



**PURSUANT** to Section 28 of the Civil Aviation Act 1990

**I, Hon CRAIG FOSS, Associate Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This 12<sup>th</sup> day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

**Civil Aviation Rules**

**Part 139, Amendment 13**

**Aerodromes — Certification, Operation and Use**

*Docket 16/CAR/1*

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**Rule objective**

The objective of amendment 13 to Part 139 is to correct an incorrect paragraph reference in rule 139.417(a)(1A) and to correct aspects of the Safety Management transitional provision in line with original policy intentions.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 139 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

**Summary of submissions**

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 139.

**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**

This Part was amended by:

- rule 139.417(1A) was amended to correct an incorrect paragraph reference;

- rules 139.551, 139.553, 139.555 ( the Safety Management transition rules) were amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants and certificate holders have to submit implementation plans for safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

**Effective date of rule**

Amendment 13 to Part 139 comes into force on 10 March 2017

**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 139 Aerodromes – Certification, Operation and Use

*Replace rule 139.417 with the following rule:*

### **139.417 Qualifying aerodrome operator exposition**

(a) An applicant for the grant of a qualifying aerodrome operator certificate must provide the Director with an exposition which must contain—

- (1) a statement signed by the chief executive, on behalf of the applicant's organisation, confirming that the exposition and any included manuals—
  - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
  - (ii) is to be complied with at all times; and
- (1A) in relation to the system for safety management required by rule 139.409,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a qualifying aerodrome operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior person or persons required by rules 139.401(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 139.401(a)(1) and (2), including—
  - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and

- (ii) responsibilities for safety management; and
  - (4) if applicable, an organisation chart showing lines of responsibility of the senior person or persons required by rules 139.401(a)(1) and (2); and
  - (5) any limitations on the use of the aerodrome established under rule 139.403; and
  - (6) a description of the safeguards for public protection required by rule 139.405; and
  - (6A) information identifying the lines of safety responsibility within the organisation; and
  - (7) the procedures required by rule 139.407 for the notification of aerodrome data and information; and
  - (8) [*revoked*]
  - (9) the procedures required by rule 139.411 for the collection and reporting of traffic movement data: and
  - (10) the procedures and precautions required by rule 139.413 for any works on the aerodrome; and
  - (11) the procedures required by rule 139.415(2) for management and control of documents necessary for the provision and operation of the aerodrome; and
  - (12) procedures for controlling, amending, and distributing the exposition.
- (b) The exposition must, in addition to the matters specified in paragraph (a), include any requirements or procedures that are necessary to manage risks relating to any of the following matters that have been identified in the aeronautical study required by rule 139.21:
- (1) aerodrome design requirements including physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations, and runway end safety areas:

- (2) aerodrome emergency plan:
  - (3) rescue and firefighting:
  - (4) wildlife hazard management:
  - (5) aerodrome maintenance:
  - (6) visual aids for navigation – maintenance and checking:
  - (7) aerodrome air traffic services:
  - (8) apron management services:
  - (9) aerodrome inspection programme:
  - (10) ground vehicles:
  - (11) protection of navigation aids and ATS facilities:
  - (12) aerodrome condition notification.
- (c) An exposition required under this subpart may adopt, by reference, a requirement in Subparts B and C for the purpose of mitigating or managing a risk identified in the aeronautical study required by rule 139.21 or rule 139.457.
- (d) The applicant’s exposition must be acceptable to the Director.

*Replace rule 139.551 with the following rule:*

**139.551 Transition for aerodrome operator certificate holders and applicants operating aerodromes servicing international regular air transport operations**

- (a) This rule applies to each—
- (1) holder of an aerodrome operator certificate that operates an aerodrome serving any aeroplane that is engaged in regular air transport operations where—

- (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
  - (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand:
- (2) applicant for the grant of an aerodrome operator certificate that will operate an aerodrome serving any aeroplane that is engaged in regular air transport operations where—
  - (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
  - (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
  - (1) rule 139.55(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
  - (2) rule 139.75, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 139.557:
  - (3) rule 139.77(a)(1A)(i):
  - (4) rule 139.77(a)(3)(ii):
  - (5) rule 137.77(a)(6A).
- (c) A completed CAA form and implementation plan must be submitted to the Director —



- (1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and
  - (2) by 30 July 2016 for a holder of an aerodrome operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 139.75.
- (e) The Director will, if acceptable—
- (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2018.
- (g) A holder of an aerodrome operator certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.

- (h) This rule expires on 1 February 2018.

*Replace rule 139.553 with the following rule:*

**139.553 Transition for aerodrome operator certificate holders and applicants that operate aerodromes not servicing international regular air transport operations**

- (a) This rule applies to each—
- (1) holder of an aerodrome operator certificate that operates an aerodrome that is not serving any aeroplane that is engaged in regular air transport operations where—
    - (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
    - (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand;
  - (2) applicant for the grant of an aerodrome operator certificate that will operate an aerodrome that will not be serving any aeroplane that is engaged in regular air transport operations where—
    - (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
    - (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—

- (1) rule 139.55(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
  - (2) rule 139.75, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 139.557:
  - (3) rule 139.77(a)(1A)(i):
  - (4) rule 139.77(a)(3)(ii):
  - (5) rule 137.77(a)(6A).
- (c) A completed CAA form and implementation plan must be submitted to the Director —
- (1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and
  - (2) by 30 July 2018 for a holder of an aerodrome operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 139.75.
- (e) The Director will, if acceptable—
- (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:

- (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2021.
- (g) A holder of an aerodrome operator certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.

*Replace rule 139.555 with the following rule:*

**139.555 Transition for qualifying aerodrome operator certificate holders and applicants**

- (a) This rule applies to each—
- (1) holder of a qualifying aerodrome operator certificate; and
  - (2) applicant for the grant of a qualifying aerodrome operator certificate.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 139.401(a)(2)(ia), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:

- (2) rule 139.409, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 139.557:
  - (3) rule 139.417(a)(1A)(i):
  - (4) rule 139.417(a)(3)(ii):
  - (5) rule 137.417(a)(6A).
- (c) A completed CAA form and implementation plan must be submitted to the Director —
- (1) after 1 February 2016 for an applicant for the grant of a qualifying aerodrome operator certificate under subparagraph (a)(2); and
  - (2) by 30 July 2018 for a holder of a qualifying aerodrome operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 139.409.
- (e) The Director will, if acceptable—
- (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
  - (2) the complexity of the organisation:

- (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2021.
- (g) A holder of a qualifying aerodrome operator certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.