a summary of, and response to, the most pertinent criticisms and comments made in the 21 submissions that the CAA received as part of the revised NPRM consultation process.

The feedback

16. The feedback received and the CAA's response has been grouped into two parts.
 - Part one examines the feedback in terms of recurring themes and underlying concerns about the Rule project as a whole raised by the submissions.
 - Part two provides feedback and discussion in response to comments made about more minor issues with parts of the Rule.

Part One – Major points and themes of contention and discussion in submissions

17. After the two consultation periods for the NPRMs, four major contentious issues have remained consistent, and, as a result, received repeat submissions. These issues are:
 - The creation of three levels of certification based on destinations, passenger numbers and aircraft movements. In particular, the mandate for any aerodromes serving Part 125 operators to be mandatorily certificated and requests to remove level 3 certification requirements.
 - The requirements for aeronautical studies and the provision of air traffic services. The submissions highlighted that the proposed rule was unclear as to when and what a Director would require either from an aerodrome and to what purpose the study would be used.
 - The costs of compliance and the transition periods required for the implementation of the changes.
 - The proposal to introduce minimum standards at non-certificated aerodromes.
18. The following section addresses these concerns and the changes to the proposed rule based on feedback from submitters.

Justification for intervention and cost-benefit analysis for three levels of certification

19. It is important that Civil Aviation Rules provide the Director of Civil Aviation with adequate power to regulate the safety of aerodromes. Ensuring this capability has always been one of the key goals of the proposed changes to Part 139.
20. However, we acknowledge the ongoing concerns of many of the submitters that the proposed levels of certification were neither justified by proper cost-benefit or safety analysis. The most substantive criticism was aimed at the proposal to require certification of all aerodromes serving scheduled Part 125 operations although similar comments were received relating to the level 3 certification.
21. Several pertinent comments included:
- *“The NPRM does [not] contain any convincing or robust analysis as to why it is necessary to certificate aerodromes below the level currently required under Part 139.”*
 - *“[the levels of certification] will clearly add a significant administrative burden on some of the smaller airports [...] This financial [burden on] certification and increased operational responsibilities may result in the cessation of services.”*
22. Much of this criticism reflected a perception that there was a lack of justification and cost-benefit analysis undertaken for the introduction of three levels of certification. For example, one submission said that:
- “while it is noteworthy the revised NPRM has addressed some issues raised in our submission we still believe the NPRM falls well below the cost-benefit analysis standard expected for such wide-ranging changes and is inadequately thought through in terms of its implications.”*
- Another said that *“it is very disappointing that this NPRM, which has been in work for two years since its original issue, has been again released without, in our view, meeting an acceptable level of justification.”*
23. Further comments from submitters included: *“while the CAA aims to be making rules to certify aerodromes to improve the standards of the aerodromes, the restrictions are in reality being imposed on the air operators with no justification and little to no consultation with the Part 125 operators that would be most economically impacted,”* and *“in our original submission we commented on the total lack of any cost-benefit analysis of the proposed changes. This has not been addressed in the revised NPRM, which retains imprecise and unsupported statements.”*
24. Some submitters suggested that the proposal might be more palatable if the requirements were adjusted to remove level 3 certification and/or set movement thresholds for level 2 certification (so that low volume aerodromes would not be captured). Others suggested that it be made clear that Part 125 operators conducting non-scheduled or VFR operations be exempt from this requirement.

25. A common theme was the comment that a key issue with the current approach was the lack of focus on actual risk. One submitter stated that *“the proposed ‘one size fits all’ regulatory approach is not considered appropriate and minimum safety standards should instead be based upon individual aerodrome risk profiles”*. Another pointed out that the focus on Part 125 and high volume aerodromes was only one potential risk factor that needs to be managed at aerodromes *“The proposed NPRM intends to deviate from ICAO and international practices by stating aircraft movement and IFR movement thresholds instead of applying risk assessment processes and aeronautical study which would look at several aspects of an aerodrome, its characteristics, facilities, runway utilisation, air traffic services or lack thereof, traffic mix etc. It is well known and documented that aircraft movements are but one factor when considering safety of operations in and around an aerodrome and when conducting a proper risk assessment.”*

CAA response

A Risk based approach to aerodrome certification and aeronautical studies

26. The challenge around justification for the rule was present in the original NPRM and clearly submitters concerns were not resolved in the revised NPRM.
27. Justification for any rule change is a very important part of the rulemaking process. The risks at an aerodrome are context specific and depend on the particular circumstances found at each aerodrome. At the same time there needs to be adequate provision in Rule Part 139 for the Director to ensure the safety of aviation participants and the public at New Zealand’s aerodromes. However, we acknowledge that levels of certification based on what is perceived by many submitters to be arbitrary thresholds may not be the most appropriate approach to manage safety risks.
28. In recognition of submitters concerns about the lack of flexibility in the proposals consulted, and the need to address the full spectrum of risk, while at the same time not imposing unnecessary cost, a revised approach to certification based on actual risk is proposed. The proposed redrafting is designed to respond to the key criticisms of the rule, which have not changed since the first draft NPRM. Redrafting also reflects the CAA’s moves to become a risk based regulator where the key objective is to isolate and address the areas of highest risk.
29. The new proposed risk based certification regulation will be in two parts:
- **Part one: Aerodromes servicing International and regular Part 121 operations will continue to require certification.** The current rule already requires aerodromes that serve international air transport flights and regular Part 121 operators to be certificated. These aerodromes will continue to require mandatory certification. These aerodromes are subject to New Zealand’s international obligations under Annex 14 of the Chicago Convention. New Zealand has little flexibility to set different standards and there is little justification for doing so. These operations are inherently higher in risk due to the potential high consequences of any incident.

- **Part two: All other aerodromes will not require certification per se.** Instead the redesigned rule will, in line with submitters' comments and suggestions, provide a process for the Director to assess risk at any aerodrome and work with operators to mitigate identified risks. A power will be provided to the Director to require a qualifying operating certificate if this is considered appropriate, with a clear process, including appeal provisions and a set of criteria to trigger a study laid out to ensure a just approach has been taken. The Director will be able to:
 - require an aeronautical study (risk assessment) if he or she considers it necessary
 - assess the risk based on the aeronautical study
 - consult with the operator to identify and mitigate the risk
 - if this process identifies a clear need, require certification (via a separate qualifying operator certificate process).

Aerodromes that are required to obtain certification through this route would undergo a separate process. Certification and operating requirements for these aerodromes will be more flexible, and are designed in a manner to allow them to align with the risks identified during the aeronautical study.

Aeronautical Study Requirement

30. Submitters were concerned that the language around thresholds for requirements for aeronautical studies: *“the thresholds defined in Appendix B are far too simplistic and inappropriate for determining when an aeronautical study should be conducted for an aerodrome.”*
31. Some pointed out that there was an inconsistency between the requirement for certificated aerodromes and non-certificated aerodromes in the requirements for aeronautical studies *“CAR 139.107 requires the holder of a certificate to conduct an aeronautical study when significant changes occur, however this should apply to any aerodrome, not just those that are certificated. After all, significant change may be a catalyst for obtaining a certificate.”*
32. A consistent comment was the lack of a true risk-based approach to when aeronautical studies might be required *“The responsibility for aerodrome operators to initiate an aeronautical study should be limited to situations where the aeronautical use of the infrastructure is triggering a change in the safety risk profile for the use of that infrastructure....As a consequence, ...the thresholds defined in Rules 139.107(b)(1) and (5) (Appendix B) are inappropriate as a regulatory tool to determine when an aerodrome operator should initiate an aeronautical study.”*
33. Submitters were also unanimous in requesting greater clarity around when an aeronautical study should be required *“no information has been provided as to what form this study may take or the costs involved with complying with such a requirement.”*
34. Finally, a number of submitters queried who should pay for the aeronautical study. Some suggested that other parties benefiting from the study should be asked to contribute.

CAA response

35. As per paragraph 29, we have updated the process for an aeronautical study in the new draft rule in order to introduce transparency to operators as to the triggers for an aeronautical study, when a study may be required and what the Director will be able to do with the study once completed. Additional clarity is also provided for certificated operators.
36. With regard to the question of who pays for the aeronautical study, the Rule is regulatory oversight of Aerodromes. The proposed responsibility is based on the principle that aerodrome operators are an immediate beneficiary of aviation activities at the aerodrome in most cases via the collection of landing and other fees where these are in place. In addition the aerodrome operator has the opportunity/ability to engage with users to share and distribute the costs that it may incur in undertaking an aeronautical study if it wishes/decides to (regardless of whether or not a landing fee system is in place).

Costs of compliance and transition periods

37. There were several submissions that raised concerns about the possible costs to industry of the proposed changes.
38. For example, one submitter said that *“the costs in achieving compliance for the affected aerodromes have still not been assessed by CAA. It is suggested these costs will likely be much higher than the CAA costs, and therefore have a bearing on the costs of achieving certification standards compared to the safety benefits (also unquantified).”*
39. Another submission made the following estimate regarding the capital upgrade costs caused by the moving to the formerly proposed level 3 certification: *“The cost of initial L3 certification (\$250,000) and ongoing compliance (\$200,000) for our aerodrome [...] are unchanged.”*
40. To manage these costs, some stakeholders made repeated requests for a transition period (s) for any or all of the proposed changes. These ranged in length from 1 year to 5 years.
41. Some quotes include: *“5 year compliance period and this timeframe is considered typical for changes involving aerodrome infrastructure and protection surfaces to the extent that may be necessary under the NPRM,”* and *“The implications of some of the changes are still being identified. Specific transitional provisions should be included within the NPRM to provide the opportunity for comment on their duration by stakeholders as part of the submission process.”*

CAA response

42. The CAA is committed to ensuring that the regulatory burden does not hold back the growth of the aviation sector in New Zealand. Removing the mandatory three levels of certification and their related thresholds and replacement with a more streamlined risk based assessment process is part of this process. However, as the government regulator for aviation safety, we have an obligation to ensure the safety of New Zealand's aviation system, an obligation that will come at some cost to industry.

43. With the removal of level 2 and 3 certification, much of the cost issues associated with transition are now also removed. However the CAA acknowledges that there will be a need for aerodromes to adjust to aspects of the rule change that involve implementation of new standards to align with ICAO as some of these may require capital investment that must be planned. The following transition periods will be implemented.

- A period of three years (June 2018) for the implementation of changes that require capital investment as a result of new ICAO based standards for certificated aerodromes.
- The new risk based approach to management of safety at non-certificated aerodromes will come into force immediately. The new Rule will provide for due process to ensure that reasonable time to respond is provided for.

Operators who comply earlier (for example, those who will need to recertify before three years are up) may choose to recertify under the new rules if they wish. If not, they will still be required to comply within the five year timeframe and their certification will only be valid until June 2018.

Minimum standards for non certificated aerodromes

44. Minimum Standards received much comment in the first round of consultation, but limited comment in the second round. In the first round submitters claimed that if they didn't meet minimum standards they would remove themselves from the NZAIP.
45. One submitter requested that *“following the CAA’s analysis and response to submissions, the redrafted proposed rule be further consulted with stakeholders before being finalised including, where appropriate, revised Advisory Circulars (ACs).”* Another said that *“there appears to be a random selection of standards from ACs and Annex 14 that have been incorporated into the Appendices. [...] any changes to the drafting of Appendices should be circulated for further consultation.”*

CAA response

46. It was never the intention of the CAA to undermine the AIP. The AIP functions as a very important tool for pilots to use for landing at an unfamiliar aerodrome. It is also used in the case of civil emergency.
47. A survey of costs was added to the second NPRM in an attempt to ascertain the cost implications of the proposed rule, including minimum standards. Very little comment or data was provided on by submitters on the proposed standards.
48. Because of the extremely low response from submitters on these standards, a desk-top study of non-certificated aerodromes in the AIP was completed. This revealed that over a third of non-certificated aerodromes may be unable to comply with the minimum standards, largely due to issues with runway width, and strip width. A further analysis of safety data held by the CAA on non-certificated aerodromes has showed that there does not appear to be any significant safety trends that might justify a need to impose the minimum standards.
49. In addition, there are a number of controls already in place under other operating rules to ensure that aircraft operators select the appropriate aerodrome for their operations, including Part 91, 135 and 125.

50. The requirement for minimum standards (Annex J) will therefore be removed. The lack of a clear safety case, combined with the potential for an unintended reduction in safety from reduced access to information and the large number of affected aerodromes does not provide a good enough justification for the requirements. The proposed new risk-based assessment process for non-certificated aerodromes can be used to ensure that safety at these aerodromes is appropriately managed.
51. This includes the additional requirements proposed for non-certificated aerodromes around aerodrome limitations, and notification of aerodrome data and information.
52. However to ensure that non-certificated operators retain a fundamental responsibility to advise operators and pilots if there is an unsafe condition at an aerodrome a provision reflecting 139.125 Unsafe Conditions will replace all the standards originally consulted.
53. It should be noted that a lack of data does not necessarily mean that a risk is not present. In the coming years, as part of the development of the risk based process, the CAA will ensure that data about aerodrome safety is gathered in a systematic manner. Should this identify any consistent problems across all aerodromes the concept of minimum standards can still be revisited.

Reporting requirements

54. The revised NPRM also included movement data reporting requirements for both certificated and non-certificated aerodromes. There is a concern that non-certificated aerodromes do not have the “resources or mechanisms in place to capture the necessary data.” Further, another submissions said that the “cost of [...] reporting required is an added cost to the [aerodrome owner] from an already overstretched budget. “ In order to help minimise these costs, the same submitter suggested the addition of the word ‘estimated’ to the movement data reporting requirements.
55. There was a large amount of confusion and questioning from submitters seeking clarity about what exactly was required for the proposed reporting requirements.
56. For example, one submitter asked that the CAA “*remove the traffic reporting requirements for unlisted and AIP listed non certificated aerodromes*” and stated it is uneconomical to record “*It would be uneconomical to install and monitor special equipment for the low number of movements at [submitter’s aerodrome], and therefore we wish to ensure that the current method of recording and analysing the data will be sufficient for the intention of these rules.*”

CAA response

57. One of the key initial drivers for the proposed update to Part 139 was the deficit of information about movement numbers at some of New Zealand’s smaller aerodromes. Accurate data is an important tool in developing risk based regulation of the aviation sector. In addition, most aerodrome operators do collect some information about aircraft movements in order to charge operators.
58. However we recognise that it may be difficult for some smaller aerodromes to accurately report movement data. We consider it important that any requirements for movement reporting are practicable and affordable for aerodromes of all sizes and purposes. Therefore smaller aerodromes will only be required to report data annually – rather than annually as larger airports will be required to do so.

59. We will also adjust the requirement to make it clear that smaller operators will be able to provide estimated, rather than absolute data on aircraft movements, and aerodromes serving only agricultural operators will not be required to report data.

Part Two – Minor issues of contention

There were a number of smaller points of contention in the submissions. This section provides a brief response to the issues raised.

Alignment with ICAO best practice

60. The issue of alignment with ICAO best practice is raised in several of the submissions. For example, one submission says that the proposed Rule change *“does not achieve conformity or consistency with ICAO Annex 14. The proposed rule amendment is flawed as the criteria that it uses to create thresholds and to base the applicability of Part 139 Certification is inconsistent with global best practice.”*

CAA response

61. The changes to the approach to certification means that concerns around mandatory Part 125 certification have been addressed.
62. As a signatory to the Chicago Convention, New Zealand is required to adhere to certain standards for aerodromes that service international flights. The remainder of New Zealand’s aerodromes are not subject to the Chicago Convention, and member states have the ability to tailor ICAO recommendations dependent on their regulatory and industry needs.

The NPRM process has been flawed

63. A number of submissions criticized the NPRM process undertaken as part of the rule change as being flawed in some way. An example submission reads: *“Despite this being the second NPRM, there still several issues to resolve and the scope of the rule changes proposed have changed significantly, expanding to the extent it will seriously restrict or prevent operators [...] continuing their business.”*

CAA response

64. The Civil Aviation Authority (CAA) issued the Notice of Proposed Rule Making (NPRM) document, NPRM 11-02 R, on 13 March 2014. The purpose of this NPRM was to consult on proposed changes to improve the safety of New Zealand aerodromes. The comment period for this revised NPRM closed 28 April 2014.
65. The reason for a revised NPRM was to address concerns regarding the first NPRM. During this process we have taken on board the significant criticisms of some parts of the proposed Rule and have updated our final draft accordingly.

Rule 139.107: Aerodrome responsibility

66. Several submissions raised the issue of an inconsistency between the requirements for aerodrome operators to undertake aeronautical studies and *“the aerodrome operators’ limited responsibility for influencing and managing airspace safety.”*

CAA response

67. While it is acknowledged that aerodromes do not have direct control over the airspace design and airspace use surrounding their aerodrome, the CAA does not accept that this removes Aerodrome operator's responsibility to assess the risks arising from the use of an aerodrome.

Aerodrome Air traffic Services

68. Several suggestions were made to change Rule 139.109, regarding aerodrome aircraft traffic services, the most pertinent of which was a concern regarding the lack of transparency for Director Interventions. This submitter said that "*139.109 allow the Director of CAA to impose [air traffic services] ATS in the interests of safety, however there is no requirement on the Director to provide detail of the safety concerns,*" and that "*Rule 139.109 does not allow for aerodrome operators to use alternative effective means to ensure air traffic safety.*"

CAA response

69. The changes to this rule did not materially alter the original requirement. Any determination by the Director must follow due process, and there are provisions in the Civil Aviation Act 1990 to ensure this.

70. However, on reflection the original rule will be reinstated as the proposed changes provide no additional benefit. Requirements for contracts do not need to be specified in Civil Aviation Rules as these would naturally fall from any relationship between operators.

Definitions of 'regular' and 'scheduled'

71. Several submissions pointed out that there were inconsistencies and some confusion around the different use of the words 'regular' and 'scheduled' throughout the NPRM process.

CAA response

72. Given that the existing rule has included the word 'regular' without any issues to date, and the fact that the definition of 'scheduled' is no longer pivotal to the new risk based assessment process, there will be no changes to the existing rule.

Moving material from the ACs to the Rule

73. A concern about the proposal to move the some of the advisory material from the relevant advisory circulars to the rule itself. For example, one submitter requested that *[the CAA] delete Appendices C to I and retain the current Advisory Circulars.*"

CAA response

74. Appendix J governing non-certificated aerodromes will be removed (but retained in the advisory circulars. All other standards identified in the annexes relate to aligning certificated aerodromes with ICAO standards (i.e. those servicing international or large air transport operations). Alignment with ICAO for these aerodromes will maintain our international reputation and ensure there is no inconsistency between safety standards across these large aerodromes.

Rule 139.85: Works on aerodrome

75. One submitter was concerned about changes made to works on aerodromes requirements. They said that the CAA has “included CAR 139.85 Works on aerodrome under Subsection B as a certification requirement. However it needs to be moved back under Subsection C – Operating requirements, where it currently and correctly resides as 139.107, with the onus being on the holder of an aerodrome certificate to ensure it plans and communicates and works on their aerodrome.”

CAA response

76. It is noted that the differences between ‘certification requirements’ and ‘operating requirements’ set out in the rule can be difficult for operators to follow. However on balance it is best not to attempt to reorganise the rule as it has been well tested to date and any major shifts in sections could result in unintended consequences. While it is acknowledged that aspects of the rule could be better written and easier to follow, we have decided not to make significant changes to the rule structure as part of this rule process.

77. The proposed rule 139.95 Aerodrome exposition requirements are under Subpart B. Details of the procedures and precautions required by rule 139.85 for any works on the aerodrome are a required component of the exposition. Hence, rule 139.85 has been appropriately placed in Subpart B with other aerodrome exposition rule components.