



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

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This

7

day of

May

2023

A handwritten signature in black ink, appearing to read 'K. Allan', is written over a horizontal line.

by Hon Kiri Allan

Associate Minister of Transport

Civil Aviation Rules

Part 172, Amendment 16

Air Traffic Service Organisations - Certification

Docket 21 /CAR/2

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Rule objective

The objective of amendment 16 to Part 172 is to update Part 172 to give full effect to the Part 139 Runway Condition Reporting proposal.

Rule 172.93 is amended to generally require an applicant for the grant of an air traffic service certificate for an aerodrome control service to establish procedures promulgating runway surface conditions used in a runway condition report. There are four types of runway conditions namely wet runway, dry runway, slippery wet runway and contaminated runway. A certain runway surface condition (such as dry runway) establishes the basis for the determination of the runway condition code for aeroplane performance purposes.

Rule 172.93 is also amended to align the runway condition surface descriptions with those terms used in the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 22-01, containing the proposed Part 139 Runway Condition Reporting proposal was issued for public consultation under Docket 21/CAR/2 on 29 September 2022.

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 62 days was allowed for comment on the proposal.

Summary of submissions

Four (4) written submissions were received on the NPRM. No oral comments were received. A summary of submissions for this NPRM will be available on the CAA website. These submissions and comments have been considered and as a result-

- paragraph (c) is amended by removing the proposed requirement for air traffic personnel to ‘visually determine’ a runway condition, as the responsibility for such a determination rests with a Part 139 certificated aerodrome operator;

- a new paragraph (ca) is inserted in rule 172.93. The new paragraph specifies that an applicant for an air traffic service certificate is not required to provide a visual assessment of the runway condition as part of the procedures referred to in paragraph (c) unless there is a prior agreement between the applicant and a Part 139 certificated aerodrome operator; and
- paragraph (d) is amended to clarify when a runway surface condition description for each runway third is to be made available, and the specified terms only (without any definition) as set out in paragraphs (5) to (12). Terms (such as dry frost, dry snow, compacted snow, frost, ice or slush) which do not have a special meaning are not defined. Whilst terms (such as standing water and wet ice) which have a special meaning are defined in Part 1.

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 amendment to the rules in this Part is reflected by revoking and replacing rule 172.93.

Effective date of rule

Amendment 16 to Part 172 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from—

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

Part 172 Air Traffic Service Organisations Certification

Subpart B — Certification Requirements

Rule 172.93 is revoked and replaced with the following rule:

172.93 Flight information service

General

(a) An applicant for the grant of an air traffic service certificate must establish procedures for ensuring that a flight information service is provided to the following —

- (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b):
- (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b):
- (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b):
- (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:
- (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.

(b) The applicant must ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant —

- (1) SIGMET information;
- (2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes;

- (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds;
- (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals;
- (5) information on changes in the serviceability of navigation aids;
- (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water;
- (7) information on unmanned free balloons; and
- (8) other information likely to affect safety.

(c) Subject to paragraph (ca), an applicant for the grant of an air traffic service certificate for an aerodrome control service must establish procedures for the air traffic service personnel to promulgate one of the following runway surface conditions used in the runway condition report which establishes the basis for the determination of the runway condition code for aeroplane performance purposes —

- (1) dry runway;
- (2) wet runway;
- (3) slippery wet runway; or
- (4) contaminated runway.

(ca) An applicant for the grant of an air traffic service certificate for an aerodrome control service is not required to visually determine the runway surface condition as part of the procedures referred to in paragraph (c), unless the applicant has an agreement with a holder of an aerodrome operator certificate referred to in rule 139.107(b) that the applicant is to provide runway condition reports on behalf of the aerodrome operator, in the manner specified in paragraph (c).

(d) After receiving advice regarding a contaminated runway or standing water from a holder of an aerodrome operator certificate, the applicant referred to in paragraph (c) must ensure that a runway surface condition description for each runway third is made available using one of the following terms specified in paragraphs (5) to (12) —

- (1) *reserved;*
- (2) *reserved;*
- (3) *reserved;*
- (4) *reserved;*
- (5) dry snow;
- (6) compacted snow;
- (7) frost;
- (8) ice;
- (9) slush;
- (10) standing water;
- (11) wet ice; or
- (12) wet snow.

(e) An applicant for the grant of an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service must establish procedures for ensuring that, if practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service if they are unlikely to have the information from any other source.

Traffic Information

(f) An applicant for the grant of an air traffic service certificate for an air traffic control service must establish procedures for ensuring that essential traffic information is passed to all affected traffic.

(g) An applicant for the grant of an air traffic service certificate must establish procedures for ensuring that each ATS unit operating under that certificate provides traffic information to flights that are known to the ATS unit and are likely to be affected by the information as follows —

- (1) in class C airspace, between VFR flights, together with traffic avoidance advice on request:
- (2) in class D airspace, between IFR and VFR flights, and between VFR flights, together with traffic avoidance advice on request:
- (3) if practical, in class E airspace, between IFR and VFR flights, and between VFR flights on request:
- (4) in class G airspace, between IFR flights, and, if practical, between other flights on request.