



Part 139 Aerodromes – Certification and Operation NPRM 11-02

Summary of Submissions

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Introduction

On 15 March 2012 the Civil Aviation Authority (CAA) issued Notice of Proposed Rulemaking (NPRM) 11-02. The NPRM consultation period was originally set to close on 18 May 2012 but was extended due to requests from industry for additional time. The consultation period closed on 29 June 2012.

The purpose of the NPRM was to provide an opportunity for all interested parties to comment on the proposed changes to Part 139 Aerodromes – Certification and Operation.

The intent of this proposal is to improve safety at all New Zealand aerodromes through the expansion of certification and operational requirements.

This proposal incorporates:

- 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, and
- 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 These requirements also extend to unpublished aerodromes if deemed necessary in the interest of safety, and
- Provision of Air Traffic Services consistent with CAA policy, and
- Additional measures for the protection of Air Traffic Services, and
- Requirements for maintaining good runway surface friction characteristics and standardised real-time runway surface condition reporting, and
- Introduction of a new aerodrome rescue fire fighting category and a requirement for an expanded rescue fire fighting communication and alerting system, and
- Relocation of minimum standards contained in advisory circulars into the rule, and
- 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.

Submitters

Submissions were received from:

Bryan Pawson
Les Vincent, Ashburton Aviation Pioneers
Ross Gillespie, NZALPA
Stephen Morton
Max Evans, CAA
Howard & Trica Scott
Jim Jennings, NZDF
Robert Dall, Eagle Airways
Dave Gollop, Air Nelson
Ford Robertson, CIAL
John Rooney, Ashburton District Council
Bob Fletcher, ANZ
Chris Tosswill, AVSEC
Barry Brunton
Wendy Milne
Jim Frater, Tasman District Council
Mike McKeown
John Baynes
Ryan Southam, Croydon Aircraft Co.
Daryl Gillet Smith, North Shore AC
Trevor Willcock, Ardmore Airport
Qwilton Biel, Rural Aviation 1963

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Tim Dennis
Richard Rayward, Air Safaris
Qwilton Biel, Ardmore Flight Ops. Grp.
Bruce Brownlie, Fielding Aerodrome
Margaret Hawthorne, Ruapehu District Council
Carl Smith, RNZAF Base Ohakea
Brent Higgins, Nelson Lakes Gliding Club
Harvey Lockie, Parakai Airfield
John Brunskill, RNZAC (Flying NZ)
Charles Russell
Kevin England, Air Hawkes Bay
Graeme Wood
Mark Stretch, Airways
Lachlan Thurston, WIAL
Jerry O'Neill, Gliding NZ
Chris Chapman
Jan (White) Chisum
Des Lines
Peter Scott, City of Napier
Buster Persson
Richard Bradley, Central Hawkes Bay AC
Gideon Valor, Air West Coast Maintenance
Stan Hansen, Far North Holdings
Tim & Diane Chadwick, Waihi Beach Airstrip
Paul Drake
Pauline Leach, Soundsair
Craig Sargison, Waimakariri District Council
A. L. Muller, Hawera AC
Mike Groome, Taupo Airport Authority
Nigel Mouat, MoT
Richard Roberts, DIAL
Bruce Govenlock, Hawkes Bay & East Coast AC
Les Wilson
David Hopman, Masterton District Council
Murray Bell, Gisborne Airport
David Park, Astral
Max Stevens, Gliding NZ
Kevin Ward, NZ Airports
Kevin Bethwaite, Canterbury Gliding Club
John Beckett, BARNZ
Dee Bond, Palms on George, Mercer Airfield
Michael Clay, AAL
Russell Brodle, Geraldine Flying Grp.
Roydon & Alison Hurley
Roy Bodell, Palmerston North Airport
Tim Norman, Taupo Gliding Club
Irene King, AIA

A total of 72 submissions were received. Of these, 56 submissions were from organisations and 16 submissions were from individuals.

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Summary Format

Most of the submitters commented on the proposed rules in a narrative form. The submissions covered multiple subject areas with overlap across the range of submissions. In several cases, the comments made by some of the submitters are verbatim copies of comments made by other submitters.

The submitter’s general acceptance level of the NPRM is noted in the ‘Accept #’ column and corresponds to the following statements;

- 1 – The proposal is acceptable without change.
- 2 – The proposal is acceptable but would be improved if the following changes were made.
- 3 – The proposal is not acceptable but would be acceptable if the following changes were made.
- 4 – The proposal is not acceptable under any circumstances.
- N/A – No rating given or form not used.

The comments have been grouped by rule or topic.

Some CAA responses are grouped while other responses are individual and adjacent to the submitter’s comment.

Comment#	Comment	Accept #	Rule/Topic	CAA Response
1009-3	“We wish to highlight that a number of the matters raised through this submission will warrant significant redrafting of the proposed rule. Therefore we request 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.”	N/A	Further Consultation with industry	Noted. Submission feedback to be incorporated into re-issued NPRM.
994-2	“FNHL request that following the CAA’s analysis and response to submissions, the proposed rule be further consulted with stakeholders before being finalised, and where appropriate include revised ACs.”	3	Further Consultation with industry	
1007-11	“Withdraw the NPRM and re-issue it, suitably reviewed in light of industry comments and a demonstrated safety case, as a draft with a 3 month industry consultation period. CAA to provide robust analysis of the proposed (draft) changes including costs and benefits for industry review.”	3	Further Consultation with industry	
1007-17	“We consider NPRM 11-02 needs far more than cosmetic changes. We believe it should be withdrawn and reviewed in light of industry submissions and reissued as a draft NPRM (assuming there is justification), backed by an adequate safety case, for further industry review.	3	Further Consultation with industry	
1009-46	<p><u>Issue:</u> A number of the matters raised through this submission will warrant significant redrafting of the proposed rule – to the extent that the redrafted rule should be the subject of further consultation.</p> <p><u>Position:</u> 39.1 Request that following the CAA’s analysis and response to submissions, the proposed rule be further consulted with stakeholders before being finalised, and where appropriate include revised ACs.</p> <p><u>Reasoning:</u> NZ Airports and members have been encouraged to submit on the basis of issues and the reasons giving rise to the issues, and to not dwell on trying to re-write the Rules to overcome the issue. In most cases this submission has followed that advice, notwithstanding several instances where amended rule wording has been recommended primarily as a way of clarifying the issue and submitting how the issue should be addressed in our view. Clause 6.1 of the NPRM notes that if there is a need to make any significant change to the rule requirements in the NPRM as a result of submissions received, then interested persons may be invited to make further submissions. Many of the matters raised as issues in this submission are raised in the absence of a detailed explanation of the intent and reasoning behind the NPRM as drafted, particularly where the rule represents substantial change from the current operating environment.</p>	N/A	Further Consultation with industry	

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	<p>It is therefore anticipated that if appropriate weight is given to these submissions, there is likely to be re-drafting of the rules to either follow submitters' advice or to remedy an unintended interpretation of the NPRM.</p> <p>NZ Airports submits that this re-drafting could be significant enough to give rise to further issues that stakeholders have neither been aware of, nor had the opportunity to comment on.</p> <p>It appears that revised Advisory Circulars are intended to moderate the way that some of the proposed rules should be interpreted. None of the Advisory Circulars that are likely to be revised as a consequence of the NPRM are available at this time.</p> <p>NZ Airports submits that the rules should be capable of clear interpretation, however if an Advisory Circular is being relied upon to moderate how a rule is interpreted, then the Advisory Circular should be available to be read alongside the NPRM at the time that it is consulted. A further consultation on a revised NPRM would provide an opportunity to have key Advisory Circulars available to sit alongside the rules.</p> <p>It is appreciated that a further period of consultation will delay the timeframe for implementing the Part 139 review, however the matters raised are significant enough to warrant having a finalised rule that is robust and effective in delivering a better aviation sector.</p>			
1011-16	<p>“BARNZ is aware of the extensive number of issues that are being raised by the NZ Airports Association and we believe that, following CAA’s consideration of the matters contained in the submissions which CAA receives on this NPRM, the changes proposed by CAA should be the subject of further consultation.”</p>	N/A	Further Consultation with industry	
1013-11	<p>“We believe the number and significance of the issues raised both by Auckland Airport and NZAA justify a significant redrafting of the proposed rule, and then additional consultation with the industry would be required.”</p>	N/A	Further Consultation with industry	
967-2	<p>“Ardmore strongly opposes the NPRM in its current form and requests it be reviewed with a number of changes made and re-submitted for further industry consultation. This could, depending on timing, include the SMS Rule amendments to allow an integrated approach to all changes.”</p>	3	Further Consultation with industry	
975-1	<p>“In the case of the NZDF, any additional costs would seem to be insignificant although it is hard to provide a definite response until a finalised draft of the rule is produced. To that end, the publication by CAA of a 2nd draft of the NPRM is actively encouraged.”</p>	N/A	Further Consultation with industry	
984-1	<p>“WIAL wishes to thank the CAA for allowing an extension to time for the submittal to this NPRM given the substantial changes being considered. However, following the consultive discussions held with the NZAA forum on June 5, and the significant redrafting to the NPRM that was signalled as likely to occur, WIAL would request that the CAA undertake a further round of submissions to ensure that industry is accurately appraised of propose changes.”</p>	3	Further Consultation with industry	
952-1	<p>“The RNZAF formally requests an extension of time for its submission. The current submission date of 18 May 2012 is unattainable given the degree of changes involved and the potential implications for the RNZAF. The RNZAF requests an extension of 3 months to enable consultation with relevant subject matter experts.”</p>	3	Extend Submission Deadline	Deadline extended 6 weeks.
957-3	<p>“Expresses concern of the short period given for consideration of the proposal...”</p>	3	Extend Submission Deadline	
993-1	<p>“Defer the closing date for submissions.”</p>	N/A	Extend Submission Deadline	
995-2	<p>“Defer the closing date for submissions.”</p>	N/A	Extend Submission Deadline	
958-8	<p>An extension of one month to the submission deadline should allow these issues to be more fully understood without significantly impacting on the Rule being final.</p>	2	Extend Submission Deadline	
973-4	<p>“Defer the closing dates for submissions.”</p>	N/A	Extend Submission Deadline	
977-3	<p>“Defer the closing date for submissions”</p>	3	Extend Submission Deadline	
953-1	<p>“The first notable comment is to express our disappointment for not being considered worthy enough to be listed under 2.3 of the NPRM as a key stake holder. Eagle Airways Ltd as the operator which is most affected by the proposed changes to rule Part 139 certification requirement threshold changes should have been identified as a key stakeholder in this process.”</p>	2	Stake Holder List	
958-1	<p>“The first notable comment is to express our disappointment for not being considered worthy enough to be listed under</p>	2	Stake Holder List	

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	2.3 of the NPRM as a key stake holder. Given the commercial airlines ultimately pay for the operation of Part 139 certified airport, then clearly we are key stakeholders. We assume our omission is merely an unfortunate oversight, not withstanding a fairly significant oversight that should be corrected.”			
1011-3	“In this regard, we were surprised at seeing that air operators using aerodromes certificated under Part 139 were not listed as key stakeholders on page 13 of the NPRM document. While BARNZ can be likened to the NZAA (i.e. both are Associations representing airlines and airports respectively) CAA needs to recognise that it is the air operators who have the direct interaction with the aerodrome operators and who are affected by changes. We therefore request that air operators are recognised as key stakeholders for consultation purposes.”	N/A	Stake Holder List	
976-2	“Our request is for CAA to detail specifically in the proposed rule what requirements would be imposed onto small operations such as ours, so that we can submit on an informed basis.”	N/A	Insufficient Information	Draft advisory circulars will be released prior to rule implementation to provide additional guidance and to encourage industry input.
977-1	“In response to the NPRM, we advise that the information provided is insufficient for a properly considered submission to be prepared.”	3	Insufficient Information	
1009-47	<u>Issue:</u> NZ Airports is aware that there is prospect of amendments to ICAO Annex 14 Vol 1 in the near future that could provide more flexibility in the way the Part 139 operators meet safety requirements. In particular, these changes may include provisions relating to RESA, OLS, Friction reporting etc. <u>Position:</u> 40.1 While these changes are recognised as being beyond this NPRM, NZ Airports requests that CAA endeavor to address any such changes that are promulgated by ICAO through consultation with stakeholders at the earliest opportunity, and wherever possible introduce available flexibility into the New Zealand aviation environment while aligning with ICAO.	N/A	General	Noted.
1011-1	“As a general comment we can advise that BARNZ has some concerns at the overly prescriptive approach which has been adopted in the drafting of the Rule. We see scope for more flexibility with the Director being empowered to exercise discretion in more circumstances.”	N/A	General	
1018-11	“As there is no safety case it is difficult to understand the benefits of the proposal other than alignment with ICAO Annex 14 supporting some of the change.”	N/A	General	
1018-5	“The only specific safety issue we see referenced is the garnering of statistics for the purposes of confidence in management of ATS triggers and to enhance bird hazard management. Neither of these causes do we consider as sustainable reasons given that the concept of movement triggers is not widely accepted in global ATS management and bird hazard management is a matter for operators. With changes to the Conservation legislative frameworks we consider the bird of greatest threat to the New Zealand flying community, the Plover, can now be appropriately managed without having to have statistics. We do of course acknowledge CAA's statistical base was important in assisting with the resolution of this issue, but again there is a requirement on operators to report such hazards.”	N/A	General	
953-2	“In general Eagle Airways is in agreement with the NPRM commentary detailed in sections 2,3,and 4 of the NPRM and acknowledge the intent of this document.”	2	Supportive of Proposal	Noted.
957-1	“Appreciates the need for rules pertaining to safety in the operation of airfields and is firmly of the view that such rules must be appropriate to the level of operations at any individual airfield.”	3	Supportive of Proposal	
958-2	“In general Air New Zealand is in agreement with the NPRM commentary detailed in sections 2,3,and 4 of the NPRM.”	2	Supportive of Proposal	
1009-1	“NZ Airports supports the purpose of this rule-making proposal, and in particular the intention to achieve a higher level of alignment with the standards and recommended practices contained in ICAO Annex 14.”	N/A	Supportive of Proposal	
1011-2	“We also have some concerns over the requirements in the draft Rule which go beyond the requirements in ICAO Annex 14. In this regard we are assuming that CAA has good reason for the additional requirements because imposing additional costs on industry without good reason should be avoided. That being said we can advise that in general we are satisfied with most of the proposed changes to Rule 139 and the contents of the NPRM.”	N/A	Supportive of Proposal	
1013-2	“Auckland Airport supports the general purpose of this rule proposal, and the objective outcome of achieving greater alignment with ICAO Annex 14. Auckland Airport believes this alignment will provide better safety and economic benefits to the industry.”	N/A	Supportive of Proposal	

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1009-2	“It is acknowledged that alignment with ICAO Annex 14 will provide both safety and economic benefits.”	N/A	Supportive of Proposal	
957-2	Do not support what seems to be a totalitarian “top down” approach proposed.	3	Not Supportive of Proposal	Noted.
997-3	“Picton Airport would be unjustifiably affected by the proposed changes to Part 139 as prescribed in this NPRM.”	4	Not Supportive of Proposal	
967-5	“Ardmore submits that the CAA cannot seriously advocate that the Minister ought to introduce and give legislative force to a whole new layer of regulation and cost that applies, and will probably only ever apply, to one aerodrome. This is not a sound public policy basis to impose regulation.”	3	Not Supportive of Proposal	
1004-1	“There is no value to GA from these ICAO inputs. ICAO has no business meddling in our internal activity.”	2	Not Supportive of Proposal	
1004-3	“There is no need for further security measures, friction coefficients of runways and all the other garbage in this proposal.”	2	Not Supportive of Proposal	
1018-1	“The Association submits that this draft NPRM should not proceed. We submit this on the following basis: <ul style="list-style-type: none"> • Alignment with ICAO Annex 14 can be achieved through incorporation by reference provided for in Section 36 of the Act. • Outside of those matters this NPRM is attempting to impose rules which are based on "subjective" assessments of safety levels which are historical in nature (dating back to 2001) and lack alignment with best practice in comparable jurisdictions. 	N/A	Not Supportive of Proposal	
994-1	“Far North Holdings supports the submission made by the NZ Airports Association and in particular the following issues stated in the NZAA submission which may directly relate to Kerikeri, Kaitaia or Kaikohe aerodrome(Issues 2, 4, 6, 7, 14-20, 22-27, 29-34, 38 & 39). Further explanation on each issue is stated in the NZAA submission.	3	Refer to NZAA Submission	Noted.
984-2	“WIAL has contributed to and supports the submission of the NZAA with respect to NPRM 11-02.”	3	Refer to NZAA Submission	
1002-3	“Dunedin International Airport generally supports the submission of NZAA.”	2	Refer to NZAA Submission	
1005-1	“We support and endorse the submission made by the NZ Airports Association, and the following comments are in addition, particularly as they relate to Masterton and other smaller regional aerodromes.”	3	Refer to NZAA Submission	
1006-1	“Gisborne Airport fully endorses and supports the submission made by the NZ Airports Association, and the following comments are additional.”	3	Refer to NZAA Submission	
1007-1	“Specific comment on technical issues has been provided by the New Zealand Airports Association (NZAA), of which we are a member. In general we concur with and support the NZAA’s submission.”	3	Refer to NZAA Submission	
1013-1	“This submission should be read in conjunction with the New Zealand Airports Association ("NZAA") Submission made on behalf of its members.”	N/A	Refer to NZAA Submission	
1016-1	“The Airport requests the changes as outlined in the attached New Zealand Airports Associations submission which is fully supported by the Palmerston North Airport Company and submitted as the Airport Response.”	3	Refer to NZAA Submission	
1017-1	“The Taupo Gliding Club supports the submission of the NZ Airports Association.”	3	Refer to NZAA Submission	
967-4	“There is no regulatory impact analysis or cost-benefit analysis to support this proposal, and no discussion of the policy or safety case for level 3 certification, in the draft RIS. Ardmore submits that the policy case for the proposed level 3 certification in its present form is not strong.”	3	RIS	
1007-14	“Prepare a robust analysis of the impact of these proposals on economic development, especially in relation to small airports with marginally economic ATO.”	3	RIS	
1007-3	“We are not aware (with the possible exception of ATS provision) that aerodrome safety standards have been the cause of a significant number of aircraft accidents in New Zealand much less posing any threat to the safety of public air transport.”	3	Risk	Noted. Issue not related to ATS.

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1007-6	“The review of Part 139 appears to be driven by the desire of CAA to be able to specify when an aerodrome shall have an ATS and the findings of the 2006 ICAO Oversight Audit. There is no risk or safety case based assessment of the need for the proposed changes.”	3	Risk	
997-16	“An aeronautical study of even a basic form should be required for any aerodrome or heliport. This should already be covered by application under CAR Part 157, however CAA does not appear to impose this requirement consistently unless they think there might be some airspace conflicts due to proximity to an established aerodrome or heliport or a noise sensitive area i.e. expectation noise complaints from the public. If even a basic aeronautical study was required as an aerodrome/heliport is established or altered, it would then form the base line for comparison with any future aeronautical study when attempting to determine whether there has been a significant change in either the physical aerodrome, the facilities provided, the aircraft utilising it or the mixture and frequency of operations.”	4	6/I SS/33 Aerodrome Aircraft Movement Statistics	Agree.
997-15	“The failure of CAA to include elements of Safety Management System means it is will remain non-compliant with ICAO Annex 14.”	4	7/ISS/66 Aerodrome Safety Management Systems (Out of Scope)	Risk-Based Regulation Policy consultation to be issued shortly for comment followed by SMS (Group 1) NPRM which includes aerodromes.
997-17	“Addressing aerodrome movement data and requiring aeronautical studies to assess the safety and risk of operations at an aerodrome or heliport would enable CAA to make a sound decision as to whether mitigating strategies such as air traffic service are required. Conversely it would also enable a sound decision to be made as to whether such services as Air Traffic Control are no longer required or whether a different service or the absence of any service would negatively impact on safety. This would enable an assessment to be made on the wide ranging factors that are likely to affect safety at an aerodrome/heliport rather than one made solely on total movements.”	4	8/ISS/39 Air traffic service at un-certificated aerodromes	Agreed.
1007-4	“In this section and in other places in the NPRM there is reference to “CAA Policy” as if that alone is sufficient justification for a new Rule. However the CAA Act specified that ordinary Rules are made by the Minister based on criteria listed in S33 of the Act. There is no reference in S33 to “CAA Policy”.	3	CAA Policy Vs. S33 of the Act	The CAA has an agreement with the Ministry of Transport to produce civil aviation rules, for the Minister. Section 33 of the Act specifies the matters that the Minister ought to take into account when making civil aviation rules. Policy informs rulemaking in finding solutions to a problem (this is typical all across government); it is never justification in itself. Rulemaking must withstand the criteria in the Act, and Treasury guidelines; and the Ministry is vigilant in their oversight of that process.
1007-5	“ICAO alignment is also mentioned a number of times as the reason for proposed new Rules. S33 of the CAA Act states that Rules shall not be inconsistent with ICAO Standards, to the extent adopted by New Zealand (emphasis added). Clearly the Act contemplates situations where adopting ICAO standards into a Rule may not provide the best outcome in New Zealand’s specific circumstances yet there is no analysis of this in the NPRM.”	3	ICAO Alignment Vs. S33 of the Act	
1018-8	“We acknowledge there are benefits to aspects of the proposed rule change and in particular alignment with ICAO Annex 14 - to not do so we accept creates potential risks for New Zealand’s regulatory regime in terms of international acceptance, however we consider these changes are possible via S.36 of the Act. However, the majority of the major changes in the rule impose costs and we have been unable to find or detect any safety case for change that could not be effected via the aeronautical study mechanism.”	N/A	ICAO Alignment Vs. S33 of the Act	
948-2	“The rule also uses Level 1 and level 1 (initial caps and lower case). The use of the term Level 1 needs to be standardised.”	2	Part 139 General	Agree. The term ‘Level 1’ will be used exclusively.
941-1	“Does this rule also apply to Heliports ? If so then the Title of the rule and/or the purpose should state as such.”	NA	Part 139 Title	Out of Scope. This NPRM does not address ICAO Annex 14, Vol. II – Heliports.
948-1	“There are no definitions for these levels although they are implied in 139.5. These terms are used throughout the 139 and also in the subsequent amendments to Part 121 and 125. Add the definitions of Level 1, Level 2 and Level 3 aerodromes as below to Part 1.” Level 1 aerodrome means an aerodrome used for scheduled air transport operations for the carriage of passengers to or from New Zealand. Level 2 aerodrome means an aerodrome used for scheduled air transport operations by aircraft having a certificated seating capacity of more than 9 passengers and does not meet the requirements for a level 1 aerodrome. Level 3 aerodrome means an aerodrome that has 40,000 or more aircraft movements per annum for 3 consecutive years, or 7,500 or more IFR movements per annum for 3 consecutive years and does not meet the requirements of a level 1 or level 2 aerodrome.	2	Rule Part 1 General Definitions	Agree. Will add definitions to Part 1.
954-1	Page 11, Part 1 needs a definition of Scheduled.	2	Rule Part 1 General Definitions	Refer to NPRM Section 3.1.5 – Review of Part 139 (7/ISS/67).

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1009-5	“Support removal of the use of the term ‘international’ and revoking the definition in Part 1 as a consequential amendment.”	N/A	Rule Part 1 General Definitions	Noted.
1018-3	“Definitional change, where this is necessary, can be achieved via an Omnibus Administrative rule change - this is a more suitable as definitional changes proposed impact on a number of operating rules. We also accept that the definitional changes to the term "International aerodrome" and replace the word "regular" with "scheduled" makes some sense however we are not so certain that scheduled and regular are not concepts which are interchangeable. Our point is that these can be brought about by an Omnibus rule change.”	N/A	Rule Part 1 General Definitions	
958-4	Air NZ accepts that it is not ideal to depend on the Controller of Customs designating an airport as “international” before additional Part 139 requirements detailed for an International Airport become applicable. This however has resulted in a pragmatic result where a small number of International services have been introduced without the need for significant capital investments. Rotorua is an obvious example where operation of a once a week trans tasman service is permitted by an A320 using a category 4 Rescue Fire. This is permitted under the current 2 categories below criteria within the exiting Part 139 Rule Part. A Category 4 RFS will comply with the NPRM requirements for domestic operations but would not comply with the International Airport requirements under the NPRM. If the revised Part 139 was operative then the trans tasman A320 service would require a category 5 Rescue Fire Service. From a risk management perspective it seems illogical for an aerodrome to meet the higher Rescue Fire standard (Level 1 aerodrome requirement) on the basis that one weekly 737 or A320 service that happens to operate trans-Tasman whilst the other services (e.g. daily 737) using similar aircraft operating domestically require an lower Level 2 aerodrome Rescue Fire service. It would be better for the Part 139 Rule to stipulate that the Director Of Civil Aviation will designate which airports serving from to/from New Zealand need to comply with Level 1 requirements, as opposed to making it a International requirement for scheduled flights.	2	Rule Part 1 General Definitions	This proposed change is to align international aerodrome operations with ICAO Annex 14, Vol. I standards.
997-12	“With respect to issue 7/ISS/67 ‘Regular’ versus ‘Scheduled’ Air Transport Operations (ATOs), the rule writer states that “The word ‘regular’ is not a part of the term (air transport operation) in Part 1, but is currently added whenever Air Transport Operation (ATO) is referenced in Part 139.” The rule writer must therefore not be familiar with Part 1 where the terms “Regular air transport passenger service” and “Regular air transport service” are defined. These definitions have to date provided the threshold for determining when an aerodrome that is being used by an operator utilising aircraft with a certificated seating capacity of >30 seats must be Part 139 certificated. To add ‘Schedules’ without removing the current Part 1 definitions would add yet another phrase and further confusion.”	4	Rule Part 1 General Definitions	The term ‘Regular air transport service’ was only used in relation to RESA and will be removed from Part 1 and replaced with the term scheduled ‘ATOs’. ‘Regular air transport passenger service’ relates to air operations and therefore is not used within Part 139. The term will be retained within relevant air operations rules, consequential amendments and in Part 1.
958-3	The move to the word “scheduled” is worthy of consideration for a Part 1 amendment given the NPRM statement that it excludes cargo only flights (a comment that is not in the dictionary definition). We are not sure sufficient care has been taken to look for other potentially unintended consequences, or conflicts in requirements elsewhere in other Rule Parts. This is particularly relevant as the word “regular” is widely used in other Rule parts. Part 139’s proposed use of scheduled created a potential inconsistency in requirements between Rule Parts. E.g. Part 121.71 “Use of Aerodromes” uses the word “regular”, hence the operator of four flights in 28 days needs for compliance a certain standard of service, where as the Aerodrome operator looks at the same operation and decides its not “scheduled”, hence no requirement to provide the service the part 121 operator is required to ensure is in place.	2	Rule Part 1 General Definitions	
970-3	Consideration to using more criteria than scheduled/regular when setting requirements to recognise aircraft type and type of operation. We appreciate there has been some recent clarification on the use of the terms Scheduled versus Regular but we note that proposed Part 125.77 (b) refers to aircraft performing a regular air transport passenger service and the requirement under (b) (1) (i) to use only aerodromes operated under the authority of Level 1 or 2 aerodrome operating certificate. Rule Part 1 Definitions defines Regular air transport passenger service as meaning a service offered by an operator consisting of four or more air transport operations for the carriage of passengers between two or more aerodromes within any consecutive 28 day period. Use of the term Regular and this definition would compromise a number of current Part 125 aircraft VFR operations, and the aerodromes they do or can use. For the reasons outlined in the preceding paragraph, we submit that the term regular should be replaced by the term scheduled (as is mentioned on page 16 of the NPRM), and serious consideration should be given to assessing Part 125 aircraft type, rather than solely seating capacity and whether the operation is scheduled, when setting out aerodrome requirements.	3	Rule Part 1 General Definitions	
953-8	“It is our view that current B1900 scheduled services to these locations are safe without the need to add a full Part 139 certification burden. It is our belief the NPRM should have implemented the creation of an airport	2	Rule 139.5 Requirement for	The RESA requirement applies only to aircraft that have a seating configuration of more than 30 passenger seats excluding any crew member seat.

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	Level that would allow movement reporting and a less onerous requirement, particularly with respect to a 240 metre RESA requirement and associated reductions in declared active runway length.”		Certificate (Risk)	
958-5	This is potentially the most controversial proposed change in the Part 139 Rule and will clearly add a significant administrative burden on some of the smaller airports, some of whom currently enjoy Beech 1900D scheduled services. This financial burden of certification and increased operational responsibilities may result in the cessation of services to those communities (e.g. Whakatane, Wanaka, Kaitaia and possibly Masterton). It is our view that current operations to these locations are safe without the need to add a full Part 139 certification burden. The NPRM had the opportunity of creating a airport Level that would allow movement reporting and a less onerous requirement, particularly with respect to a 240 metre RESA requirement and associated reductions in declared length and in some cases displaced thresholds.	2	Rule 139.5 Requirement for Certificate	
965-1	“Regarding the terminology change from ‘regular’ to ‘scheduled’, as mentioned in the NPRM there is reference to the term ‘scheduled’ in the Oxford English Dictionary but I feel that does not allow sufficient clarity to define a companies specific Part 135 operation. For example, if a company were to operate a joyriding business doing non-scheduled joyrides available on an as required basis but regular enough to be on a daily basis, from a non- certified airfield, and in the summer months decides that they would like to offer flights departing every Sunday morning, weather permitting, at 10am from a non-certificated airfield then this would be disallowed under the proposed rule? Is the fact that the company above operates regularly Monday – Sunday, 9am-5pm for joyriding in itself seen to be scheduled? I wouldn’t think so but would certainly like clarification on the two situations above.”	N/A	Rule 139.5 Requirement for Certificate	Regardless of the frequency of scheduled air operations, aerodromes serving aircraft with 10 seats or more will be required to be certificated.
970-1	“There could be better clarification to make it easier to assimilate requirements. As written, the requirements for certification, are somewhat separated. One way requirements could be more clearly presented in one place would be in a table form, summarising relevant requirements in one table for each Level.”	3	Rule 139.5 Requirement for Certificate	Draft advisory circulars will be released prior to rule implementation to provide additional guidance and to encourage industry input.
997-4	“Contrary to commercial aerodromes Picton Aerodrome it is not offering a facility for any operator that may wish to use it. Prior permission is required. According to the proposal Picton Airport would need to be certificated under part 139 as it would be classified as a Level 2 aerodrome due to our aeroplanes being certificated for more than 9 passengers and the service is scheduled.”	4	Rule 139.5 Requirement for Certificate	
1000-1	“There is no safety case that shows that having an aerodrome Certificated will make the aerodrome any safer, therefore making compulsory certification of aerodromes to meet the Level 2 and 3 is not necessary.”	N/A	Rule 139.5 Requirement for Certificate (Risk)	Disagree. On an international level it has been proven that aerodrome certification reduces operational risk. The delineation in seat count is intended to parallel the air operations certification requirements (i.e: Part 125 & 121).
1007-7	“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. There is no mention of any alternative systems that may achieve the same ends in a more cost effective manner, for example the Australian CASA system of registration for smaller aerodromes. Changes sought: • Provide a robust analysis of the safety issues that require the lower threshold for certification and more stringent standards for existing certificated aerodromes. • Provide an assessment of alternative means of meeting the safety issues identified including a cost-benefit analysis to identify the best means by which safety objectives can be met.”	3	Rule 139.5 Requirement for Certificate	Registration of non-certificated aerodromes is not necessary. These aerodromes will continue to operate as they are now but with guidance on what safety levels they are required to meet.
1007-8	“There is no reason put forward for why the rule “needs to be aligned with Annex 14” other than the statement previously referred to that it is “CAA Policy”. We believes this falls short of the requirements of S33 of the CAA Act as there is no attempt to establish the extent to which New Zealand should adopt the ICAO standards on a safety related cost-benefit basis. There is no demonstrated safety need, other than airspace risk management for which other regulatory alternatives should be explored, that in our view makes certification of aerodromes for air transport operations (ATO) by aircraft with 30 or less passengers a matter that “must be addressed”. Changes sought... • Provide a robust analysis of the safety based need for certification of aerodromes served by ATO with 30 or less passengers including analysis of alternative means by which airspace safety issues can be addressed.	3	Rule 139.5 Requirement for Certificate	
1000-2	“Aerodromes, certificated or not, are currently required to meet certain standards and these same aerodromes can be subject to a CAA audit to Part 139 at any time.”	N/A	Rule 139.5 Requirement for	Disagree. No standards or audit requirements currently exist for non-certificated aerodromes.

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			Certificate	
1009-9	<p><u>Issue:</u> (1) The proposal to introduce three levels or ‘tiers’ of certification within one Rule Part is inconsistent with the current structure and drafting style for other Rule Parts; and (2) The requirement for level 2 certification in NPRM 139.5 (b) is onerous for aerodromes having only infrequent scheduled air transport operations with aeroplanes having seating capacity of less than 30 passengers.</p> <p><u>Position:</u> 2.1 Request that the rules be drafted to provide for two types of certification of aerodromes – Domestic aerodromes and “International” aerodromes; and 2.2 Request that the requirement for level 2 certification be subject to, in the case of scheduled air transport operations with aeroplanes having a certificated seating capacity of less than 30 but more than 9 passengers, there being more than 700 aeroplane movements of such aeroplanes in the busiest consecutive 3 months of the year.”</p> <p><u>Reasoning:</u> Having two levels of certification would simplify the proposed new rule structure. The Level 3 proposed in the NPRM is not consistent with ICAO Annex 14. This additional level appears to be based on providing a regulatory structure for the provision of ATS that is consistent with CAA Policy (August 2005). That policy states “Thresholds for the provision of ATS at aerodromes, based on levels and types of movements, are to be established in the Civil Aviation Rules”. Clause 4.6 of the NPRM notes that the above policy also states that the Director must have the regulatory authority to ensure that an appropriate level of ATS service be provided where an unacceptable level of risk has been identified at an aerodrome. This is given effect by requiring certification of aerodromes where a minimum threshold for the provision of ATS is reached (NPRM 4.6(a)) The criteria for requiring Level 3 certification, if solely for the purpose of determining ATS, are too simplistic. If CAA views certification as the only regulatory mechanism to authorise a requirement for ATS, then the requirement for certification should be based upon more appropriate criteria or be based on the outcome of an aeronautical study that recommends ATS regardless of the level of air traffic activity. In the case of level 2 certification being required by aerodromes servicing scheduled air transport operations by aircraft having a certificated seating capacity between 9 and 30 passengers, it is presumed that this is a requirement for safety reasons (as distinct from the need for certification as a means to requiring ATS). The requirement for certification where there are infrequent services of such aircraft is a significant financial burden and individual aerodromes affected will no doubt submit more fully on this concern. There are already distinctions made in safety requirements in the rules where there are infrequent services (such as NPRM 139.59 for determining the rescue and firefighting category). The concept of a minimum threshold of activity before requiring level 2 certification due to aircraft being brought by this NPRM within the scope of certification requirements (formerly seating more than 30 passengers, and now extending to those with more than 9 passengers) is not unreasonable. The solution promoted in this submission is intended to be consistent with the distinction made in determining rescue and firefighting categories.</p>	N/A	Rule 139.5 Requirement for Certificate	
1011-4	<p>“To require all aerodromes with any scheduled international operations to be categorised as Level 1 and attract additional requirements with the associated additional costs is simply not logical. This is an area where we believe that the Director should be given discretion.”</p>	N/A	Rule 139.5 Requirement for Certificate	
1011-5	<p>“Our view (expressed above) that the Director should be given discretion with respect to the categorisation of an aerodrome also applies at the other aerodrome levels. The categorising of an aerodrome in black and white terms can result in the loss of services when a risk based assessment/aeronautical study having proper regard for safety is required.”</p>	N/A	Rule 139.5 Requirement for Certificate	
1011-6	<p>“Using the Oxford dictionary definition (as is done on page 16 of the NPRM document) – “scheduled” appears to be a narrower concept than “regular”</p>	N/A	Rule 139.5 Requirement for Certificate	
1018-4	<p>“The attempt to expand certification of airports via a process of categorisation lacks any international precedent and to this extent raises the question of whether the issue is alignment with ICAO or the introduction of local practice to address some specific safety issue.”</p>	N/A	Rule 139.5 Requirement for Certificate	
1018-6	<p>“The introduction of three levels of certification is without precedent and the case for change we do not considered is sustained by the CAA’s policy document of 2005 or the subsequent Aeronautical safety risk assessment document prepared by the Ambidji Rule/Topic. The CAA policy document makes no reference to certification levels - in introducing such a concept this is a major change and as such should be the subject of a risk assessment process. We</p>	N/A	Rule 139.5 Requirement for Certificate	Disagree. The certification levels are consistent with and compliment the air operation Rule Parts 119/121/125 & 135.

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	note for example that the certification levels appear quite subjective and extend the concept to aerodromes used for "scheduled" air transport operations for the carriage of passengers on "aircraft having a seating capacity of more than 9 seats". The CAA policy statement qualifies the extension of certification of airports servicing this market to a "maybe". If a properly conducted risk assessment demonstrated that such airports should be certificated along with proposed level three airports the Association would be fully supportive. However there is no evidence that a risk assessment has been undertaken and no demonstrated safety case. On investigation we find that the trigger level of movements dates back to 2001 when even at that point it was a highly questionable suggestion. The 2005 joint CAA/Industry Investigation into the Transport Canada and Nav Canada aeronautical systems debunked the myth that the Canadians had adopted a "trigger mechanism". In fact the Canadians run their aeronautical system consistent with good risk management practice and have embraced the aeronautical study methodologies.”		
1018-14	“If it is such that airports need to be certificated because the safety case, determined via a properly constituted aeronautical study, warrants change then the Association will be very supportive of certification.”	N/A	Rule 139.5 Requirement for Certificate
975-2	“The NZDF is supportive, in general terms, for scheduled air transport passenger operations over a proscribed level of activity to require a degree of certification or CAA supervision, and this might conceivably require three levels of certification. Arguably, you might then have a 4 th level of aerodrome that does not require certification but which requires some form of compliance or supervision.”	N/A	Rule 139.5 Requirement for Certificate
983-10	“There should be consideration given to requiring an aerodrome to be certified if IFR operations are intended.”	3	Rule 139.5 Requirement for Certificate
983-5	“We suggest also that there should be the ability for separate parties to be partially certified under the rule, where there are two parties on an aerodrome providing the services.”	3	Rule 139.5 Requirement for Certificate
984-4	“Generally speaking, WIAL support the move to a future Level 1 certificate holder, being more closely aligned with ICAO Annex 14 Vol.1 requirements and have included these provisions in our 2030 master plandocument.”	3	Rule 139.5 Requirement for Certificate
978-3	“We do not believe that safety is being compromised by their aerodromes not holding an Operating Certificate.”	N/A	Rule 139.5 Requirement for Certificate (Risk)
997-10	“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 as it uses total aircraft movements and total IFR movements per annum as a threshold. The total number of movements is not the main or only factor in assessing safety and risk at an aerodrome. Reliance on this as a main indicator in itself adds a risk factor.”	4	Rule 139.5 Requirement for Certificate (Risk)
997-11	“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.”	4	Rule 139.5 Requirement for Certificate (Risk)
997-13	<p>“The need for three levels of certification has not been justified.</p> <ul style="list-style-type: none"> - It unfairly imposes significant and unwarranted costs on aerodrome operators. The proposed model imposes cost based solely on scheduled aircraft movements, regardless of the number of scheduled movements and with disregard for overall aerodrome usage or traffic mix. A small regional aerodrome serviced by one or two scheduled flights a week by a Beech 1900 or similar would be required to be certificated with the associated costs yet a similar sized aerodrome with no scheduled flights and a large number of aircraft movements e.g. from flight training would not be required to be certificated. - Picton aerodrome has on average less than 2 scheduled movements per hour even at its busiest time yet would require certification under this proposal, yet several other aerodromes have far more movements scheduled and otherwise and would not need to be certificated. The NPRM implies that trained commercial pilots operating to a private aerodrome is less safe than for example an aerodrome such as Fielding being used for training flights 	4	Rule 139.5 Requirement for Certificate

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	<p>by multiple ab-initio student pilots, and therefore Picton Aerodrome must be certificated. (No disrespect of FI, however it is also in close proximity to another aerodrome.) The method is flawed and does not address multiple components of safety and risk inherent at aerodromes.</p> <ul style="list-style-type: none"> - Picton Airport has been inspected regularly by CAA even though it is not certificated to ensure that an acceptable standard is maintained. CAA compliance costs for aerodromes will likely be similar irrespective of the size of the aerodrome or the number of movements. Overall compliance costs with respect to maintenance of the required standard for Part 139 will vary and will be affected by the size/weight of aircraft, number of movements and can be recovered from operators through landing fees etc. Picton Airport is a private aerodrome. Part 139 would add unnecessary costs with no benefit. - The delineation of rule applicability based on cost benefit was common policy post the Civil Aviation Act 1990 and the transition of the Civil Aviation regulations to the current Civil Aviation Rules format. However legislation today is required to be based on risk assessment. Safety Management Systems required by ICAO incorporated risk assessment. New Zealand and Australia wrote the internationally accepted standards for risk assessment so why is CAA not applying this to governance of the aviation industry? - The current delineation for certification of <30 seats is likely one created by the rule writers at the time, in consultation with industry, and based around the type of aircraft used in New Zealand at the time equating to Part 125 and 121 operations. (It is evident in several rules.) It too does not adequately assess risk, but merely equates it to the cost to the nation relating to the souls on board. The risk of an aircraft accident is the same whether it is a passenger aircraft or a cargo aircraft. It is the consequences that are different. The NPRM appears to be basing an amendment to the rules on minimising unacceptable consequences rather than setting the required safety standards and outcomes. 			
975-3	<p>“An overall comment however is that the NZDF believes that aerodrome certification levels and ATS requirements should not necessarily be directly linked.”</p>	N/A	<p>Rule 139.5 Requirement for Certificate & Appendix B Aerodrome aircraft traffic services</p>	<p>ATS requirements shown in Appendix B are intended to indicate the thresholds at which an aeronautical study is required. The aerodrome certification levels are not linked to the ATS requirements.</p>
1009-6	<p>“(a) A person must not operate an aerodrome serving any aeroplane engaged in scheduled air transport operations for the carriage of passengers where either the origin or the destination of the flight is an aerodrome outside New Zealand except under the authority of a level 1 aerodrome operating certificate issued by the Director under the Act and in accordance with this Part for that aerodrome.”</p>	N/A	<p>Rule 139.5(a) Requirement for Certificate</p>	<p>Agree. Wording to be adopted where appropriate.</p>
1001-4	<p>“The offence description for Part 139.5(c) is not clear. The rule itself does not use the terms minimum or threshold, and normally, to exceed minimum requirements would be a good thing. We think the intent is that an aerodrome should not be able to operate without an operating certificate when the recorded traffic is above the levels specified in 139.5(c).”</p>	N/A	<p>Rule 139.5(c) Requirement for Certificate</p>	<p>Agree. Wording to be amended as proposed by submitter.</p>
1003-1	<p>“All of the proposal pertaining to Level 3 certification requirement must be removed. Ie ; only Level 1 & 2 certification be implemented.”</p>	3	<p>Rule 139.5(c) Requirement for Certificate</p>	
967-3	<p>“Ardmore submits that the proposed Level 3 certification in its draft form, is seriously flawed, and lacks policy justification, for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposed certification criterion: <ol style="list-style-type: none"> a) Is not an ICAO standard or recommended practice under Annex 14 to the Convention on International Civil Aviation and if Level 3 were to proceed, MOT would be required to file a “difference” to ICAO for this third level of certification b) Is not necessary to achieve trans-Tasman alliance as CASA does not require certification of Australian aerodromes on this basis c) Does not reflect the stated policy intention in the NPRM to require certification of aerodromes facilitating scheduled air traffic passenger operations d) Would only apply to one aerodrome (Ardmore Airport) e) Is solely based on the proposed new threshold requirements for ATS at aerodromes. This is flawed and an 	3	<p>Rule 139.5(c) Requirement for Certificate</p>	<p>The requirement for the Level 3 certification is based on the additional safety risks that are associated with aerodromes having a large number of movements. The requirement for ATS is not linked to the certification level.</p>

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	<p>inadequate basis on which to impose a third level of certification as:</p> <ul style="list-style-type: none"> i) It is too simplistic a basis on which to determine that an aerodrome should be required to be certificated and to operate to ICAO Annex 14 standards ii) It is unlikely for the foreseeable future that any other aerodrome will reach the criterion for certification or would choose to voluntarily certificate iii) For the reason stated at (ii), it may fail to achieve the CAA’s underlying policy intent of providing a mechanism to enforce ATS at other aerodromes that are not required to be Level 1 or 2 certificated iv) No other country uses this methodology” 			
967-6	<p>“Ardmore submits that the following additional factors suggest Part 139 certification is not necessary at Ardmore Airport on safety grounds:</p> <ul style="list-style-type: none"> i) Ardmore does not facilitate scheduled air transport operations and therefore has low public risk exposure ii) Ardmore has received assurances that the CAA does not consider ATS to be necessary at Ardmore Airport (yet this is the purported policy basis and rationale for level 3 certification) iii) Ardmore’s accident and incident statistics have improved since the introduction of the UNICOM service in 1998, and no evidence or safety case has been put to Ardmore to suggest that there are other safety risks that are unmitigated in the absence of certification and none of the CAA audits have resulted in any findings (refer Appendix C)” 	3	Rule 139.5(c) Requirement for Certificate (Risk)	Disagree. Recent TAIC reports recommend greater GA oversight within the aerodrome environment, especially where high frequency flight training occurs.
1018-12	<p>“The RIS needs to consider the upstream and downstream economic impact of the changes. For example, we understand the only airport in level three is Ardmore - this airport has no regular passenger movements, but is a key "hub" for New Zealand's general aviation industry. Our GA industry has the potential to significantly expand (upwards of 9% pa) off the back of export opportunities. An increase in operating costs at Ardmore, without any defining of underpinning improvement in safety outcomes and or productivity, will place operators at a competitive disadvantage.”</p>	N/A	Rule 139.5(c) Requirement for Certificate & RIS	
1009-10	<p><u>Issue:</u> 139.5 (d) specifically authorises application for aerodrome operating certificates even though not required by (a), (b), or (c) if the aerodrome services aircraft engaged in air transport operations in the case of level 2, and if the aerodrome services aircraft that are not engaged in air transport operations in the case of level 3. This creates an ambiguous situation and could imply that a level 1 certificate cannot be applied for unless required by (a), or that level 2 cannot be applied for unless servicing air transport operations.</p> <p><u>Position:</u> 3.1 Request that 139.5 (d) be removed in its entirety; OR be reworded as: “(d) An aerodrome operator who is not required under paragraphs (a), (b) or (c) may apply for a level 1, level 2 or level 3 operating certificate under this part.”</p> <p><u>Reasoning:</u> The purpose and intent of (d) is not clear and it does not require a level 2 or 3 aerodrome operating certificate for operations not already covered by (a), (b), or (c). The clause risks the implication that aerodromes cannot hold operating certificates for a higher standard than needed for operations currently being undertaken. The clause appears to be superfluous. By contrast, the wording of current CAR 139.5(b) clearly enables certificates to be applied for, even if not required. If this is the intent of the NPRM then NZ Airports submits that the alternative wording requested would be more appropriate.</p>	N/A	Rule 139.5(d) Requirement for Certificate	
1009-13	<p><u>Issue:</u> The NPRM proposes a change from the use of the term “Regular” air transport operations to “Scheduled” air transport operations.</p> <p><u>Position:</u> 6.1 Support the use of the term ‘scheduled’ instead of ‘regular’. 6.2 Request that the terminology be accordingly used consistently with all rules that interact with Part 139 – such as the consequential amendments to Parts 121 and 125 which incorporate in the amendments the term ‘regular air transport passenger service’.</p> <p><u>Reasoning:</u> The rationale for changes in Part 139 should support consistency where references to aerodrome facilities arise in other Parts such as Part 121. A similar example arises with the proposed consequential amendment to 125.77</p>	N/A	Rule 139.5 Requirement for Certificate & Consequentials 121.71, 125.77	

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	For example, the proposed consequential amendment in Part 121.71 (a) (2) dealing with RESA and referring to Part 139 applies “if the operation is a regular air transport passenger service to, from, or outside of New Zealand – “. Whereas the relevant complimentary section in Part 139 applies if “the runway is used for scheduled air transport operations for the carriage of passengers to or from New Zealand;”. <i>Note however the separate request that the terminology for identifying flights to/from New Zealand also be addressed.</i>			
948-3	The exposition required by 139.91 139.95	2	Rule 139.7 Application for certificate	Noted.
1009-11	<u>Issue:</u> The NPRM Part 139.9 proposes that the Director may issue a certificate if satisfied on certain criteria. The current Part 139.9 states that the applicant is entitled to a certificate if the Director is satisfied on certain criteria. <u>Position:</u> 4.1 Request that with the exception of updating cross-referenced clauses, the wording of NPRM Part 139.9 remain unchanged from the current Part 139.9. Alternatively, replace “may” with “shall”. <u>Reasoning:</u> The introduction of discretion beyond the criteria identified in the clause creates ‘open-ended’ uncertainty and is not warranted. The change in wording suggests a discretion on grounds that are not disclosed. The rule should not be capable of being used to control or limit the numbers of airports certified at any particular level. As a matter of natural justice, any applicant should be able to see transparently from the rule the basis upon which an application could be refused. The Review Rule Design Document states clearly “No rule change required” in the case of Issue of Certificate (p.5). The Issues Addressed during Development section (p.14) in the NPRM makes no mention of the issue being addressed by introducing this discretion, nor does it provide any rationale or justification for change. The Summary of Changes section (p.24) in the NPRM provides no indication of an intended change.	N/A	Rule 139.9 Issue of Certificate	Disagree. ‘May’ will be retained as proposed.
1009-12	<u>Issue:</u> 139.13(b) requires an application for re-issue of a certificate not less than 90 days before the certificate expires. The current 139.13 (b) provides for renewal not less than 30 days before the certificate expires. The change from the current terminology of “renew” to “re-issue” in 139.11 and 139.13 implies that some form of hurdle to entry will be applied, and the reasoning for the change is not clear. <u>Position:</u> 5.1 Request that 139.13 (b) be amended to replace “not less than 90 days” with “not less than 30 days”. 5.2 The term “renew” be retained rather than “re-issue” in 139.11 and 139.13. <u>Reasoning:</u> The time taken to review and prepare an application for re-issue of a certificate can be onerous by comparison with the checking and issuing by the regulator. The Review Rule Design Document states clearly “No rule change required” in the case of Renewal of Certificate (p.5). The Issues Addressed during Development section (p.14) in the NPRM does not identify this as an issue, nor provide any rationale or justification for change. The Summary of Changes section (p.24) in the NPRM provides no indication of an intended change.	N/A	Rule 139.11 Duration of certificate & Rule 139.13 Re-Issue of certificate	Disagree. The action is intended to be a ‘re-issue’ not a ‘renewal’ of the certificate (the term changes, process remains the same). 30 days is considered insufficient time to process a reissuance and could lead to a certificate expiring.
1013-9	“We note it is proposed that Aerodrome Operating Certificates must be “re-issued”, not renewed. Auckland Airport is unclear on the purpose or objective of this change? This implies that the onus is now on the airport to apply and make a case for being granted certification as opposed to a direct renewal process.”	N/A	Rule 139.11 Duration of certificate & Rule 139.13 Re-Issue of certificate	Yes. That is correct.
978-4	“There are many small aerodromes in the AIPNZ whose operators would not be inclined to meet the proposed compulsory requirements and will remove their aerodrome from the NZAIP. FNZ considers this will be a conflict with the safety of flying within New Zealand.”	N/A	Rule 139.15 Non-certificated aerodrome requirements (Risk)	For non-certificated aerodromes published in the AIP the Rule proposes compliance only with the following requirements; • Must ensure that the physical characteristics, the obstacle limitation surfaces and the visual aids for navigation and for denoting obstacles and restricted areas, and the equipment and installations for the aerodrome are commensurate with;
978-5	“Aerodromes removed from the NZAIP will still have local aircraft operating in their vicinity which could present safety issues for passing aircraft not aware that they are in the vicinity of an aerodrome.”	N/A	Rule 139.15 Non-certificated	

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			aerodrome requirements (Risk)	
993-6	“The requirements for Non-Certificated Aerodromes are so ambiguous that any meaningful comment without elucidation is impossible, so how do we comment on impossibilities???”		Rule 139.15 Non-certificated aerodrome requirements	<ul style="list-style-type: none"> ○ Characteristics of the aircraft that the aerodrome is intended to serve; and ○ The lowest met minima intended for each runway; and ○ The ambient light conditions intended for the operation of aircraft on each runway.
996-1	“Please find attached my support for the submission made by NZ Airports re the NPRM on Rule Part 139.15”	3	Rule 139.15 Non-certificated aerodrome requirements	<ul style="list-style-type: none"> • Must establish and publish any limitations on the use of the aerodrome
998-1	“We support the submission made by NZ Airports Association. Non certificated aerodromes should be able to continue to publish in the NZAIP and be clear the extent to which they comply. The requirements of the rules should only be to ensure that what is published is correct. It would be better if aerodromes are able to publish in the NZAIP as occurs now.”	3	Rule 139.15 Non-certificated aerodrome requirements	<ul style="list-style-type: none"> • Provide safeguards for preventing inadvertent entry of animals to the movement area, and safeguards for deterring the entry of unauthorised persons or vehicles to the operational area, and reasonable protection of persons and property from aircraft blast. • Must notify AIM of the aerodrome data, any limitations on the use of the aerodrome and any change that may affect the use of the aerodrome.
1008-3	“CAR 91.127(a) places the onus on the person using an aerodrome to ensure that it suitable for the purpose of taking off or landing. This catch-all rule has evidently stood the test of time in that NPRM 11-02 does not present any data that suggests that the physical characteristics of typical low utilisation aerodromes (whether published in the AIPNZ or not) are causal factors in accidents or incidents, or that improved public protection requirements are necessary. (In this context, Gliding NZ considers that less than 2,000 movements per annum is low utilisation.)”	3	Rule 139.15 Non-certificated aerodrome requirements (Risk)	<ul style="list-style-type: none"> • Provide the Director with an annual report on movement data • When requested conduct an aeronautical study
1009-14	<p><u>Issue:</u> The distinction between aerodromes that are published in the AIPNZ and those that are not could create an unintended safety issue if requirements arising simply through publishing are considered by operators to be onerous.</p> <p><u>Position:</u> 7.1 Request that the distinction between aerodromes published in the NZAIP and not published in the NZAIP be removed and replaced with rules that require any publication in the NZAIP to disclose the level of compliance with rules.</p> <p><u>Reasoning:</u> Aircraft flying other than scheduled services, and VFR traffic in particular, rely on the aerodromes published in the NZAIP as alternate options if facing an unplanned event such as weather. The requirements of 139.15(a) will be onerous for many smaller aerodromes, and could lead to a disincentive to publish. Publication of certificated aerodromes in the NZAIP should include the extent to which they are complying with the rules by disclosing (publishing) the level of certificate held. Non-certificated aerodromes should be able to publish in the NZAIP and it be clear the extent to which they comply. The requirements of the rules should only be to ensure that what is published is correct and would not be misleading if relied upon by an aircraft operator. Whether an aerodrome is published in the NZAIP is the wrong basis to achieve the goals intended by the rule. It would be better if aerodromes are able to publish in the NZAIP as occurs now – but the rules require that the level of compliance with rules be published with the aerodrome listing. At present the NZAIP publishes when an aerodrome is certificated and by implication, the balance published are non-certificated. To address the specific issue, the solution could be as simple as a requirement to publish “certificated level X” and “non-certificated complying” (and by implication, non-certificated and not complying). The “non-certificated complying” refers to compliance with 139.15(a). This simple solution would enable transparency for the users of aerodromes as to the level of compliance with rules for every aerodrome. Alternatively remove the likely offending requirements from NPRM 139.15(a). The particular areas of concern in NPRM 139.15(a) for aerodromes that publish but may be “non-complying” as defined above, are (iii) regarding public protection (eg airfields with stock present from time to time), (iv) regarding notification of data (eg conditions frequently change but a requirement for aircraft operators to phone for approval first would overcome without further publishing), (2) regarding annual movement reports (which have nothing to do with whether the aerodrome is published or not), and (3) regarding aeronautical studies when requested. NPRM 139.15(b) should probably not be related to NZAIP non-publication, but rather simply apply to all non-certificated aerodromes.</p>	N/A	Rule 139.15 Non-certificated aerodrome requirements	<p>The physical characteristics, OLS and visual aids etc.; would be those currently published in AC139-7 and that are already being complied by the majority of published aerodromes. The actual items required would, of course, be those that are required based on the type and level of operations.</p> <p>If the aerodrome is currently published and there are limitations on the use of the aerodrome, then these are currently published in the AIP. Pilots have a need to know of these.</p> <p>Safeguards to prevent inadvertent entry of animals is difficult to quantify. Most aerodromes are fenced in some manner with cattle stops across entrance ways. Signage would be acceptable to advise persons that are already on the aerodrome that they are entering an operational area. This will not restrict the grazing of animals as this is not inadvertent. Fencing within the aerodrome would not be required.</p> <p>If an aerodrome is presently published then one of the requirements agreed to between the aerodrome operator and the provider of the Aeronautical Information Service is that the published data must remain correct and any changes notified. This is normally and easily done by NOTAM. We do agree that many non-certificated aerodromes do not indicate that the grass is wet after rain and we would not expect them to. We would think that pilots should know that the grass may be wet after rain. However, some things do need to be issued by NOTAM.</p> <p>The annual report does need to be clarified. The intention is to obtain this information when the aerodrome does the annual publishing check. We would very simply have a table that asks them to tick the correct box, i.e. 0-5000, 5000-10,000 etc. Over 10,000 we may require more accurate data.</p> <p>The intention is that when confirming published data to the AIS on an annual basis a drop down box would be used to select the movement data range. This can be based on actual figures or best estimated values. The need is not for a precise figure but to see ranges and any major changes in these ranges.</p>
1015-1	“That some exemptions be granted to smaller, often unmanned aerodromes, used mainly by recreational users but listed in the AIP, as the listed requirements could make such aerodromes unviable for their operators.(even recording	3	Rule 139.15 Non-certificated	For aeronautical studies under Part 77 and 157 the director does need to have an

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	traffic movements).”		aerodrome requirements	understanding of the possible aircraft movements in the vicinity so some aerodrome movement data is required.
1015-2	“This in turn could lead to the decertification of the field, a loss to the recreational flyer, and a definite loss to the aviation community in terms of safety. With the increase in recreational light aircraft and higher performance microlights it is essential that smaller airfields be available and accessible for both enjoyment and safety especially in NZ weather conditions and there changeable nature.”	3	Rule 139.15 Non-certificated aerodrome requirements (Risk)	Aeronautical study. Already have AC139-17 – but it may need to be revisited. The Director will stipulate what is required when he\she writes to request it be done including reasons (e.g. new runway established, helicopter training where previously the aerodrome only had fixed wing, new glider operations, change to commercial air transport).
967-16	<p>“Ardmore submits that the drafting of the rule requirements pertaining to aeronautical studies is problematic for the following reasons:</p> <ul style="list-style-type: none"> i) The Director’s powers in 139.15(a)(3) and (b)(2) to require uncertificated aerodromes to conduct an aeronautical study “when requested in writing” is too broad and unfettered ii) The requirement in 139.107(a) for certificated aerodromes to conduct an aeronautical study when the criteria in 139.107(b) are triggered is too broad and open to interpretation and dispute. This should either be further refined in the rule, or detailed guidance should be provided in an AC, as to how these criteria should be interpreted and applied iii) There should be legislative consistency as to when the requirement for any certificated or uncertificated aerodrome should conduct an aeronautical study is triggered iv) The stated policy intention to permit aerodromes to initiate an aeronautical study to consider other options if the ATS criteria in Appendix B are triggered is not provided for in the draft rules in the NPRM (this is discussed further under Sections 2 and 3 below) v) Due to the oversight noted at (iv), the draft rules in the NPRM does not provide any process to determine what, if any, form of air traffic management or ATS is necessary at an aerodrome following the outcome of an aeronautical study vi) On the assumption that the Director will retain the power to make the final determination as to what form of air traffic management or ATS is necessary (as is presently provided for in CAR 139.113), Ardmore submits that this power should not be unfettered. The Director should be required to abide by the results of an aeronautical study unless there is compelling reasons not to vii) The Director should have a residual overriding discretion, in any case where an aeronautical study would otherwise be required under Rule Part 139, to determine that an aeronautical study is not necessary if it is accepted that an aerodrome already has in place adequate mechanisms, procedures or systems to manage airspace and air traffic risk at an aerodrome (for example, the operation of UNICOM and other approved procedures at Ardmore Airport) <p>We submit that draft rule 139.15 and 139.107 should be amended to adopt or incorporate these changes, and that a new rule should be adopted in respect of (v) and (vi) above. We set out in Appendix B our suggested changes to these rules.”</p>	3	Rule 139.15 Non-certificated aerodrome requirements & Rule 139.107 Aeronautical Study	<p>With regard to the introduction of standards for non-certificated but published aerodromes, the CAA has no intention of putting in place any requirement that may cause the removal of those aerodromes currently published, or discourage new aerodromes. The inclusion of minimum standards for the publishing of aerodromes will give greater confidence to pilots in knowing that the published information is correct and is being maintained. It will also make it clear to aerodrome operators what the minimum safety requirements are for their protection.</p> <p>AC139-7 will have the standards and recommendations in it. This AC will be amended and updated and provided to aerodrome operators for feedback prior to being finalised.</p> <p>If the requirements as detailed above are not currently in place then there are safety issues at current published aerodromes – the CAA was not intending to add new requirements but ensure the current minimum safety standards are in place.</p> <p>We do need to consider the unmanned aerodromes and how they can report. There are currently 16 aerodromes, not including helipads, that do not require landing fees. The remainder of published non-certificated aerodromes require either landing fees or prior approval.</p>
969-1	“Will cause undue and unnecessary problems to some low complexity airfields currently listed in the AIPNZ Vol. 4 to the overall detriment of aviation safety within NZ.”	3	Rule 139.15 Non-certificated aerodrome requirements (Risk)	
969-2	“Although dialogue with CAA suggests that the measures will not be onerous to small private airfield operators, the regulation is too open ended and once in place, gives no assurance of that promise.”	3	Rule 139.15 Non-certificated aerodrome requirements	
948-4	<p>“We have inserted a number of requirements for operators of non-certificated published aerodromes. 139.15(a)(1)(i) will require them to comply with the aerodrome design requirements of 139.53(a) only which refers to the characteristics of the aircraft that the aerodrome is intended to serve. It does not require compliance with the Appendices as for a certificated aerodrome but the intent was to require compliance to the AC139-7. In the original rule, certificated aerodromes were required to provide the physical characteristics that were “acceptable to the Director”. This has been removed as certificated aerodromes must now comply with the Appendices. An additional clause should be included in this rule to require the physical characteristics to be in compliance with the AC 139-7.”</p> <p>Suggested wording: (b) The aerodrome design requirements provided at the aerodrome required by (a)(1)(i) must be acceptable to the Director.</p>	2	Rule 139.15 Non-certificated aerodrome requirements	

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	Renumber (b) as (c).		
969-3	“If CAA are intent on change to standards or physical assets in place on AIPNZ Vol. 4 listed airfields, and if small private fields do not meet the criteria then it would make more sense to produce Vol 4 with a section (covered by a notice of non-compliance), filled only with those fields, than to see them become unknown.”	3	Rule 139.15 Non-certificated aerodrome requirements (Risk)
972-5	“All other aerodromes published in the AIPNZ that are not certified will be required to meet certain minimum standards under the new rules. AFOG understands that the minimum design and operational requirements are unlikely to be problematic and provided this is the case, AFOG has no specific comment on those changes.”	3	Rule 139.15 Non-certificated aerodrome requirements
972-7	“AFOG submits that any changes that could lead to a reduction of published airfields in the AIP, or a reduction in total airfields, should be viewed as undesirable for aviation safety purposes and should not be implemented.”	3	Rule 139.15 Non-certificated aerodrome requirements (Risk)
943-1	“Some positives, but one serious negative will be the exodus of uncertificated fields from the AIP.”	4	Rule 139.15(a) Non-certificated aerodrome requirements
964-1	“Will cause undue and unnecessary problem to some low complexity airfields currently listed in the AIPNZ Vol 4 and will likely lead to their removal from Vol 4 to the overall detriment of aviation safety within NZ.	3	Rule 139.15(a) Non-certificated aerodrome requirements
964-2	“The inclusion of minor airfields in the AIPNZ Vol 4 is of significant advantage in terms of safety and operation to NZ aviation. It cannot be ignored that light aviation movements account for a large part of the general aviation scene. Light GA includes all manner of private operators and an extensive number of sport and recreational aircraft. It has in the main, only basic requirements in terms of landing fields and therefore tends to make a lot of use of small out of the way airfields. Navigation is mostly conducted under VFR. The inclusion of minimum complexity airfields in one of the GA pilot’s primary reference documents, AIPNZ Vol 4, is of critical safety importance. In the event of a pilot encountering deteriorating weather conditions (or any problem), or for the avoidance of intensely active aviation airspace, the small scale airfield is of significant safety and operational importance. By being included in Vol 4, an airfield raises the awareness of pilots in general of its whereabouts (and therefore its associated airborne activity) and its available facilities. Crucial information is provided about the field to a pilot wishing to land in an unfamiliar area when faced with deteriorating conditions rather than pressing on to a better publicised field as well as providing the safety critical information for a pilot intending to land there as a planned destination. Vol 4 is one of the best and most useful documents available to a pilot and is truly a practical working mainstay to safe flight planning and operation. Many small private airfield operators have met the current CAA requirements in order to be included in it for that very reason. The proposal by CAA whereby standards expected to be found on larger public airfields could be applied by regulation to small private fields included now in Vol 4 will have the effect of forcing many to withdraw their inclusion from Vol 4. This can only be seen as a backward step and a detriment to general aviation safety and operation. The logic for the change, although not announced, may be sound in itself but in the larger context has to be seen to lack the wisdom of the larger aviation picture.”	3	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
964-3	“Although dialogue with CAA suggests that the measures will not be onerous to small private airfield operators, the regulation is too open ended and once in place, gives no assurance of that promise. Indeed it could be expected that an airfield inspector would be required by their position description to insist upon compliance with rules that were primarily designed to be in place on larger public airfields. An operator choosing to withdraw a field from Vol 4 would be to the detriment of all general aviation as outlined. Similarly, the requirement for reporting in the case of a low volume airfield will be seen to be overly		Rule 139.15(a) Non-certificated aerodrome requirements

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	onerous to the operator with a similar end result as above.”		
964-4	“If CAA are intent on change to standards or physical assets in place on AIPNZ Vol 4 listed airfields, and if small private fields do not meet the criteria then it would make more sense to produce Vol 4 with a section (covered by a notice of non- compliance), filled only with those fields, than to see them become unknown.”		Rule 139.15(a) Non-certificated aerodrome requirements
979-2	“Any pilot landing in CX hopefully does so without mishap. If an event takes place that imperils lives, so be it. One cannot control every single action that people take no matter how much one would like to.”	N/A	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
981-2	“Removal of any aerodrome from the Vol. 4 also impacts on safety. Pilots will then not have the wealth of information contained in the Vol. 4 for use in all operations. That includes normal,emergency, diversion and bad weather operations.”	3	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
985-1	“It is vital to have as many aerodromes as possible available for precautionary landings in deteriorating conditions because of the mountainous terrain and very changeable weather conditions.”	3	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
985-2	“Pilots encourage owners of non certificated aerodromes to put them in the AIP for safety reasons.”	3	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
986-1	“I agree with other submitters (e.g. Woods and Baynes) that requiring all aerodromes published in volume 4 of the AIP to meet additional requirements will not enhance safety but have the reverse effect. These aerodromes are currently operating in a safe and satisfactory manner and it is unclear what safety objectives will be achieved by the imposition of these additional (substantially bureaucratic) requirements. I do not follow why the fact that an aerodrome is listed in volume 4 mandates the imposition of these requirements whereas, by implication, it is considered that there is no necessity for them if the aerodrome is not listed. In either case the aerodrome will be in use and self evidently there is no increase in risk of operating from the aerodrome because it is listed in volume 4.”	N/A	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
986-2	“What is clear, however, is that a number of aerodromes currently listed in volume 4 will have neither the funding nor the inclination to meet these additional requirements and will be removed from the publication. These aerodromes will still be operating but pilots using the aerodromes will be less likely to have available the information that will enable them to do so with maximum safety. Nor will a pilot who needs to make a precautionary landing be aware of the availability of such aerodrome.”	N/A	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
987-2	“I may be deluded but have thought that over the years, the CAA of NZ has been espousing the culture of safety in aviation but the proposals set out at least in this section seem to have lost sight of that. It appears that the CAA is trying to align itself more with FAA & CASA regulations but especially for smaller airfields in NZ these are not necessary as small communities are very good at self 'policing'. As pilots we are interested in the good, readily available information afforded in the VOL.4.”	4	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
988-2	“Our request is for CAA to detail specifically in the proposed rule what requirements would be imposed onto small operations such as ours, so that we can submit on an informed basis.”	3	Rule 139.15(a) Non-certificated aerodrome requirements (Noted.)
989-1	“To withdraw all information about so called "non certificated" airfields from Vol 4 of the AIP, unless they can show compliance with the proposed new rule has wide ranging flight safety implications. When you look at what is required for "compliance" I can't envisage any non-certificated airfield owner ever wanting to retain a listing in the Vol 4.”	4	Rule 139.15(a) Non-certificated aerodrome requirements

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			(Risk)
990-1	“Withdraw the proposed requirement for non-certificated airfields currently published in Vol. 4 to meet design standards, report data, etc.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
991-5	“The proposal by CAA whereby standards expected to be found on larger airfields could be applied by regulation to small private fields included in Vol. 4 will have the effect of forcing many to withdraw their inclusion from Vol 4. This can only be seen as a backward step and detriment to general aviation safety and operation. The logic for the change, although not announced, may be sound in itself but in the larger context has to be seen to lack the wisdom of the larger aviation picture.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
992-1	“Many of the proposals in this NPRM would add a completely unmanageable amount of costs and work to the operation of this airfield.”	N/A	Rule 139.15(a) Non-certificated aerodrome requirements
992-3	“We submit that the requirements in this NPRM are not in the interests of the CHB Aero Club and will not do the slightest to aid in aviation safety othe the safe operation of this airfield.”	N/A	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
993-4	“It seems to me that many will remove their aerodromes from the NZAIP to eliminate the additional burdens required by these new regulations.”		Rule 139.15(a) Non-certificated aerodrome requirements
997-14	“CAA monitors all aerodromes published in the AIP to ensure that the information published is consistent with that of the physical aerodrome. It remains important that any aerodrome details that are published remain accurate and it is the responsibility of the aerodrome operator certificated or not to ensure that it is. However the writer of the NPRM is intending to require any aerodrome published in the AIP to be Part 139 Certificated. This is contrary to the interests of safety as details of some aerodromes will be likely be removed as a consequence.”	4	Rule 139.15(a) Non-certificated aerodrome requirements
999-3	The proposed changes would mean many of the non-certified aerodromes published in the AIP would be removed as they would be unable to comply.	4	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
1000-4	“Many aerodromes that are in the AIPNZ are no more than an open paddock. The reason, in many cases, that the aerodrome is in the AIPNZ is to make sure that traffic transiting the area are aware that there is an aerodrome in the vicinity and to make the pilot aware that he should not fly directly through the circuit. By making it compulsory to get these aerodrome operators to meet the proposed requirements could make the operator remove the aerodrome from the AIPNZ. The effect of this will be that the aerodrome will still be used by those that know it, and therefore the airspace around this aerodrome could be compromised by the fact that no one else is aware of the aerodrome therefore creating a situation where conflict between aircraft in the circuit and overflying could occur.”	N/A	Rule 139.15(a) Non-certificated aerodrome requirements (Risk)
1005-3	“We request that the word “estimated” be added in 139.15 (a) (2) and 139.77. Movement data is currently recorded with some modelling and estimation to give quarterly and annual figures for noise management reporting and for collecting landing fees. It would be uneconomical to install and monitor special equipment for the low number of movements at Masterton, and therefore we wish to ensure that the current method of recording and analyzing the data will be sufficient for the intention of these rules. It is our understanding that this is the case.”	3	Rule 139.15(a) Non-certificated aerodrome requirements & Rule 139.77 Movement data reporting
957-4	“There should be no imposition of requirements for aerodromes below the level 3 threshold.”	3	Rule 139.15(a) Non-certificated

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			aerodrome requirements
957-7	“When read in conjunction with the referenced rules is confusing and ambiguous. This section implies that the rules apply to non-certificated fields if published in AIPNZ whereas the rules (pages 39-55) are applicable to ‘an applicant’ implying that they are applicable only at the time of application.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
957-8	“Firmly believes that there needs to be considerable dialogue between the Director and the Ashburton Airport Authority in order to clarify the rationale for the potential imposition of requirements and to clarify such requirements.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
961-1	“The categories of aerodromes are not specific enough when aircraft movements are under 30,000 per annum, yet these are the most numerous of airstrips in the country.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
961-2	“As an operator of a small unmanned aerodrome registered in the AIP, we find the proposed rule changes an unacceptable imposition”.	3	Rule 139.15(a) Non-certificated aerodrome requirements
945-1	“There is scope here for nonsensical intrusion into parts of a system not in need of change.”	4	Rule 139.15(a) Non-certificated aerodrome requirements
946-1	“For private or strips used for recreational use, the return(reporting of movements) should be very simple, or not required below a given level.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
946-2	“The outcome of this proposal would see the permission to use farmland for aviation activities withdrawn.”	3	Rule 139.15(a) Non-certificated aerodrome requirements
1008-1	<p>“Change 139.15(a)(1) to read: (1) if the aerodrome has 2,000 or more aircraft movements per annum for 3 consecutive years comply with – ...</p> <p>“There are many aerodromes published in the AIPNZ that have very low utilisation and therefore do not expose the public to undue risk. Publication in the AIPNZ is of significant importance to pilots of light aeroplanes operating VFR by day, who may need to make a precautionary landing due to adverse meteorological conditions or other problems. Similarly, gliders often land out when soaring conditions are not favourable, and a published aerodrome will always be the safest alternative if within gliding range.”</p>	3	Rule 139.15(a)(1) Non-certificated aerodrome requirements
1010-1	<p>“Change 139.15(a)(1) to read...</p> <p>(1) If the aerodrome has 2000 or more movements per annum for 3 consecutive years comply with -</p> <p><u>Supporting statement:</u> CGC is in the process of establishing a new aerodrome at Springfield and has recently requested a non-certified aerodrome chart in NZAIP. Whilst there were numerous drivers to have this chart in the NZAIP an overriding one was to enhance safety to ourselves and other GA operators. Having now read the proposed change to 139.15(a)(1) we believe we need to reassess the value of having our aerodrome in the ANZAIP vs the compliance costs proposed. We were not advised at the time of applying that this change was being proposed. We are a voluntary organisation with limited income and can't see any cost benefit to requiring added compliance cost to our size and type of operation.</p>	3	Rule 139.15(a)(1) Non-certificated aerodrome requirements

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	Gliders occasionally need to land out and as land use in NZ becomes more intensive, gliders need to look for designated aerodromes to do this safely. We believe the proposal as it stands would be an incentive for some small aerodrome operators to withdraw their publication in NZAIP introducing unnecessary added risk to the glider or any light GA looking for a safe place to land when weather or other factors force this. Simply put we submit that a threshold of use would satisfy the (assumed) intent of this change and not create a situation where important details of these small aerodromes are lost from public view.”		
983-8	“NPRM139.15 (a) (1) (i) requires non-certificated aerodromes to comply with NPRM139.53 (a) but not NPRM139.53 (b) & (c). We cannot understand the promotion of differing standards. Surely the minimum requirements for the aerodrome intended for instrument operations need to be defined, certified or not. These requirements are not the same or limited to the physical characteristics of the runways. It is possible to have an instrument approach to a non-instrument runway.”	3	Rule 139.15(a)(1)(i) Non-certificated aerodrome requirements
981-4	“Limitations on aerodromes are already set out in the Aircraft Flight Manual, other rules, or operator Manuals. If it does not meet the limitations required, pilots or operators have the responsibility to decide if the aerodrome is available based on limitations.”	3	Rule 139.15(a)(1)(ii) Non-certificated aerodrome requirements
977-2	“The proposal states that ‘movement statistics are required’, but there is no indication of the level of statistical detail, or the harm reduction and economic benefit that it is intended to achieve. Depending on the depth and accuracy of stats required this could involve anything from a few minutes to many days work, each month.”	3	Rule 139.15(a)(2) Non-certificated aerodrome requirements
979-1	“In Coromandel, we have a one runway aero club that is available to any pilot who wishes to utilise it. There is no recorded information available as to aircraft movements save the honesty box collecting landing fees.”	N/A	Rule 139.15(a)(2) Non-certificated aerodrome requirements
995-1	“The proposal states that ‘movement statistics are required’, but there is no indication of the level of statistical detail, or the harm reduction and economic benefit that it is intended to achieve. Depending on the depth and accuracy of stats required this could involve anything from a few minutes to many days work, each month.”	N/A	Rule 139.15(a)(2) Non-certificated aerodrome requirements
999-2	Hawera Aerodrome is only attended on certain hours of the week and it would be impossible to supply movement numbers.	4	Rule 139.15(a)(2) Non-certificated aerodrome requirements
961-3	“As no landing fees is a policy to encourage aviation, no means exist to count aircraft movements”.	3	Rule 139.15(a)(2) Non-certificated aerodrome requirements
962-1	“While we acknowledge the value of recording traffic movement data we have no ability to capture such information and suggest that most non-attended aerodromes are in a similar situation.”	2	Rule 139.15(a)(2) Non-certificated aerodrome requirements
962-2	“Our request is that the requirement to provide traffic movement data for non certificated aerodromes be less prescriptive”.	2	Rule 139.15(a)(2) Non-certificated aerodrome requirements
973-1	“The proposal states that movement statistics are required, but there is no indication of the level of statistical detail, or the harm reduction and economic benefit that it is intended to achieve. Depending on the depth and accuracy of stats required, this could involve anything from a few minutes work, to many days of work each month.”	N/A	Rule 139.15(a)(2) Non-certificated aerodrome requirements
962-4	“No information has been provided as to what form this study may take or the costs involved of complying.” “Without further information, we are unable to support the proposal.”	2	Rule 139.15(a)(3) Non-certificated aerodrome

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			requirements	
951-1	“We would like to record our opposition to the proposed changes to the rules regarding the operation of small grass aerodromes, as the current rules are adequate and work well. Further bureaucratic interference would be unhelpful to all concerned.”	N/A	Rule 139.15(b) Non-certificated aerodrome requirements	
974-1	“Council has no way possible of complying with a requirement to report on movement statistics as the aerodrome is unmanned.”	N/A	Rule 139.15(b) Non-certificated aerodrome requirements	
974-2	“It is submitted that recognition of small unmanned aerodromes needs to be taken into consideration by CAA and appropriate exclusions made to any movement statistics reporting for these facilities.”	N/A	Rule 139.15(b) Non-certificated aerodrome requirements	
974-3	“It is further submitted that if movement statistics are considered critical information to CAA that pilot license holders could be required to provide monthly or quarterly statistics on landing destinations with number of landings for each aerodrometo CAA from their logbooks.”	N/A	Rule 139.15(b) Non-certificated aerodrome requirements	
993-5	“Can you imagine EVERY farmer with an airstrip on his property complying with these rules?”		Rule 139.15(b) Non-certificated aerodrome requirements	
978-6	“The proposal for small, low use aerodromes that fall in Level 2 and 3, to have a Chief Executive and a Manager is adding to the cost of running that aerodrome. Many of these smaller aerodromes are presently administered by one person.”	N/A	Rule 139.51 Personnel Requirements	While no example is given, we would be surprised if there is not a Council or Board involved in the running of all aerodromes that may require certification given the level of movements, size of operation and the cost of the asset.
1000-5	“Is it proposed that all aerodromes must have a Chief Executive Officer and an Airport Manager? The way the proposed rule is drafted this is the case, as it states that an aerodrome must have a CEO and an Airport Manager. This is inferring two people. Many of the aerodromes that will fall into Level 2 and 3 are one man operations.”	N/A	Rule 139.51 Personnel Requirements	These are title requirements for the purpose of the rule. They can be the same person and not necessarily the titles actually held within the airport company.
1009-32	<p><u>Issue:</u> The requirement for a code 2 aerodrome to provide for the runway strip to extend 60m before the threshold and beyond the runway could require an existing domestic aerodrome to comply with RESA if the existing landing distance available is to be retained.</p> <p><u>Position:</u> 25.1 Amend the criteria for RESA in 139.53(c)(4)(i) from 15m to 30m.</p> <p><u>Reasoning:</u> The proposed requirement for the runway strip of a code 2 aerodrome is consistent with ICAO Annex 14, and as such is supported. Neither the preamble to the NPRM nor the consultation during the preparation of the NPRM identified that additional existing domestic airports might be caught by the RESA requirements as a result of the NPRM. Unless already publishing a runway length with a runway strip extending 60m, an existing code 2 aerodrome must either increase the length of the runway strip by 30m (if physically possible) or reduce the landing distance available by 30m. The significant cost of complying with RESA for the sake of extending the runway strip by 30m is inappropriate and should be avoided in the rule-making process. The most practical remedy is to increase the criteria in NPRM139.53(c)(4)(i) from 15m to 30m. This is a more practical distance as a warrant for requiring the provision of RESA and only applies for runway lengths published immediately before 12 October 2006. Such a change in criteria (15m) for requiring RESA in limited circumstances is unlikely to have any material impact on safety outcomes but can have a major impact on economic efficiency of aerodrome operations.</p>	N/A	Rule 139.53 Aerodrome design requirements & Appendix D.1.1	RESA is out of scope. Appendix D1.1 will be amended for the provision of 30 metres for a Code 2 not 60 metres. The RESA requirement applies to more than 30 passenger seat aircraft.
966-1	“As the proposed rules stand, it is not possible for the NSAC to make NZNE compliant with Part 139. Specifically the runway strip width requirements. Widening the runway strip width to 150m is inconceivable, as this would place the western runway strip edge inside the NSAC clubhouse; this is only one of many physical characteristics of NZNE which would not allow compliance with that requirement.”	N/A	Rule 139.53 Aerodrome design requirements	The runway strip requirement for non-precision runways will be removed from the appendix.

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948-5	<p>“Although RESA was outside the scope, I believe that amendments were permitted to correct the wording where required. The proposed rule retains the original wording where this has been changed in other areas to bring in the certified seating capacity rather than seating configuration.” Suggested wording as below:</p> <p>(c) An applicant for the grant of an aerodrome operating certificate must ensure that a runway end safety area that complies with the physical characteristics prescribed in Appendix A is provided at each end of a runway at the aerodrome if—</p> <ol style="list-style-type: none"> (1) the runway is used for scheduled air transport operations for the carriage of passengers to or from New Zealand; or (2) the aerodrome operating certificate is first issued after 12 October 2006 and the runway is used for scheduled air transport operations by aeroplanes that have a certified seating capacity of more than 30 passengers; or (3) the runway is commissioned after 12 October 2006 to be used for scheduled air transport operations by aeroplanes that have a certified seating capacity of more than 30 passengers; or (4) the runway is used for scheduled air transport operations by aeroplanes that have a certified seating capacity of more than 30 passengers and— <ol style="list-style-type: none"> (i) either the landing distance available or the length of the runway strip is extended to a distance or length that is more than 15 metres greater than the respective distance or length that was published for the runway immediately before 12 October 2006; or (ii) the runway is upgraded to an instrument runway after 12 October 2006. 	2	Rule 139.53 Aerodrome design requirements	Agree. But should be “certificated” not “certified” to match CAR 139.6.
956-2	<p>“Amend 139.53 (b) to read; The physical characteristics of the aerodrome; the obstacle limitation surfaces; the visual aids for navigation and for denoting obstacles and restricted areas; and the equipment and installations for the aerodrome are commensurate with the following—</p> <ol style="list-style-type: none"> (1) the characteristics of the aircraft that the aerodrome is intended to serve; (2) the lowest meteorological minima intended for each runway; (3) the ambient light conditions intended for the operation of aircraft.” 	2	Rule 139.53 Aerodrome design requirements	Don’t see the need for this change.
1002-2	<p>“Currently there are two exemptions which apply to two aerodromes in New Zealand, namely Wellington (7/EXE/72) and Dunedin (99/EXE/26. These are exemptions are for aircraft operators and allow operations on a reduced strip width to that required by the rules. We understand that under the new CAR Part 139, that the aerodrome will now be required to apply for an exemption. There is an expectation that due to the existence of the exemptions referred to previously, that this exemption, on application will be granted automatically. The exemption will need to be issued prior to the rule coming into force otherwise a transition period will be required to allow the exemption process to be completed.”</p>	2	Rule 139.53 Aerodrome Design Requirements & Appendix D.1.1	An exemption will need to be applied for by the aerodrome operators and will take into account the current exemption issued to operators.
983-9	<p>Also NPRM 139.53 (a) uses the term “commensurate with...” There is no definition of how the determination of “commensurate with” will be made either by the aerodrome operator or CAA.</p>	3	Rule 139.53(a) Aerodrome design requirements	The wording is recognised ICAO language that has been in use for many years and we do not believe that this is an issue. It provides both the aerodrome operator and the Director flexibility in meeting the requirements.
967-10	<p>“139.53(b) requires that the physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations, provided at certificated aerodromes must be in accordance with the applicable standards in Appendices C to I.”</p>	3	Rule 139.53(b) Design Requirements	All of these issues will be addressed in the revised appendix.
1007-15	<p>“The proposal to place standards currently contained in AC139 series into appendices in the rule is of great concern. Proposed Rule 139.53(b) requires compliance with these appendices yet there is:</p> <ul style="list-style-type: none"> • No assessment of the cost of compliance with an inflexible instrument such as a Rule compared to the more flexible and pragmatic instrument of an Advisory Circular. • No allowance in Appendix E for terrain shielding for new and extended obstacles penetrating certain OLS, as provided for under Annex 14 SAPRS and AC139-6. The outright prohibition of such penetrations under Appendix E is extremely punitive and has no justification or safety benefit. • No identification of the differences between what is in the rule and the existing AC standards. • No indication as to whether standards remaining in various Part 139 ACs (such as the specifications of the OLS surfaces) be changed. • No apparent understanding by the CAA of the means by which penetrations of the takeoff and landing OLS, often revealed only during periodic aerodrome surveys, are dealt with in practice e.g. by issuing NOTAM to advise of takeoff flight path obstacles, revised effective operational lengths, displaced thresholds or alternative approach procedures all of which are provided for in current ACs. The proposed rule will require an exemption to be obtained every time this situation occurs and means a runway would have to be closed until the exemption is obtained. This is impractical and totally unnecessary. • No apparent recognition of the process under the Resource Management Act by which controls on OLS/Obstacle 	3	Rule 139.53(b) Aerodrome Design Requirements	Aerodromes must take all steps to ensure that the OLS remains clear and this is accomplished by monitoring both the annual and five year surveys. We do not know of this type of issue and we have not deemed an aerodrome non-compliant where there is a difficulty in removing trees, etc. Airports should be able to manage this issue. This is why the five year survey is done to a 1.2% slope to give aerodromes the knowledge that something may come through the surface over the next five years.

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	Protection Surfaces are put into practical effect, the timeframe required to do so and the complexity of enforcement. Changes sought... • Remove Rule 139.53(b) and Appendices C to I and retain applicable standards in the AC139 series.			
953-4	“The cost of compliance with RESA requirements has not been considered as part of the initial certification cost of an aerodrome. Likewise the safety implications of RESA compliance activities resulting in active runway being sacrificed, as evidenced by recent activity at Hokitika and Paraparaumu has not been considered.”	2	Rule 139.53 (c) RESA requirements (<i>Out of scope</i>)	RESA is not required for aerodromes serving aircraft with 30 passenger seats or less.
958-9	This is the first of potentially many examples where the change to the use of “scheduled” creates a disconnect with other Rules. Under the proposed change a charter flight could potentially operate to a Part 139 certified airport with a non compliant RESA, given the RESA only being a requirement for scheduled flights. Under Part 121.71, 125.77 129.107 and 135.77 however the operator could not operate a “regular air transport service” (i.e. more than 4 air transport services in 28 days) without the airfield having a compliant RESA. A series of three flight into a location for a event followed by three flights out could not be undertaken by the operator while the Part 139 aerodrome operator under their requirements consider it acceptable. While examples of domestic airfields without a 90 metre RESA are low, this is a potential area of confusion for light twin or business jet Part 129 operators in locations such as Kerikeri or Kaitia (examples only).	2	Rule 139.53 (c) RESA requirements (Out of scope)	
1009-7	“Request that 139.53 (c) (1) be re-worded to:“(1) the runway is used for scheduled air transport operations for the carriage of passengers where either the origin or the destination of the flight is an aerodrome outside New Zealand; or”	N/A	Rule 139.53 (c) (1) Aerodrome design requirements	Agree. Will reword as proposed by submitter.
1001-1	“Should obstacles or terrain in the aerodrome vicinity be included in the determination of any operational limitations?”	N/A	Rule 139.55 Aerodrome Limitations	No – This is aerodrome design limitations not operational limitations.
948-6	“Paragraph (c)(1) from existing rule has been deleted. This needs to be reinstated and 139.57(c)(1) be renumbered (c)(2).”	2	Rule 139.57 Aerodrome emergency plan	Disagree. Paragraph (c)(1) has been moved to 139.103(4). 139.57 (c)(1) will be reformatted into one complete statement.
1009-15	<u>Issue:</u> NPRM 139.57 (c) does not make sense, referring to a paragraph (c)(1) that appears to be missing. <u>Position:</u> 8.1 Request that with the exception of changing the word “shall” to “must”, NPRM 139.57 (c) be amended to be unchanged from the current 139.57 (c). <u>Reasoning:</u> There appears to be no intent to change this rule, and it is presumed that the change is a drafting mistake.	N/A	Rule 139.57 (c) Aerodrome emergency plan	As per above.
1009-16	<u>Issue:</u> NPRM 139.59 uses the term ‘regularly’ which for the reasons in section 3.1.5 of the NPRM would be better worded as ‘scheduled’. Rescue and firefighting categories 1 and 2 are redundant. <u>Position:</u> 9.1 Request that in 139.59(a) and 139.59(c)(1) the words “according to the largest aeroplane type regularly using the aerodrome” be replaced with “according to the largest aeroplane type engaged in scheduled passenger movements at the aerodrome” 9.2 Request that categories 1 and 2 be deleted from Table 1, Table 2, and Table 3. <u>Reasoning:</u> Section 3.1.5 of the NPRM explains the preferred terminology for air transport operations. The term ‘scheduled air transport operation’ is preferred over the current ‘regular air transport operation’. We note that the term “Regular air transport passenger service” is defined in Part 1. NPRM 139.59 uses the term ‘regularly using’. The reasoning provided in section 3.1.5 of the NPRM would seem to be equally applicable to the terminology in NPRM 139.59, in which case 139.59(a) and 139.59(c)(1) should refer to “the largest aeroplane type engaged in scheduled passenger movements at the aerodrome” None of the rules in 139.59 determine an aerodrome to be either category 1 or category 2. The minimum is category 3. Categories 1 and 2 are redundant and leaving them in the Tables confuses interpretation of the rules and unnecessarily clutters the tables.	N/A	Rule 139.59 Rescue and firefighting – category determination	Agree. Use of the term ‘scheduled’ will be inserted as suggested in comment #948-8. Agree. Cat 1 and 2 will be removed as proposed by submitter.

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	As a consequence categories 1 and 2 should be removed from Table 1, Table 2, and Table 3			
1009-17	<p><u>Issue:</u> NPRM 139.59 (c)(2) introduces the words “at least” category 3 rather than the current CAR 139.59 (c)(2) which specifies shall be category 3.</p> <p><u>Position:</u> 10.1 Clarify that for an aerodrome falling within 139.59 (c)(2), any category adopted above category 3 is at the discretion of the certificate holder, OR revert to the current rule wording to “be category 3”.</p> <p><u>Reasoning:</u> The words “at least” imply that there may be other criteria that could determine a higher category being required than category 3, or that categories less than 3 may otherwise apply. It is submitted that a certificate holder can provide for a higher standard than rules require (provided they are compliant) and it is unnecessary to word rules as being “at least” unless there are other rules that interact and could determine a higher standard. We understand from inquiry that is not the case here. The change, which is otherwise not explained in the NPRM or the prior consultation material, is understood to be intended to give the certificate holder the option of operating at a higher level if they voluntarily choose to do so. That form of drafting does not seem consistent with the other rules.</p>	N/A	Rule 139.59 Rescue and Firefighting – category determination	Agree. We will change the wording of 139.59(c)(2) to “must not be less than”.
1006-3	“Tables 1, 2, & 3 refer to aerodrome categories 1 & 2, these appear to be redundant as the minimum category noted in 139.59(c)(2) is category 3. Discussion with CAA Aeronautical Services Officer – Aerodromes, during the submission period has confirmed that categories 1 & 2 were to be removed during the drafting on the NPRM 11-02 however this was missed during the drafting process.”	3	Rule 139.59 Rescue and fire fighting – category determination	
1011-7	“The term “regular” is still proposed for the amended Part 121.71(a)(ii) page 95 and Part 125.77(a)(ii) on page 98 of the NPRM document. Also the term “regularly using” is used in (1) under Table 1 on page 42 of the document. If CAA is intent on moving away from the term “regular” and to the term “scheduled” it would seem sensible to do this throughout the Rule documents, otherwise there could be confusion.”	N/A	Rule 139.59 Rescue and Firefighting – category determination	
948-7	“Remove Aerodrome Category 1 and 2 from Table 1. These are not used in New Zealand and just cause confusion.”	2	Rule 139.59 Rescue and firefighting – category determination	
948-8	<p>Para (c)(1). “This used to use the term “regularly using the aerodrome ...” As discussed in 7/ISS/67 the word regular is considered not to be descriptive enough and so the term “scheduled” was proposed. This has not been incorporated into the rule. Also the wording has been changed to say the same thing but in a different way.” Suggest that the wording be amended to: 139.59(c) (1) if the aerodrome serves any turbojet or turbofan aeroplanes with a certified seating capacity of more than 30 passengers engaged in scheduled air transport operations, it must be that category according to the largest aeroplane type as provided in Table 1 and may be reduced by two categories but in any case must not be less than category 4: (2) if the aerodrome does not serve any turbojet or turbofan aeroplanes of the kind specified in paragraph (c)(1), but serves any non-turbojet or non-turbofan aeroplanes with a certified seating capacity of more than 30 passengers engaged in scheduled air transport operations, and has more than 700 movements of such aeroplanes in the busiest consecutive three months of the year, it must be at least category 3. There may also be confusion over when no RFS is required as the rule makes no mention of when the above two conditions are not meet. Suggest an additional paragraph along the lines of: (3) if the aerodrome does not serve any aeroplane of the kind specified in paragraphs (c)(1) and (c)(2), no category applies.</p>	2	Rule 139.59 Rescue and firefighting – category determination	
997-5	“The proposed CAR 139.59(c) for determining rescue and fire fighting means that Picton is not required to have rescue and fire fighting equipment and personnel due to the aircraft type operated. However CAR 139.67 assumes that all	4	Rule 139.59(c) Rescue and	

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	Level 1 and 2 aerodromes have fire fighting equipment and personnel and states that they must be able to demonstrate the response capability to the standard prescribed. There needs to be an additional qualifier e.g.....where rescue fire fighting is required they must be able to demonstrate...Its not until we get to CAR 139.105 operational requirements that the rule specifies that RFF is required for aircraft with >30 seats.”		Firefighting – category determination	
1009-18	<p><u>Issue:</u> NPRM 139.61 Table 2 has been changed from the current Part 139.61 Table 2 by the omission of the alternative Complementary Agents of Halons or CO2.</p> <p><u>Position:</u> 11.1 Request that CO2 be retained as a Complementary Agent alternative in NPRM 139.61, Table 2 as per the current Part 139.61 Table 2.</p> <p><u>Reasoning:</u> The NPRM Issues Addressed during Development explains (p.18) that the use of halon and carbon dioxide are being discouraged due to the impact on global warming. It is stated that the use of these agents is also restricted by the provisions of the Ozone Layer Protection Act 1996. This explanation is accepted for halons, but in our submission is rejected for carbon dioxide. NZ Airports submits that carbon dioxide is not restricted by the Ozone Layer Protection Act 1996. Further, we submit that it is a viable alternative to other gases where its use would provide a safety benefit and minimise damage to aviation equipment. From a firefighting standpoint CO2 is a very important tool for use in enclosed compartment fires due to the fact that it leaves no residue – firefighters must have choices especially where sensitive equipment is involved. NZ Airports submits that care should be taken when it comes to removing options for firefighting – these substances do make up the tool box of a firefighter and although they may never be used, they provide the choice to apply the right tool for the right job. The NZ Airports request for the option of carbon dioxide is for the purposes of providing a safe and efficient firefighting response option where there is unlikely to be any impact of significance on the environment, and there are no other reasons to preclude its use. NZ Airports understands that most of the airlines operating scheduled services in New Zealand favour the retention of CO2 as a firefighting agent option for the same reasons submitted here. NZ Airports notes that the NPRM is responding to ICAO Annex 14, and submits that if the position requested in this submission would result in the need to file a difference, then we submit that the matter is of sufficient importance that a difference should be filed.</p>	N/A	Rule 139.61 Rescue and Firefighting – extinguishing agents	<p>Agree. CAA acknowledges this issue and will reinstate CO2.</p> <p>Table 2 will be amended to include Foam Level C.</p>
1011-8	“While we understand the environmental driver for excluding CO2 as an extinguishing medium we must point out that on the very rare occasion that a CO2 extinguisher is discharged at an aerodrome, coupled with the relatively small quantity of CO2 involved, exclusion is not warranted. This change would just add more cost.”	N/A	Rule 139.61 Rescue and Firefighting – extinguishing agents	
958-10	While it is acknowledged many of the changes are to provide alignment with ICAO, the removal of CO2 as an agent for environmental reasons does appear harsh. CO2 discharges from extinguishers is extremely minor in comparison of other CO2 emissions. While alignment with ICAO is important, a period to allow the phase out of CO2 over say 10 years for domestic airports would allow a natural replacement program to occur without the potential financial burden a sudden change some airports will incur due to the sudden change.	2	Rule 139.61 Rescue and fire fighting – extinguishing agent	
948-9	“Remove Aerodrome Category 1 and 2 from Table 2. These are not used in New Zealand and just cause confusion.”	2	Rule 139.61 Rescue and firefighting – extinguishing agents	Agree. Cat 1 and 2 will be removed as stated above.
1009-19	<p><u>Issue:</u> NPRM 139.63 (a) states that it is “subject to (b) and (d)” – but these clauses do not qualify the way (a) is to be read.</p> <p><u>Position:</u> 12.1 Request that the words “Subject to paragraphs (b) and (d), “ be removed from NPRM 139.63 (a) and the paragraph have added to the end of it the word: “; and”.</p> <p><u>Reasoning:</u></p>	N/A	Rule 139.63 Rescue and firefighting – vehicles	Agree. Will reword as proposed by submitter.

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	These words are superfluous and do not assist in interpreting the rule, while adding “and” clarifies that there are further additional requirements.			
948-10	“Words have been added to the beginning of paragraph (a) that should not be there. Amend to read; (a) Subject to paragraphs (c) and (d) An applicant for the grant of a level 1 or level 2 aerodrome operating certificate must have the minimum rescue and firefighting vehicles for the category determined under 139.59, as provided in Table 3.”	2	Rule 139.63 Rescue and firefighting – vehicles	
948-11	“Remove Aerodrome Category 1 and 2 from Table 3. These are not used in New Zealand and just cause confusion.”	2	Rule 139.63 Rescue and firefighting – vehicles	
1009-20	<u>Issue:</u> NPRM 139.67 (2) now requires demonstrating subsequent responding vehicles arrive within 4 minutes of the initial call, rather than 1 minute after the first responding vehicle. <u>Position:</u> 13.1 Support the changes in NPRM 139.67 relating to demonstrating rescue and firefighting vehicle response times <u>Reasoning:</u> The proposal is a much more practical and appropriate requirement. The response time for the subsequent vehicle(s) should not be determined by the response time of the first vehicle, as in the current rule.	N/A	Rule 139.67 Rescue and firefighting – response capability	Noted.
975-4	“NZDF is supportive of this requirement but believes that the phrase “discrete communication system” in the NPRM needs amplification. For example – NZDF emergency vehicle has radio equipment that permits them to monitor tower and airfield operating channels separately. It is presumed that this equipment fit will meet the requirement.”	N/A	Rule 139.69 Rescue and Firefighting – Communication and Alerting Systems	To be clarified in AC139-4.
997-6	“Similarly, CAR 139.69 assumes that all Level 1 and Level 2 aerodromes have rescue fire on site and a control tower. Picton does not and will not have either. This rule requires rewording to better state the requirement when relating it to Level 2 aerodromes.”	4	Rule 139.69 Rescue and firefighting – communication and alerting system	See comment #997-5.
967-7	“If applied to Ardmore, this rule would require Ardmore to construct continuous barriers around the aerodrome, at a minimum of 1200mm in areas where persons or vehicles may have access, and continuous barriers in other areas where animals could inadvertently encroach onto the aerodrome. Ardmore submits that this is unnecessary and excessive at Ardmore, because i. There are no scheduled air transport flights at the aerodrome and therefore there is low public risk exposure ii. All operators on site are aware of the airside operating requirements iii. There is excellent signage around the aerodrome, and the public is aware that the aerodrome operating areas are out of bounds iv. There have been no security or public protection problems at Ardmore Airport that would suggest this measure is necessary at Ardmore Airport v. The airfield already has full perimeter fencing along with a number of internal open drains that preclude vehicle / public access. Ardmore submits that this rule should only apply to Level 1 and 2 aerodromes. If it is considered that there needs to be an ability to require fencing at Level 3 aerodromes Ardmore submits the rule requirement should not be mandatory but at the discretion of the Director.”	3	Rule 139.71 Public Protection	Agree. Level 3 aerodromes will only be required to comply with Part 139.71(a). Additional wording will be inserted in Part 139.71(b) that reads “For Level 1 or Level 2 aerodromes....”
1001-2	“Safeguards in this context could include natural obstacles, or deliberate planting of vegetation such as flax to impede easy access, not necessarily fencing. If this interpretation is acceptable to the CAA then there is no problem, otherwise the implication is that all aerodromes would require some form of fencing around the entire boundary. A standard post and wire fence would not necessarily deter people or small animals, which suggests there has to be at least a mesh fence (the rule is not clear and perhaps acceptable means of fencing should be an AC). As drafted the rule appears to make fencing mandatory at all NZAIP published aerodromes which adds cost, without there being a risk-based assessment of the necessity for fencing at particular aerodromes. Even then there is no guarantee the fencing requirement will prevent unauthorised access by trespassers.”	N/A	Rule 139.71(a) Public Protection & Advisory Circular	Agree. To be clarified in an AC.

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1006-4	“This is a new rule requirement and as drafted in the rule has the potential to inflict unnecessary and significant costs on aerodromes for very little benefit from the provision of such data.”	3	Rule 139.77 Movement data reporting	Certificated aerodromes should be able to compile such data from current sources e.g. landing fees and Airways.
1009-21	<p><u>Issue:</u> A new requirement in the NPRM for certificated aerodromes (NPRM 139.77) and non-certificated aerodromes (NPRM 139.15 (a)(2) and (b)(1)) to collect and report traffic movement data at an aerodrome is potentially onerous with little benefit. (Note see also 139.107, 139.15(a)(3) and 139.15(b)(2) which require an aeronautical study for certificated, non-certificated published, and non-certificated non-published aerodromes respectively in certain conditions)</p> <p><u>Position:</u> 14.1 Request that 139.77 be amended from “traffic movement data” to “traffic movement data where practical and estimation for the balance of movements where not practical”; 14.2 Amend 139.95(12) to be consistent with any change to 139.77; 14.3 Request that 139.15(a)(2) be amended to provide a formula or calculation method to estimate annual movements at a non-certificated aerodromes (or remove the requirement); 14.4 Request that consideration be given to exempting the reporting requirements if the numbers of movements are below an appropriate threshold; 14.5 Request deferral of the implementation of the provision of movement data for 5 years.</p> <p><u>Reasoning:</u> These changes have been signaled in the Rule Design Document (p.5/6 and p.7). Reasoning for the changes is provided in NPRM Issues Addressed During Development 3.1.1 (p.14) and the NPRM Summary of Changes 4.1 (p.24) identifies the change. However many airports do not currently have resources or mechanisms in place to capture the necessary data. Data is readily captured on an on-going basis during periods that an aerodrome may be serviced with an Aerodrome Air Traffic Service, but outside those hours (if they exist) the data is generally limited or non-existent other than where IFR flights have been captured by Airways. As worded in the NPRM, the operator of a small aerodrome could be required to install equipment to monitor use when only occasional use occurs. There appears to be no requirement for a minimum amount of movements. The term “traffic movement data” is not defined – the change summary uses the term “statistics with a breakout of operational types monthly and report quarterly” but this is not reflected in the rules (and is not sought to be enshrined in a rule!). NZ Airports understands the data is required by the rule to enable – <input type="checkbox"/> Safety oversight where use of an aerodrome changes significantly with potential safety implications; and <input type="checkbox"/> Normalising other data (such as, but not limited to, bird strike data) so that trends and comparisons between aerodromes both within New Zealand and overseas can be more meaningful and accurate. This rationale is accepted, however the rule should focus on the data necessary to adequately satisfy these needs rather than potentially require systems and resources to continuously capture every movement. In the case of monitoring for safety the data would not necessarily need to be continuous – a sampling of movements to enable monitoring of trend at an aerodrome should be sufficient, especially when coupled with the requirements of NPRM 139.107 to monitor operations and conduct an aeronautical study when certain changes have occurred or will occur. For certificated aerodromes many of the critical movements are continuously recorded, but outside of ATS hours an estimate of the data should suffice if records are not available, supplemented with sampling of actual movements if necessary. For non-certificated aerodromes that are published in the AIPNZ, an estimate of the annual traffic movement data should be sufficient, since there is provision for an aeronautical study to be requested by the Director if considered that safety thresholds are being reached (and these may not simply be traffic volumes, but the mix of aircraft types, the topographical features of the area, constraints of air space, etc) In all cases time is needed to better review and refine the way that the objectives of this rule can be best met.</p>	N/A	Rule 139.77 Movement data reporting & Rule 139.15(a)(2) Non-certificated aerodrome requirements & Rule 139.95(a)(12) Aerodrome exposition	
997-7	“With respect to CAR 139.77, Picton Airport would be happy to provide the director with movement data. It is not necessary for the Director to insist on an aerodrome such as Picton to be certificated in order to request the movement data. If aerodromes, certificated or not where to provide movement data, then the Director would be in a better position to determine safety, impact on nearby facilities, identify significant changes etc.”	4	Rule 139.77 Movement Data reporting	
1000-6	“Again for the small aerodrome operator at Level 2 or 3 is this data to be actual or estimated? Most data, unless actual, is of no value. Many of the small aerodromes are not manned all the time and the cost of putting a recording system in	N/A	Rule 139.77 Movement Data	

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			Reporting	
1007-10	would be prohibitive at these aerodromes.” “We agree with this proposal in relation to turbo-jet aircraft operations only. We believe it is an unjustified cost burden on aerodromes only used by propeller aircraft, especially small aerodromes.”	3	Rule 139.79 Aerodrome maintenance	Rule wording will remain as proposed in the NPRM. We will review AC139-3 and AC139-9 to ensure that RCR is adequately covered.
958-14	The NPRM proposes placing surface condition reporting under 139.79 “Aerodrome Maintenance” specifically Line Item #3. This topic is however, in our opinion, a mixture of Sub Part B Certification Requirements and Sub Part C Operational Requirements. The following changes will differentiate between runway maintenance to maintain good surface friction characteristics and the management on the day of contaminants that either fall or form on the movement surfaces. The following is proposed: Amend 139.79 Aerodrome Maintenance (b) (3) the measurement and provision of real time surface condition reporting, and/or (4) where contaminants (e.g. ice, snow) are regular winter occurrences establish procedures for the real time measurement and reporting of friction characteristics. 139.?? Aerodrome Runway Condition Report (RCR) (a) When contamination affects the paved movement areas a timely runway condition report (RCR) for the measurement and provision of real-time surface condition and/or friction characteristics reporting should be provided. This must include: (1) the type of contamination, its depth, and percent of coverage for each third of the runway (2) runway friction measurement; the device, assessment vehicle, or PIREP for each third of the runway (3) all snow bank locations and depths (4) an assessment of apron and taxiway conditions (5) a time and date of the next planned runway observation (6) a script the runway condition report and NOTAM brief	2	Rule 139.79 Aerodrome Maintenance	
948-12	Remove “stones or other objects” and add “ objects/debris ”	2	Rule 139.79 Aerodrome maintenance	Agree. Will reword as proposed by submitter.
958-11	The inclusion of one clause (3) to address the obligation to use best endeavours to clear runways of contaminants, treat some contaminants (e.g. ice), measurement and report on real time surface condition is considered inadequate. I new clause is we believe appropriate with a commitment to update AC139-03 to align the format of reporting with best international practise.	2	Rule 139.79 Aerodrome maintenance	Disagree. This is not a rule issue. Will provide additional guidance in AC.
967-11	“Ardmore submits that requiring a Level 3 Certificated Aerodrome to establish and report on minimum runway friction levels is onerous and unnecessary as this type of aerodrome services light aircraft only.”	3	Rule 139.79(b)(2) Aerodrome Maintenance	Disagree. This is not a rule issue. Will provide additional guidance in AC.
1009-22	<u>Issue:</u> NPRM 139.79(b)(3) requires the measurement and provision of real-time surface condition reporting when a runway is contaminated using standardised reporting methods, but standardised reporting is not currently available. <u>Position:</u> 15.1 Request that CAA produce standard form(s) and that they be available via the IFIS website http://www.ifis.airways.co.nz/ 15.2 Request a transition period in order that the form(s) can be produced and airport, Airways and airline personnel can be trained in their use and interpretation <u>Reasoning:</u> The main issue here is that, with reference to AC 139.03, not all airports use a standard approach to reporting what is known as a contaminated runway, and the best aviation-wide solution involves parties beyond just NZ Airports and its members. Contamination can be either WATER, or SNOW, SLUSH or ICE. The standard methods of reporting require airports to measure the amount of contaminant in real time and report in a certain way as outlined in this AC.	N/A	Rule 139.79(b)(3) Runway friction and condition assessment/reportin g	Agree. Transition perion to be determined and additional guidance will be included in AC.

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	<p>NZ Airports believes a large proportion of NOTAMS are issued online via the Airways IFIS website. It is easy and quick and leads to a standardised method of reporting changes in conditions by NOTAM.</p> <p>The issue is that when using the online system for producing NOTAMS for contaminated runways in line with the reporting methods in AC 139.03, there is no standard NOTAM form that is set up for this purpose.</p> <p>This type of reporting requires two different approaches. NZ Airports believes there would be benefits for the CAA to take a lead role to advance the reporting standardisation as Airways staff in the NOTAM office can be constrained by their own procedures (and rules beyond Part 139) .</p> <p>An option should be provided for a standard NOTAM form for WATER and a NOTAM for SNOW, SLUSH or ICE (SNOWTAM?) available online (via the drop down menu as shown below) and with the ability to be submitted online as is now available for a standard NOTAM.</p> <p>NZ Airports is requesting CAA produce such standard form(s) and that they be available via the IFIS website http://www.ifis.airways.co.nz/</p> <p>NZ Airports should be consulted and involved in the design of the form(s) so that they comply with the AC and are easily understood and filled out by the submitter.</p> <p>A transition period of some kind needs to be considered in order that the form can be produced and airport, Airways and airline personnel can be trained in its use and interpretation.</p>			
1011-9	<p>“The use of standardised reporting methods when a runway is contaminated is very important to airlines, and it is our view that more attention should be given to it in the Rule with a requirement for ‘real-time’ reporting. We assume that the standardised information to be included and the standardised reporting methods will be covered in an A/C. We would appreciate confirmation on this assumption. If this is not to be included in an A/C, we would appreciate advice as to where this information will be available. A lot of work has been done internationally on this matter and it should be reflected in a form that is relevant to New Zealand conditions, with a clear requirement on aerodrome operators to report in the accepted international format. Air NZ is including the detail of what the contamination reports should cover in their submission and this is supported by BARNZ – it ties in with international best practice.”</p>	N/A	Rule 139.79(b)(3) Aerodrome maintenance	
1009-23	<p><u>Issue:</u> “Qualified” personnel are required to perform inspections in 139.81(3), but the term ‘qualified’ is not defined. “Prompt” correction of an unsafe condition is required in 139.81(4), when timeliness may be a more appropriate terminology. A typographical error exists in 139.81(4) with a superfluous “an”.</p> <p><u>Position:</u> 16.1 Request that 139(3) be reworded to: “(3) establish procedures for ensuring that aerodrome inspections in accordance with the programme required by paragraph (1) are performed by appropriately trained personnel as defined in those procedures.” 16.2 Request that the word “prompt” in 139.81(4) be replaced with the word “timely”. 16.3 Request that the superfluous “an” in 139.81(4) be deleted.</p> <p><u>Reasoning:</u> It is accepted that a certain level of knowledge of the safety issues involved in the safety programme should be a requirement for anyone undertaking the inspections under the programme. However, rather than “qualified” being an ambiguous term, and one that need not necessarily be the same at all aerodromes, the requested wording ensures that the personnel are appropriately trained. Use of the word “timely” rather than “prompt” implies a response appropriate to the safety issue concerned.</p>	N/A	Rule 139.81 Aerodrome Inspection Programme	<p>Agree. Will reword as proposed in 16.1 by submitter.</p> <p>Disagree. The use of the term ‘prompt’ in the wording will remain as proposed in NPRM.</p> <p>‘an’ will be deleted as proposed in 16.3 by submitter.</p>
948-13	<p>“139.87 ground vehicles has been relocated from Subpart C but doesn’t read right.” Suggest the following wording be inserted.</p> <p>(a) An applicant for the grant of an aerodrome operating certificate must establish rules procedures to limit access to the aerodrome operational area to those ground vehicles that are necessary for aerodrome and aircraft operations.</p> <p>(b) The procedures required by paragraph (a) must -</p> <p>(1) when an aerodrome control service is in operation at the aerodrome, provide for the safe and orderly access to, and operation on the aerodrome operational area of, ground vehicles. These procedures shall ensure that each ground vehicle operating on the aerodrome operational area is controlled by—</p> <p>(i) two-way radio communications between the vehicle and the aerodrome control service; or (ii) if the vehicle has no radio, an accompanying vehicle with two-way communication</p>	2	Rule 139.87 Ground vehicles	<p>Agree. Will remain in Subpart C and be reworded .</p>

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	<p>with the aerodrome control service; or</p> <p>(iii) if it is not practical to have two-way radio communications or an escort vehicle, adequate measures such as signs, signals or guards for controlling the vehicle; and</p> <p>(3) when an aerodrome control service is not in operation at the aerodrome, provide adequate procedures to ensure that ground vehicles operating on the aerodrome operational area are controlled by signs or prearranged signals; and</p> <p>(4) ensure that each employee, tenant, or contractor who operates a ground vehicle on any portion of the aerodrome which has access to the aerodrome operational area is familiar with, and complies with, the certificate holder's rules and procedures for the operation of ground vehicles.</p>			
948-14	<p>“Part 139.89 unsafe conditions has been relocated from existing Subpart C but has been amended.” Suggest the following wording be inserted.</p> <p>(a) An applicant for the grant of an aerodrome operating certificate must establish procedures for restricting aircraft operations where an unsafe condition exists on an aerodrome.</p> <p>(b) The procedures required by (a) must ensure that operations are not conducted on any part of the aerodrome where an unsafe condition exists.</p>	2	Rule 139.89 Unsafe conditions	Agree. Will reword as proposed by submitter.
1009-24	<p><u>Issue:</u> The requirements in 139.93(b) for procedures for corrective and preventive action do not recognise that the scale, effects and relevance of problems on safety can appropriately influence response actions.</p> <p><u>Position:</u> 17.1 Request that the words “where considered appropriate” be added to the end of paragraphs 139.93(b)(3) and 139.93(b)(4).</p> <p><u>Reasoning:</u> The Review Rule Design Document states “No rule change required” in the case of Aerodrome internal quality assurance (p.7/8), and is not listed as a change in section 4 “Summary of Changes” in the NPRM. The changes in 139.93(b) are extensive and inappropriately imply corrective action to every problem identified.</p>	N/A	Rule 139.93 Aerodrome internal quality assurance	Disagree. If an issue is found it should be corrected. It shouldn't be left in the system if it is known.
961-4	<p>“The requirements for internal audit programs and supporting documentation suggest staff and a management structure are required”.</p>	3	Rule 139.93 Aerodrome internal quality assurance	Disagree. All certificated aerodromes must have a QA system in place. The QA system will reflect the size of operations at the aerodrome.
967-8	<p>“Ardmore submits that the IQA system prescribed by this rule is too onerous for a Level 3 certificated aerodrome and should be limited to Level 1 and 2 aerodromes. Ardmore submits that auditing of a Level 3 aerodrome should be sufficient to pick up any procedures or practices that require improvement, in particular for an aerodrome like Ardmore that does not facilitate scheduled air transport operations.”</p>	3	Rule 139.93 Aerodrome internal quality assurance	
961-5	<p>“Rule fails to cater adequately for smaller level 3 aerodromes with recreational aircraft under 9m in length or 5700 MCTOW.”</p>	3	Rule 139.95 Aerodrome exposition	Disagree.
948-15	<p>Reword (8) to read:</p> <p>(8) a statement of the rescue and firefighting category determined under rule 139.59 with a description of the extinguishing agents, vehicles and discrete communication system required by rules 139.61, 139.63 and 139.69, respectively, details of the procedures and details of the personnel required by rule 139.65, and details of the procedures required by rule 139.111(d)(1) and (2); and</p>	2	Rule 139.95 Aerodrome exposition	Agree. Will reword as proposed by submitter.
948-16	<p>“Amend (19) to only require the appropriate procedures; (19) details of the procedures required by rule 139.9(2) for management”</p>	2	Rule 139.95 Aerodrome exposition	Agree. Will reword as proposed by submitter.
948-17	<p>Amend (1) to refer to 139.95, not 139.91</p>	2	Rule 139.101 Continued compliance	Agree. Will reword as proposed by submitter.
1009-25	<p><u>Issue:</u> The parties listed to be co-ordinated with in 139.103(4), implies all have roles or responsibilities in the Emergency Plan.</p>	N/A	Rule 139.103 Maintenance of Aerodrome	This rule is not new. It has been relocated from Rule 139.57 to emphasize the operational nature of the rule.

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	<p><u>Position:</u> 18.1 Request that 139.103(4) be reworded to: “(4) co-ordinate its aerodrome emergency plan required by rule 139.57 with all organisations and persons who have responsibilities in the plan, including where appropriate law enforcement agencies, security providers, rescue and firefighting agencies, medical personnel and organisations, and principal tenants of the aerodrome.”</p> <p><u>Reasoning:</u> Coordination should only be required with those parties with roles in the plan. The list provides a helpful prompt but should be qualified as being limited to “where appropriate”. The Review Rule Design Document states “No rule change required” in the case of Aerodrome emergency plan - maintenance (p.8), however this paragraph is new, and is not listed as a change in section 4 “Summary of Changes” in the NPRM.</p>		Emergency Plan	Agree. Will reword as proposed by submitter.
948-18	Amend (c)(1) and (c)(2) to refer to 139.95, not 139.91	2	Rule 139.105 Rescue and firefighting – operational requirements	Agree. Will reword as proposed by submitter.
948-19	“Renumber and amend paragraph (d) to (3) as follows: (3) Any reduction in the rescue and firefighting capability under paragraph (e) must not be implemented Renumber the remaining paragraphs.”	2	Rule 139.105 Rescue and firefighting – operational requirements	Disagree. Rule wording will remain as proposed in NPRM.
958-12	The wording “significant change” is vague in that what one person considers significant, another does not. Perhaps “significant change as determined by the applicant in consultation with the Director. Add following: (c) When a change in aerodrome aircraft traffic is forecast or reaches the trigger values in Appendix B the holder of an aerodrome operating certificate must conduct an aeronautical study and submit that study to the Director.	2	Rule 139.107 Aeronautical Study	Disagree. Additional guidance will be provided in the AC to clarify “significant change”. Agree. Will reword to define the purpose of an aeronautical study and its relation to Appendix B.
1000-7	“It appears from the rules that if even if the Aeronautical Study shows that the operator considers that the aerodrome is safe and that no changes to procedures are required then the Director can impose rules on the operator. This imposition tends to lean toward AFIS or ATC and does not take into consideration other options which could mitigate any perceived risks.”	N/A	Rule 139.107 Aeronautical Study	
1007-12	“Provide the “combination of rules and advisory material” as part of a robust and flexible proposal to address the need for the Director to ultimately be able to specify if an ATS is required at an aerodrome.”	3	Rule 139.107 Aeronautical Study	
1007-13	“We believe this is a useful proposal as it provides a means to require operators to assess the impacts of introducing new types of operations or a step up in operations at an aerodrome.”	3	Rule 139.107 Aeronautical Study	
1009-26	<p><u>Issue:</u> The term “significant change” (relating to when an aeronautical study under 139.107(a) is required) is defined in 139.107(b) to apply to virtually any change (and with the exception of accident/incidents, being either negative or positive) in the listed criteria. 139.107 requires an aeronautical study in response to a change in airspace designation.</p> <p><u>Position:</u> 19.1 Delete 139.107 in its entirety; OR 19.2 Request that the word “significant” is added to all criteria, and the criteria of a change to airspace designation be deleted so that 139.107(b) reads: “(b) For the purpose of paragraph (a), a significant change in aerodrome operations include a significant change in aerodrome aircraft traffic, a significant change in aircraft operations type, a significant change in aerodrome physical characteristics, or a significant increase in aerodrome accident/incidents.”</p> <p><u>Reasoning:</u> As drafted, the NPRM requires an aeronautical study to be conducted with the smallest change in any of the criteria as</p>	N/A	Rule 139.107 Aeronautical Study	

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	such change (with the exception of accident/incidents, being either negative or positive) is defined as ‘significant change’. A change in airspace designation is a matter under the control of the regulator (CAA) and outside the direct control of an aerodrome operator. The aerodrome operator should not be mandatorily responsible for undertaking an aeronautical study in response to a change determined by someone else. Aeronautical studies are expensive and should not be required unless necessary and relevant to determining opportunities to reduce undue safety risk. The Director should have a discretionary power to require aeronautical studies when appropriate in the interests of safety. Coupled with requirements to monitor and report air movement activity, such a discretionary power should be sufficient to provide the opportunity for aeronautical studies without interpretation of a rule concerning changes in the operating environment.			
1000-8	“Monitoring of aerodrome operations is an ongoing process which allows the aerodrome operator to make subtle changes as operations change without having the need to implement large changes at one time and the associated cost of doing this.”	N/A	Rule 139.107 Aeronautical Study	
1001-3	“Milford Sound is unique in that it has aerodrome flight information services, while movements are under the CAA ATS activity thresholds. While we agree the Director should have the power to require ATS at certain aerodromes, our view is that aerodrome operators and/or ATS providers should be able to provide those services if they consider it necessary for safety.”	N/A	Rule 139.107 Aeronautical Study	
1011-10	“While in general we support the requirement on an aerodrome operator to monitor operations and conduct an aeronautical study at the appropriate time, we point out that commencing the study when or after the change occurs may be too late. We believe that an aerodrome operator facing a significant change in operations should be required to carry out a study in advance of the change. We also support the inclusion of the provision whereby the Director can require an aeronautical study to be undertaken as there could be a wide disparity over the interpretation of the word “significant”.	N/A	Rule 139.107 Aeronautical Study	Agree. Will reword rule accordingly.
1018-15	“At the moment the case for change is unproven and we are wary because we have seen proposals from CAA on levels of ATS which once put to the test via an aeronautical study are unsubstantiated.”	N/A	Rule 139.107 Aeronautical Study	
1018-16	“To a degree a number of the rule changes feel like they are being promoted to address perceived safety issues which are capable of more robust analysis and development of solutions via the aeronautical studies process.”	N/A	Rule 139.107 Aeronautical Study	
1018-17	“We believe the Director has the power and we have witnessed that power being exercised in the case of Kapiti Coast Airport. The issue the industry has is not with the power of the Director, but our fundamental belief that if such power is to be exercised that it should be done in a transparent context and within the framework of an aeronautical study. The Association will support imposition of changes which are properly constructed and thought through in the context of an aeronautical study.”	N/A	Rule 139.107 Aeronautical Study	
1018-7	“New Zealand has spent significant money developing the aeronautical study methodology and then failed to apply it.”	N/A	Rule 139.107 Aeronautical Study	
967-15	“Ardmore submits that the drafting of the rules concerning the aeronautical studies requirements, and the ATS criteria, are problematic and do not achieve the full intent of the stated policy objectives set out in the NPRM and draft Regulatory Impact Statement.”	3	Rule 139.107 Aeronautical Study	Agree. Will remove reference to airspace as proposed by submitter.
948-20	“In (b) the aerodrome operator is required to do an aeronautical study if there has been a change in airspace. The aerodrome operator cannot change airspace designation, only the Director. Surely an aeronautical study would have been conducted prior to the airspace changing. Suggest that the words “or a change in airspace designation” be removed.”	2	Rule 139.107 Aeronautical study	
968-10	“Changes should be made to ensure aeronautical studies provide a real mechanism to explore other options than ATS. The CAA should also be required to follow preferred options or recommendations that other forms of ATS should be adopted at an aerodrome.”	N/A	Rule 139.107 Aeronautical Study	Disagree. Options other than ATS can be recommended. Part 139.107 is intended to require the aerodrome operator to monitor and review changes. The requirement is not exclusively linked to the provision of ATS.
968-7	“However, the rules also presently appear to be heavily biased towards ATS. For example, the proposed rules ignore	N/A	Rule 139.107	

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	other options such as UNICOM or transponder mandatory airspace, and it is unclear what weight would be given to these or any other options to manage airspace risk in an aeronautical study.”		Aeronautical Study	CAA reviews the aeronautical study and may identify issues to be addressed. Agree. This concern has been covered in rule 139.15(a)(3) and (b)(2). Part 157 is for the purpose of providing notice of a change, not ongoing monitoring. The aeronautical study is not an ATS study. See AC139-15.
972-3	“The NPRM says that aerodromes can conduct aeronautical studies to consider other options if they do not wish to adopt ATS. AFOG understands the draft rules in the NPRM do not currently reflect this and will need to be amended.”	3	Rule 139.107 Aeronautical Study	
968-9	“Further, the proposed rules provide no safeguard that the CAA is obliged to accept the results of an aeronautical study in any event.”	N/A	Rule 139.107 Aeronautical Study	
997-8	“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. Perhaps the need for aeronautical study and monitoring should first be mentioned in Part 157. There should be a baseline and on-going monitoring.”	4	Rule 139.107 Aeronautical Study	
968-5	<p>“We understand that at least eight other aerodromes that are not currently certificated under Part 139 will be required to become certificated under the new rules. We understand that it is likely that at least some of those aerodromes may also potentially exceed some of the above thresholds, and/or be required to conduct aeronautical studies to determine if ATS is necessary. We submit that:</p> <ul style="list-style-type: none"> - No safety case has been presented to suggest that uncontrolled aerodromes pose a significantly higher risk of fatal or serious injury accidents that would justify making ATS mandatory. - The thresholds at which the requirement for ATS is triggered are unduly simplistic and ignore other options to manage such levels of air traffic at aerodromes. - The ability to conduct an aeronautical study is undermined by the statutory bias and presumption towards ATS. - There is no requirement on the Director of Civil Aviation to accept an aeronautical study even if it does not support ATS. - The costs of implementing ATS would lead to a significant increase in costs to aerodromes and smaller aircraft operators throughout the country. - The increase in costs of introducing ATS is likely to be unsustainable for smaller aerodromes. This may force closure of some aerodromes, or if the full costs are passed on, this may force individuals and operators to relocate to other aerodromes. This would have serious negative implications for aviation activities in New Zealand.” <p>“For these reasons, we submit that the proposals are not sound policy, are not justified on a cost/benefit analysis, and should be removed from the draft rule.”</p>	N/A	Rule 139.107 Aeronautical Study	
968-6	“While provision is supposed to be made for an aeronautical study to be undertaken if an affected aerodrome believes ATS is not necessary, the rules do not appear to currently provide for this, and should be amended to allow for this.”	N/A	Rule 139.107 Aeronautical Study	
967-18	<p>“Further to our submissions in Part C, we set out below our suggested amendments to the specified rule provisions, and a further new rule provision that we submit will be necessary. Additional comments are made in italics.</p> <p>139.107 Requirement to conduct Aeronautical study</p> <p>(a) The holder of an aerodrome operating certificate must monitor operations and conduct an aeronautical study if –</p> <ul style="list-style-type: none"> (1) the criteria for ATS in Appendix B are met or exceeded and the aerodrome does not operate ATS at the prescribed level; or (2) a significant change in aerodrome operations has occurred that may affect the safety of aircraft operations <p>(b) The Director may require an uncertified aerodrome to conduct an aeronautical study if 139.107(a) (1)</p>	3	Rule 139.107 Aeronautical Study & Rule 139.109 Aerodrome aircraft traffic services	

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	<p>or 139.107(a)(2) applies (c) For the purposes of paragraph (a) (2), a significant change in aerodrome operations may include a change in aerodrome aircraft traffic, a change in aircraft operations type, a change in the aerodrome physical characteristics, an increase in aerodrome accidents/incidents, or a change in airspace designation. (e) The Director may, if requested in writing by an aerodrome, waive the requirement for the aerodrome to conduct an aeronautical study under 137.107(a) or (b) if the Director is satisfied that the aerodrome has in place appropriate mechanisms to manage the safety of aircraft operations at the aerodrome and that an aeronautical study is not necessary.”</p> <p><i>As noted in our submission, if it is not considered feasible to further clarify in the rule when the characteristics in 139.107(c) above [139.107(b) of the current draft rule in the NPRM] will arise, we suggest that the circumstances under which a change is considered significant, and likely to affect the safety of aircraft operations at an aerodrome, should be further clarified in an AC so as to provide some certainty and transparency as to when the requirement to conduct an aeronautical study is or may be triggered, and to ensure it is not interpreted too broadly. This AC should be subject to thorough consultation with industry.</i></p> <p>139.109 Aerodrome aircraft traffic services (a) When the criteria for ATS in Appendix B is met or exceeded, the holder of the aerodrome operating certificate must - ii) establish a written agreement with a holder of an air traffic service organisation certificate issued in accordance with Part 172 for the provision of the prescribed level of ATS; or iii) initiate an aeronautical study to consider other options to manage airspace and air traffic risk at the aerodrome (b) The Director may, if requested in writing by an aerodrome, waive the requirements of 139.109(a)(i) or (ii) if the Director is satisfied that – ii) the aerodrome has in place appropriate mechanisms to manage the safety of aircraft operations at the aerodrome and that an aeronautical study is not necessary; and iii) the aerodrome and has in place adequate processes to monitor the aerodrome and initiate an aeronautical study in accordance with 139.107 (a)(2) when necessary</p> <p><u>Proposed new rule</u> “Rule139.[XXX]: Determination of aeronautical study (a) If an aeronautical study has been conducted by an aerodrome in accordance with 139.107 or 139.109, the Director must determine what, if any, form of air traffic management is necessary at an aerodrome, and must - i) consider all options to manage airspace and air traffic risks at an aerodrome, including ATS, UNICOM, AWIB, MBZ and transponder mandatory airspace; and ii) accept any recommendations or give significant weight to any preferred options in an aeronautical study unless there are compelling safety reasons not to; and iii) if applicable in any case, provide written reasons why the recommended or preferred options in an aeronautical study are not accepted or adopted (c) An aerodrome must adopt any other measures to manage air traffic or airspace risk at an aerodrome as are recommended in an aeronautical study, unless the Director agrees in writing that those measures are not necessary.”</p>		Rule Wording	AC139-15 was published Feb 2011 and will be reviewed for revision prior to implementation of the rule.
1009-27	<p><u>Issue:</u> The term aeronautical study (NPRM 139.107, 139.15(a)(3) and 139.15(b)(2)) is neither defined nor managed in scope. The Rule requirements triggering the need for an aeronautical study by certified aerodromes are too broad. There is no statutory requirement for the Director to follow, or to have regard to, the outcome of aeronautical studies if the study does not recommend ATS as the preferred option. <u>Position:</u> 20.1 Request that the cost of undertaking aeronautical studies as required in the NPRM (or any re-draft) be met by the regulator if required by the regulator; 20.2 Request clearer and narrower specification of triggers for when an aeronautical study is considered necessary at certified aerodromes; 20.3 Request that the Director have the authority to waive the requirement for an aeronautical study if considered appropriate in any case; 20.4 Request that there be a clear statutory requirement for the Director to have regard to the outcome and recommendations of the aeronautical studies undertaken <u>Reasoning:</u> The cost of such studies is potentially substantial. Without a defined scope this is an unreasonable burden for individual</p>	N/A	Rule 139.107 Aeronautical Study & Rule 139.15 Non-certificated aerodrome requirements	

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	<p>airports. Airports are part of a transport network. The decisions to undertake aeronautical studies should carry the burden of the cost of those studies – on a network basis. The regulation of air space is the regulators responsibility and aeronautical studies are just one of the tools or resources that will be needed by the regulator to fulfill its role. There may be scope for studies to be tailored to be directed at specific safety issues that become a concern for the regulator. The NPRM is in effect shifting the incidence of cost without rationale or proper policy considerations to support such change.</p>			
967-17	<p>“Ardmore submits that the drafting of the ATS rules requirements and ATS criteria are also problematic for the following reasons: i) The effect of draft rule 139.109 and Appendix B, when read together, creates a mandatory statutory requirement to adopt ATS at the level specified in draft Appendix B of the NPRM ii) An aerodrome that did not consider ATS to be necessary and/or that had obtained an aeronautical study that did not support the need for ATS would be forced to apply for an exemption from the ATS criteria iii) The stated policy intent of permitting aerodromes to conduct an aeronautical study to consider options other than ATS is not provided for in the draft rules iv) The aircraft movement thresholds in draft Appendix B of the NPRM are unduly simplistic and ignore other relevant factors and determinants as to whether any form of ATS is necessary, and are inappropriate on their own to be used as a default “trigger” for ATS v) Draft rule 139.109 and draft Appendix B of the NPRM ignore other legitimate mechanisms to manage air traffic and airspace risk at aerodromes, including UNICOM/AWIB/MBZ, and transponder mandatory airspace vi) As noted under Part C Section 1, there should be a process in the rules for determining who should make a final decision as to what form of air traffic management is necessary following completion of an aeronautical study, and on what basis We set out in Appendix B our suggested changes to these rules.”</p>	3	Rule 139.109 Aerodrome aircraft traffic services & Appendix B Aerodrome aircraft traffic services	See above.
948-21	<p>The intention as proposed in the NPRM was to amend the title of the existing 139.113 to reflect the provision of an Air Traffic Service but this amendment has altered the whole meaning of the current rule. The proposed 139.109 needs to remain (but with a different title) and a new rule added to reflect the requirement for the provision of a aerodrome aircraft traffic management system as determined by 6/ISS/43. The current wording of 139.113 was originally intended to give the power to the Director to require an aerodrome to provide an ATS. It has been argued that this power is contained in Section 18 of the Act but I do not believe this to be so. The current wording of 139.113 needs to be retained in the proposed 139.109. The title and wording of 139.109 needs to be amended to read; <i>139.109 Aerodrome air traffic service</i> (a) Each holder of an aerodrome operating certificate shall ensure the provision of an aerodrome flight information service or an aerodrome control service or both at their aerodrome when so required by the Director in the interest of safety. (b) When an aerodrome flight information service or an aerodrome control service is required to be provided at the aerodrome in accordance with paragraph (a), the holder of the aerodrome operating certificate must establish a written agreement with a holder of an air traffic service organisation certificate issued in accordance with Part 172 for the provision of the ATS. The following new rules need to be added to incorporate the results of 6/ISS/43. These rules are about the management of the aerodrome air traffic and not necessarily the provision of an air traffic service. The headings should clearly reflect this. There is also confusion about the requirements of Appendix B and how these are to be interpreted. Looking at the NPRM it gives guidance on how the working group saw this rule being implemented. One of the prime requirements from the policy paper was transparency in the Rule that would give aerodromes a clear indication as to when an ATS or suitable equivalent would be required. As discussed, this would not be achieved if the requirement for this service was made under the Act and not the rule. There also needs to be the allowance for the Director to place conditions on the provision of this management</p>	2	Rule 139.109 Aerodrome aircraft traffic services	Agree. Will reword rule as proposed by submitter.

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	<p>system (such as hours of service) that may be specific to a given location. The aerodrome operator also needs the ability to withdrawal the management system if the requirements for its establishment are no longer met.</p> <p>Subsequent discussion put forward the intention that an aerodrome operator should conduct an aeronautical study, once the levels in Appendix B have been reached or it is known that they will be reached, to determine the level of ATS that may be required or if an alternative process may be put in place. This study would be forwarded to the Director who will determine if the study is acceptable. The Director must retain the right to either accept the study or use the study to determine the level of management required, and to place conditions on the outcome. Guidance on the aeronautical study required should be incorporated into the AC139-15.</p> <p>The issue has also been raised internally within the AIP unit over the problems associated with the time involved in an aerodrome reaching the threshold for a certificate, the time associated with the study, and that this may add on a significant period of time from the aerodrome identifying that certification is required to the actual implementation of an appropriate aircraft traffic management system. It is therefore recommended that the requirement for a study be included in the application phase.</p> <p>We may also need to include a definition of Aerodrome Aircraft Traffic Management</p> <p><i>139.XX Aerodrome aircraft traffic management</i> The applicant for the grant of an aerodrome operating certificate must conduct an aeronautical study to determine if an appropriate level of aerodrome traffic management is required at the aerodrome.</p> <p><i>139.XXX Aerodrome aircraft traffic management</i> (a) The holder of an aerodrome operating certificate must conduct an aeronautical study to ensure that the aerodrome is provided with an appropriate level of aerodrome traffic management when aircraft movements at the aerodrome first exceed the threshold levels shown in Appendix B. (c) The holder of an aerodrome operating certificate that has been required to provide an aerodrome aircraft traffic management service in accordance with (a) may request a review when aircraft movements at the aerodrome reduce below the threshold levels shown in Appendix B.</p>			
1009-28	<p><u>Issue:</u> The NPRM rules do not appear to achieve the intent described in either the preamble to the NPRM, the Rule Design Document, or the August 2005 CAA Policy “The Provision of Air Traffic Services at aerodromes”. The relationship between Appendix B listing criteria for ATS at an aerodrome and the rules (139.109 in particular) is unclear.</p> <p><u>Position:</u> 21.1 Request that Appendix B be deleted from the rules; 21.2 Request that NPRM 139.109 be redrafted to provide - 21.2.1 “When in the interests of safety the Director requires an ATS to be provided at the aerodrome the holder of the aerodrome operating certificate shall ensure the provision of that ATS by establishing a written agreement with a holder of an air traffic service organisation certificate issued in accordance with Part 172”;</p> <p><u>Reasoning:</u> Clause 1 of the NPRM states an objective to “Provide a regulatory structure for the provision of ATS that is consistent with the current CAA Policy”. Clause 3.2.1 of the NPRM states “If the CAA becomes aware that an unacceptable level of risk exists at a non-certificated aerodrome and determines that a certain level of ATS is required at that location, the Director of Civil Aviation does not have the regulatory authority to ensure that the required level of service is provided.” The current 139.113 provides the rule mechanism to implement a requirement of the Director to provide an aerodrome control service or an aerodrome flight information service in the interest of safety. Clause 4.6(c) of the NPRM suggests that the approval specifications (for the aerodrome operating certificate) will specify the arrangements for the provision of the required level of ATS and its ongoing monitoring. In its present form the NPRM does not appear as clear as the current 139.113 (for aerodromes with an operating certificate), and apart from extending the scope of aerodromes required to be certificated does not address the Directors powers over non-certificated aerodromes, nor provide the rule basis upon which the content of Table B-1 is applied to an aerodrome operator.</p>	N/A	Rule 139.109 Aerodrome air traffic services & Appendix B Aerodrome aircraft traffic services	

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	The proposed thresholds for ATS as described in Appendix B are unduly simplistic. The criteria do not recognise other variables such as peak traffic periods, the ratio of IFR to VFR traffic, the type of operations (scheduled, General Aviation (GA), training, etc), the types and variety of types, of aircraft using the aerodrome (jet, turbo-prop, rotary, etc), the aerodrome layout, the aerodrome management structure, runway or taxiway and associated manoeuvring areas, and operations of any neighbouring aerodrome or adjacent airspace.			
948-22	“In (b) the words “and does not participate in the apron management service” have been removed. This changes the meaning and the original words should be reinstated.”	2	Rule 139.111 Apron management service	Agree. Will reword rule as proposed by submitter.
967-13	“Under the proposed NPRM Ardmore would be required to provide apron management services. This is unnecessary at an aerodrome without passenger services and should be limited to Level 1 and Level 2 Certificated Aerodromes only.”	3	Rule 139.111 Apron Management Services	Disagree. Only when “warranted by the volume of traffic and operating conditions”.
948-23	“In (1) remove the term “or surrounding area that the certificate has authority over”. The term authority will create confusion and questions will be asked as to what authority, and what is meant by surrounding area. Para (2) states the same thing and is adequate. Need to word this better to cover this situation. “	2	Rule 139.113 Protection of navigation aids and ATS facilities.	Agree. Will reword rule as proposed by submitter.
958-6	Air NZ concurs with the need to protect ATS facilities, the Rule use of “prevent” is too extreme. Important major development such as a major hangar or maintenance facility on or close to an airport could be prohibited because of its adverse affect on ATS facilities when in reality it may be more beneficial (in cost benefit terms) to allow the development to proceed and to shift or adjust the ATS facility to ensure that there would be no adverse aeronautical effects. It is of concern to BARNZ to see the proposed wording in 139.113 which reverts to the absolute requirement on the aerodrome operating certificate holder to “ prevent any construction or activity... that could have an adverse affect...” Whilst acknowledging the safety based imperative behind this proposed requirement we believe that it should be made clear that the option of reaching an agreement whereby the effectiveness of the aid or ATS facility is not compromised (e.g. via a shift in its position or some other enhancement) and the construction or activity can proceed.	2	Rule 139.113 Protection of Navigation Aids & ATS Facilities	Agree. Will reword rule as proposed by submitter.
958-13	Under (1) Amend the wording “prevent” to “consult ATS providers concerning” , and add: (3) Where the adverse affects referred to in (1) and (2) cannot adequately mitigated, as far as it is within the certificate holders authority, prevent the construction or prevent interruption of visual or electronic signals”.	2	Rule 139.113 Protection of navigation aids & ATS facilities.	
1009-29	<u>Issue:</u> Although NPRM 139.113 is similar to the current 139.121, the clause has placed more restriction on aerodrome operators by including “activity” in 139.113(1), extending the scope beyond the aerodrome to the surrounding area that the certificate holder has authority over; and using the terminology “could have an adverse affect” rather than “would adversely affect”. <u>Position:</u> 22.1 Request that 139.113(1) be deleted in its entirety. 22.2 Insert after the words “any interruption of” in 139.113(2) the words “air traffic service or”. <u>Reasoning:</u> A rule that potentially prevents any change in the way that services are provided is inappropriate and unnecessary. The rule should focus on protecting the continuity of service as is achieved by 139.113(2) as proposed to be amended. Whether construction or other activity on the aerodrome should be allowed to alter the way in which electronic or visual navigation aid or air traffic service facilities are provided for the aerodrome is a commercial matter between the aerodrome operator and the provider of those services for the aerodrome. An analysis of alternative locations for the facilities being protected may give rise to more economically efficient solutions than would be constrained by 139.113(1). NZ Airports is currently in the process of working with Airways Corporation of NZ to prepare an agreement template that will enable a clearer relationship to be established between aerodrome operators and the organisation providing ATS and navigation aids for the aerodrome. NZ Airports submits that, apart from protecting continuity of service, the	N/A	Rule 139.113 Protection of navigation aids and ATS facilities	

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	issues around protection of facilities and how the services are provided is a matter that should be dealt with in such an agreement and not as a civil aviation rule. The Rule Design Document (p.8) indicates that the ‘minor’ rule wording changes in (1) are intended to ensure aerodrome operators consult with the Part 171 and Part 172 facility providers to prevent adverse effects on those facilities. However 139.113(1) has not been worded to achieve consultation, and instead goes further than that.			
1018-18	“As these facilities are all ground based we do not understand why such protections cannot be ensured via a District or Regional Plan. Through this mechanism it is transparent for all, whereas sometimes tucking such changes away in a rule are overlooked.”	N/A	Rule 139.113 Protection of navigation aids & ATS facilities	
1011-11	“we noted that CAA had moved from its original position which was to impose an absolute ban on any construction or activity that could have an adverse effect on ATS facilities to a requirement to consult before imposing the ban. At that time we welcomed this move and pointed out that a very important major development such as a major hangar or maintenance facility on or close to an airport could be prohibited because of its adverse affect on ATS facilities when in reality it may be more beneficial (in cost benefit terms) to allow the development to proceed and to shift or adjust the ATS facility to ensure that there would be no adverse aeronautical effects.”	N/A	Rule 139.113(1) Protection of navigation aids & ATS facilities	
1011-12	“To this end, we suggest the current wording in 139.113 become paragraph (a) and that a paragraph (b) be inserted along the following lines: (b) For the purpose of paragraph (a) the requirement to prevent shall not preclude reaching agreement with the proposer of the construction or activity to take the necessary measures to mitigate any adverse ATS effects that the construction or activity may have.”	N/A	Rule 139.113(1) Protection of navigation aids & ATS facilities	
948-24	Para (d) has been amended in such a way that I do not agree with. Also, why do we need to state in the rule the fit and proper person criteria under Section 10 of the Act. Amend to read: (d) If the holder of an aerodrome operating certificate changes, or proposes to change any of the following, the certificate holder must notify the Director prior to the change or as soon as practicable if prior notification is not possible , and the change must be accepted by the Director, including applicable fit and proper person criteria under Section 10 of the Act , before being incorporated into the certificate holders exposition:	2	Rule 139.117 Changes to certificate holder’s organisation	Disagree. Rule wording will remain as proposed in the NPRM.
948-25	Amend 139.117(d)(2) to reference 139.51(a)(2), not 139.91	2	Rule 139.117 Changes to certificate holder’s organisation	Agree. Will reword rule as proposed by submitter.
948-26	Para (g) is not required and should be removed.	2	Rule 139.117 Changes to certificate holder’s organisation	Agree. Paragraph ‘G’ will be removed as proposed by submitter.
959-1	Although the Rule has been subject to a review, we believe that one clause needs to be amended – Subpart D - Aerodrome Security 139.201(d)(4)(i) areas for the screening of international passengers, crew and baggage, prior to aircraft boarding. The word ‘areas’ is vague and does lead to varying expectations by both 139 and 140 certificate holders. For terminal development planning, contingency plans and screening point design more specific wording would be beneficial to the parties to ensure each parties expectations are met. Can I suggest wording along the line of ‘areas that meet the needs of the Rule 140 certificate holder for the screening.....	2	Rule 139.201 (d)(4)(i) Requirements for security designated aerodromes	This Subpart is out-of-scope.
997-9	“With respect to CAR 139.201(d), the physical size of Picton Airport makes compliance with this rule difficult and unlikely i.e. isolated parking (the whole aerodrome however is isolated), and passenger screening & baggage search facilities. It is more likely that screening would be provided at our other departure/arrival aerodromes (WN, NS, WB) should there be an increased security concern, limiting Picton departures to other destinations for the duration of the	4	Rule 139.201(d) Requirements for security designated	This Subpart is out-of-scope. Note – Part 139 Amendment 9 was issued after this NPRM was published and has addressed the issue. See Rule 139.205

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	heightened security period.”		aerodromes	
948-27	<p>“The requirement for the 10-29 passenger seat aircraft to comply with this happened by default and was not intended. Suggest this wording be amended as follows to apply to only those aerodromes for which the current rule captures.”</p> <p>“A holder of a Level 2 aerodrome operating certificate that has scheduled air transport operations by aeroplanes having a certificated seating capacity of more than 19 passengers and is not a security designated aerodrome must, in addition to complying with</p>	2	Rule 139.203 Requirements for non-security designated aerodromes	<p>This Subpart is out-of-scope.</p> <p>Note – Part 139 Amendment 9 was issued after this NPRM was published.</p> <p>The reference to ‘Level 2’ will be inserted into the current Rule 139.205(a) to exclude this requirement for Level 3 certificated aerodromes.</p>
967-9	“This rule is intended to apply to non-security designated aerodromes that facilitate scheduled air transport operations, and is therefore inapplicable to Ardmore. Ardmore would therefore have no option but to apply for an exemption from this rule requirement. Ardmore submits that the rule should instead be amended so as to ensure that it does not apply to aerodromes that do not facilitate scheduled air transport operations.”	3	Rule 139.203 Requirement for non-security designated aerodromes	
948-28	“Prefer AIS is expanded to aeronautical information service.”	2	Rule 139.355 Notification of UNICOM or AWIB service information.	<p>This Subpart is out-of-scope.</p> <p>CAA drafting conventions use abbreviations where they are defined in Rule Part 1.</p>
948-29	“(1) should be Part 61 private pilot license.”	2	Rule 139.357 UNICOM Service Operator Requirements	<p>This Subpart is out-of-scope.</p> <p>CAA drafting conventions do not support the submitter’s suggestion.</p>
960-1	“I take issue with the requirements detailed in 139.359 [& 139.361(7)].”	3	Rule 139.359 UNICOM Service Operator Limitations	<p>This Subpart is out-of-scope.</p> <p>CAA drafting conventions do not support the submitter’s suggestion.</p>
948-30	“(a)(1) Why do we need the bit about the certificate issued under the Act too many words – remove if we can.”	2	Rule 139.359 UNICOM Service Operator Limitations	
948-31	“(a)(7) Prefer AIS is expanded to aeronautical information service.”	2	Rule 139.359 UNICOM Service Operator Limitations	
948-32	“(5) Why do we need the bit about the certificate issued under the Act, too many words – remove if we can.”	2	Rule 139.361 AWIB Service Operator Limitations	<p>This Subpart is out-of-scope.</p> <p>CAA drafting conventions do not support the submitter’s suggestion.</p>
984-8	“WIAL notes that many areas contained within the appendices to the NPRM that form more exacting requirements than ICAO SARPS, brought about mainly due to the absence of several conditional clauses or phrases used within the original ICAO Standard, yet there is no compelling reasoning provided for such changes to be introduced.”	3	Appendices	Noted. Appendices will be amended to incorporate conditional clauses.
984-9	“Furthermore, we are cognisant that ICAO continues to review several aspects of Annex 14 SARPs and consequently wish to raise the point of whether including several Standards as Appendices to Rule Part 139 is the most appropriate methodology to achieve the overall objectives that are seeking to be addressed by the CAA. Would referencing another document containing all the Standards to be applied to the New Zealand Airports Industry not serve a similar purpose and provide greater flexibility to make necessary changes as and when required?”	3	Appendices	

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983-2	“Parts of NPRM139 have already benefitted from considerable interaction and industry comment, yet the complete review of Part 139, particularly those items contained in Appendix D, E, F, G, H and I, which form the bulk of the NPRM, have only been introduced with the release of the NPRM on 15 March 2012. It seems only reasonable that the same considerable industry interaction should also occur with Appendix D, E, F, G, H and I. Also, the practise of taking standards from Annex 14 in part and without the associated recommendations often means that they lose context and meaning. ”	3	Appendices	
983-4	“We suggest the best practise would be to refer to Annex 14 in or as the rule and have an appendix of exceptions and / or clarifications for non- standard New Zealand installations. Being so separated from Annex 14 also means that there will be difficulty in adopting future changes to International standards in a timely fashion because of the time and difficulty in pursuing Rule change.”	3	Appendices	
1005-5	“A rule needs to be added stating that appendices C-I does not apply to grass runways and taxiways. Without this clarification the NPRM as it stands means that all grass runways and taxiways would need to comply with the standards in these appendices.”	3	Appendices C to I	Agree. Will reword rule 139.53(b) to exclude grass runways and taxiways not used by scheduled ATOs.
956-1	“Delete Appendices C to I and retain the current Advisory Circulars. Rename Advisory Circular 139-6 as an Acceptable Means of Compliance rather than guidance material, similar to how EASA publish GM and AMC documents.”	2	Appendices C to I	Disagree. Rule will remain as proposed in the NPRM.
956-3	“Moving the contents of Advisory Circular 139-6 into the Rule makes the acceptable means of compliance, the only means of compliance and the rule prescriptive. Also any changes to the ICAO Annex 14 if adopted by NZ will then require a rule change rather than an advisory circular amendment.”	2	Appendices C to I	Only standards are in the Appendices and it is appropriate any ICAO change is done through formal rule amendments process.
1009-30	<p><u>Issue:</u> Some of the standards in the appendices D to G inclusive are more exacting than ICAO Annex 14 standards.</p> <p><u>Position:</u> 23.1 Request that the industry, and aerodrome certificate holders in particular, be informed of the reasons in each instance where the extra requirement above ICAO Annex 14 standards would be significant.</p> <p><u>Reasoning:</u> NZ Airports supports the project objectives of the review of Part 139 (Clause 1 'Purpose of this NPRM') to achieve greater compliance with ICAO USOAP findings relating to the rule. However any rule requirements that go beyond alignment with ICAO Annex 14 are likely to have cost implications for the New Zealand aviation industry. NZ Airports opposes any rule requirements that exceed ICAO Annex 14 standards in the absence of a properly formulated business case (incorporating a safety case) and sound reasoning for New Zealand adopting such a position in its regulations. NZ Airports notes 11 instances of changes that are more exacting than ICAO standards, being content within Table D-1; E.1; E.2(b); F.1.2; F.3.6; F.3.8; F.3.14; F.3.15; F.3.17; F.4.3(h); and G.1(a). It is assumed that the Civil Aviation Authority will have reasons for introducing such changes and will have addressed the consequential cost implications. It appears that none of these changes are explained in the NPRM, the Rule Design Document, or with stakeholders during the NPRM development. NZ Airports notes clause 3.5 of the NPRM and accepts that there may be no compelling reason to deviate from ICAO SARPS relevant to this rule, however as a matter of principle, NZ Airports is opposed to the introduction of rules that go beyond ICAO standards without a reasoned and well considered process involving all stakeholders. Specific submissions on key changes to the appendices are listed separately below.</p>	N/A	Appendices D thru G	Noted.
1009-31	<p><u>Issue:</u> Some of the standards in the appendices D to I inclusive are more exacting than the equivalent standards in the current Advisory Circulars.</p> <p><u>Position:</u> 24.1 Request that the industry, and aerodrome certificate holders in particular, be informed of the reasons in each instance where an extra requirement above the current Advisory Circulars is potentially significant.</p> <p><u>Reasoning:</u> NZ Airports notes 21 instances of change from ACs, being content within D1.1; Table D-1; D.2; E.1; E.1(e); E.2(b); F.1.2; F.2.8; F.3.1; F.3.6; F.3.7(b); F.3.8; F.3.14; F.3.15; F.3.19; F.4.2; F.4.3(h); G.1(a); I.1; I.2; Table I-1. NZ Airports members understood that the standards being introduced to the rules were being adopted directly from the Advisory Circulars and the only changes would be to align with ICAO SARPS where determined appropriate by CAA.</p>	N/A	Appendices D thru I	See below.

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	It is disappointing that the changes represented by the NPRM had not been fully consulted with stakeholders through the NPRM development.			
958-7	The decision to incorporate the Annex 14 standards into Part 139 is understandable for International Airports (as defined by New Zealand to ICAO under the Regional Air Navigation Plan). This could be achieved by the Rule including ICAO Annex 14 Standards by reference. The inclusion of all Annex 14 Standards into Appendices D, E, F, G, H and I is the application of 100% of the standards on domestic Part 139 certified airports. Air New Zealand is not able to ascertain the implications of these Appendices on all domestic airports, particularly “Visual Aids for navigation and obstacles, power system redundancy etc. Air NZ understands that Airways NZ will be lodging a submission to this NPRM with respect to incorporation of Annex 14 Standards into the Part 139 Rule. Air New Zealand would like to understand the implications in terms of what current domestic airport infrastructure would not comply with the proposed Part 139. While our expectation is that the “non compliance” will be minor, until that information is available we cannot agree with this Rule change. In the event a number of “non compliances” are identified then at the very least a transition clause would need to be incorporated into the final Rule.	2	Appendices D to I	Noted.
1013-4	“Auckland Airport is unclear if it is intended to include recommendations from ACs and Annex 14 as mandatory requirements in the Appendices of the new Rule. There appears to be a random selection of standards from ACs and Annex 14 that have been incorporated into the Appendices. Furthermore, some of the content of the Appendices differs to both the current ACs and Annex 14. We strongly support the NZAA comments and suggest that the Appendices are in line with Annex 14.”	N/A	Appendices D thru I	We have only incorporated standards into the Appendices.
983-11	<p>Table D1 contains both standards and recommendations from Annex 14; this seems to contradict the NPRM intent. Definitions of precision approach, non-precision approach and non-instrument runways are required.</p> <p>D1.2 Clarification is needed on how OLS surfaces will match non-standard strip widths.</p> <p>D3 Stopways, this is detail, there is no reference to when a stopway is required, provide a reference or put the detail elsewhere</p> <p>E1 & E2 contain a mixture of functional requirements and limited detail (dimension). Definition required for “inner edge”? Should Table 4-1 and 4-2 be included? How will Table 4-1 apply to aerodromes with reduced strip widths.</p> <p>F1.1 Wind direction indicator , Annex 14 requires at least one wind direction indicator on an aerodrome and provision for illuminating one, not two as per the NPRM. The rule should reflect Annex 14.</p> <p>F2 contains information that does not follow the order of Annex 14; it should be ordered and written to follow the document it was sourced from as future Annex 14 changes will provide context issues for the rule.</p> <p>F2.4(c) contains a dimension, where none of the other marking requirements carry dimensional detail, either add all dimensions or remove the transverse stripe dimension to be consistent.</p> <p>F2.5 (b) requires markings prior to a temporary displaced threshold to be obscured. For periods of short displacement, this is not practical. A definition of temporary is required.</p> <p>F2.6 does not reflect the Annex 14 reference to Code 1 paved instrument Runways.</p> <p>F2.9(c) applies to taxiway centreline markings at runway hold positions, it should so state. It has an additional requirement not reflected in Annex 14. This should be removed so that the statement reflects the Annex 14 intent.</p> <p>No requirement / information on intermediate hold position markings. Requirement should be provided to reflect Annex 14 5.2.11.</p> <p>F2.15 the use of the words “mandatory instruction sign”, although they reflect Annex 14 they are ambiguous to the industry in New Zealand. It would be better in the context of the rule if the words mandatory instruction were made subservient to marking. This also applies in the signage section e.g. marking, mandatory instruction... the ambiguity occurs around the use of the word mandatory implying that the marking or sign is mandatory where in fact the</p>	3	Appendices D thru I	<p>Table D1 will be amended to only include precision runways. Definitions will be added to Part 1.</p> <p>Guidance will be provided in the AC.</p> <p>Stopways are not required. If stopways are installed then they must comply with the requirements.</p> <p>E1 and E2 only state what an aerodrome must provide. The details of the acceptable means of establishing the surfaces are in the AC.</p> <p>AC 139-6 has always required one windsock at the threshold of each runway and certificated aerodromes comply. Requirement will remain.</p> <p>Information is intended to be presented in a logical order.</p> <p>Agree. Reference to transverse stripe will be removed as proposed by submitter.</p> <p>Agree. We would not adopt this standard and notify ICAO of a difference. It would stay as a recommendation in the AC.</p> <p>Only a recommendation. Not a standard for code 1.</p> <p>The wording matches ICAO.</p> <p>Agree. Wording will be added to include a requirement for intermediate holding position markings as proposed by submitter.</p> <p>Disagree.</p>

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<p>instruction is.</p> <p>F3.3 Lights which may cause confusion, the Annex 14 (5.3.1.2) recommendation for laser free flight zones etc. should be considered for rule status not left as a recommendation.</p> <p>F3.4 Runway lighting needs to be defined, in context Annex 14 is referring to the runway lighting system as a whole.</p> <p>F3.4 (b) does not provide detail of high intensity standard as Annex 14 5.3.1.12/13 does, nor is a substandard (minimum) provided as per Annex 14 5.3.9.9.</p> <p>F3.5 (a) Aerodrome Beacons, the implication is that main trunk airports plus some regional all need aerodrome beacons. In the modern world because of the traffic mix and the navigation systems used this is not true and the rule should reflect this.</p> <p>F3.6 Simple Approach Lighting is a recommendation only in Annex 14 and also includes where physically practical. This should be removed from the rule.</p> <p>F3.7 Visual Approach Slope Indicator Systems T-VASIS and AT-VASIS are still part of the Annex but do not exist in New Zealand anymore and should be removed from the rule. Add A-PAPI as an option to Code 3 runways where turbo prop operation is the largest using aircraft. These runways have been adequately served by Red/White VASIS in the past and A-PAPI provides the same information as Red/White VASIS but to a much higher level of accuracy.</p> <p>F3.8 Obstacle Protection Surface, the balance of the information provided here is detail, yet there is no detail on the shape or size of an obstacle protection surface, superfluous detail needs to be removed and relevant detail added (ref Annex 14 Table 5-3).</p> <p>F3.8 (b) the exception in Annex 14 5.3.5.43 needs to be included.</p> <p>F3.8(c) the exception included in Annex 5.3.5.44 needs to be included.</p> <p>F3.9 it is confusing to group edge and end lights together, they should remain separate as per Annex 14. There is no detail included on light output or location and no detail on systems that do not need to comply with precision approach CatI requirements. This information needs to be included. For all lighting, runway edge, threshold, approach, approach side row, touch down zone, runway centreline, runway end and taxiway lighting the data in Annex 14 Appendix 1 & 2 needs to be referred to.</p> <p>F3.14 Taxiway centreline lights, this needs to have the exception in Annex 14 (5.3.16.1, 5.3.16.2 & 5.3.16.4) included.</p> <p>F3.15 Taxiway edge lights, this needs to have the exception in Annex 14 (5.3.17.1) included.</p> <p>F3.17 Stop bars, as written this would require stop bars to be provided at Hamilton Palmerston North, Wellington, Christchurch, Dunedin and Invercargill. Include the exceptions in Annex 14 5.3.19.1 & 5.3.19.2.</p> <p>F3.18 Intermediate Holding position lights, are used extensively as runway hold position lights unless a stop bar is used. This need / requirement needs to be addressed.</p> <p>F3.19 Runway Guard Lights, define heavy.</p> <p>F3.20, there is a typo, marmusters?</p> <p>F4 Signs, there is a lot of detail about when you must have a sign but no detail about the sign message, sign location or when the sign must be lit, all of this information needs to be simplified and clarified.</p> <p>F4.2 (d), (c) & (e) have lost their meaning when translated from Annex 14 (5.4.2.3, 5.4.2.4 & 5.4.2.5) and need revising to keep the Annex 14 intended meaning. There is a typo in F4.2 (c).</p>			<p>Issue has been logged within rule making process.</p> <p>We will determine level of detail for Rule versus the AC.</p> <p>We will determine level of detail for Rule versus the AC.</p> <p>The rule requires a beacon when certain conditions are met. The aerodrome operator may conduct an aeronautical study to potentially determine otherwise.</p> <p>This is a standard for a non-precision runway. It is a recommendation for a non-instrument runway. Agree. Will add the words “where physically practicable”. An aerodrome operator would need to show why not physically practicable.</p> <p>While T-VASIS or AT-VASIS may not be used in New Zealand, we should not preclude their use if preferred. Could agree with the use of A-PAPI for code 3.</p> <p>Agree. We will determine level of detail for Rule versus the AC.</p> <p>Agree. Will be included as proposed by submitter.</p> <p>Agree. Will be included as proposed by submitter.</p> <p>Disagree. The acceptable means of compliance are in the AC</p> <p>Agree. Will be included as proposed by submitter.</p> <p>Agree. Will be included as proposed by submitter.</p> <p>Agree. Will be included as proposed by submitter.</p> <p>Will discuss this further with the submitter.</p> <p>Will add the words that define heavy.</p> <p>Agree. ‘Marmusters’ will be replaced with ‘marshalls’.</p> <p>Disagree. Guidance is provided in the AC.</p> <p>Agree. Will reword as suggested by submitter. Agree. Will be corrected to read ‘take-off’ runway.</p>
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	<p>F4.3 (h) the Annex 14 (5.4.3.11) exception needs to be added. F5.2, provision of markers is only a recommendation in Annex 14.</p> <p>G5 Lighting of Objects Type C & Type D are not defined, what happened to Types A & Type B. There is no reference to Wind Turbines, where is this to be captured?</p> <p>Appendix H Visual Aids for denoting Restricted use areas H2 Taxi side stripe marking is referred to here but nowhere else in the rule (Appendix F, Markings?)</p> <p>Appendix I Electrical Systems I.1 (b) Level 1) & 2) not included here or in Table I-1. This implies that there is no required change over time for secondary power supplies for non-precision approach runways.</p> <p>Appendix I in general carries a lot more detail, proportionally than other sections, yet it is what is not included that still limits the information provided.</p>			<p>Agree. If markers are used then they must comply with this rule.</p> <p>Agree. Types A and B will be defined as proposed by submitter. Wind turbines are in Part 77.</p> <p>Taxi side stripe markings are not defined in ICAO. Will remove the word ‘taxi’.</p> <p>Correct. Recommendation only.</p> <p>Agree. We will determine level of detail for Rule versus the AC.</p>						
1018-20	<p>“These matters are linked to ICAO Annex 14 and can be delivered via S.36 of the Act. We are aware that the Regulations Review Committee has difficulties with the concept of incorporation by reference; however it would seem that in the case of civil aviation matters this has already been determined by Parliament as an acceptable practice.”</p>	N/A	Appendices D thru I	Appropriate standards and recommended practices will remain in Appendix as proposed.						
984-3	<p>“Currently, there are a number of areas where Wellington Airport would not meet the requirements specified within the appendices contained within the NPRM.”</p>	3	Appendices D thru I	Noted.						
944-1	<p>“NZALPA would like to see Engineered Equivalent Systems (EMAS systems as approved by the Director) included in Part 139 Appendix A: Runway End Safety Areas (RESA). Engineered Equivalent Systems should be listed and accepted in Part 139 as an alternative for those airports which cannot achieve a full RESA due to geographical or other restrictions.”</p>	1	Appendix A RESA (Out of Scope)	Will be added to the AC.						
1011-13	<p>“We are concerned that the NPRM and Rule are worded in a way that places an unreasonable burden on small airports (where the largest aircraft using the airport is the Beech 1900D) in regard to complying with the RESA requirements. When the RESA requirements were added to the Rule, the intention was that domestic airports needed to comply at the time of any runway extension or new construction. It was not envisaged that this requirement would burden small airports that were seeking Part 139 certification. This is particularly so given that most domestic airports are not complying with the requirement and do not need to comply. We ask that this matter be reviewed.”</p>	N/A	Appendix A RESA (Out of Scope)	Out of scope. RESA not required for Beech 1900 aircraft.						
948-33	<p>Appendix B needs to be redone to reflect the proposed changes to 139.109, and to remove the ambiguity surrounding the ATS provisions.</p> <p>Appendix B -- Aerodrome Aircraft Traffic Movement Threshold Levels</p> <table border="1" data-bbox="252 1381 825 1948"> <thead> <tr> <th>Criteria for aeronautical study</th> </tr> </thead> <tbody> <tr> <td>40,000 or more aircraft movements per annum for 3 consecutive years, or</td> </tr> <tr> <td>7,500 or more IFR movements per annum for 3 consecutive years</td> </tr> <tr> <td>100,000 or more aircraft movements per annum for 3 consecutive years, or</td> </tr> <tr> <td>60,000 or more aircraft movements per annum for 3 consecutive years of which 9,000 or more are IFR movements; or</td> </tr> <tr> <td>15,000 or more IFR movements per annum for 3 consecutive years; or</td> </tr> </tbody> </table>	Criteria for aeronautical study	40,000 or more aircraft movements per annum for 3 consecutive years, or	7,500 or more IFR movements per annum for 3 consecutive years	100,000 or more aircraft movements per annum for 3 consecutive years, or	60,000 or more aircraft movements per annum for 3 consecutive years of which 9,000 or more are IFR movements; or	15,000 or more IFR movements per annum for 3 consecutive years; or	2	Appendix B Aerodrome aircraft traffic services	Agree. Will reword rules 139.107 & 139.109 and appendix accordingly.
Criteria for aeronautical study										
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958-16	The triggers for provision of ATS services has been a subject of numerous CAA policies papers, risk based decisions criteria etc over the years. This table reflects a earlier CAA consultation paper that leveraged off similar requirements from overseas regulators. In previous consultations it had been agreed that these criteria would be used to trigger an aeronautical study that would assess the need for an change in ATS service. We are of the view that the situation should be clarified with suitable wording to make it clear that the criteria in the table should be used as a trigger for an aeronautical study and not as an absolute requirement. Amend “Table B-1 – Criteria for initiating an aeronautical study for Aerodrome Aircraft Traffic Services” Amend Part 139.107 as detailed earlier in this submission.	2	Appendix B Aerodrome aircraft traffic services	<p>The levels used have been developed using international benchmarking. Options other than ATS can be recommended. Part 139.107 is intended to require the aerodrome operator to monitor and review changes. The requirement is not exclusively linked to the provision of ATS.</p>
961-8	Concern for the level 3 traffic movement thresholds to be “decreased or abolished altogether.”	3	Appendix B Aerodrome aircraft traffic services	
968-3	“We understand that the proposed requirement to mandate the provision of ATS at aerodromes based on such thresholds is not an ICAO requirement or standard, but is CAA policy. We submit that the above thresholds for the provision of ATS are unduly simplistic and fail to take account of operating and other local aerodrome factors, and whether ATS is the best mechanism to manage air traffic risks at any particular aerodrome. Ardmore Airport facilitates over 200,000 aircraft movements per annum. On the basis of the proposed thresholds, it would be required to provide either an aerodrome control service, or at best, an aerodrome flight information service. However, this would be totally inappropriate. We submit that forcing ATS on these aerodromes and their users may seek to ‘fix a problem that doesn’t exist’.	N/A	Appendix B Aerodrome aircraft traffic services (Risk)	
972-2	“Ardmore Airport facilitates over 180,000 aircraft movements per annum. On the basis of the proposed ATS thresholds in Appendix B of the NPRM, AFOG understands that Ardmore Airport would be required to provide an aerodrome control service.”	3	Appendix B Aerodrome aircraft traffic services	
978-8	“The implementation of AFIS/ATC on aerodromes that presently successfully and safely have movements in excess of the proposed threshold does not make sense. Ardmore, with the use of the services of a UNICOM, has a proven track record that AFIS/ATC is not required.”	N/A	Appendix B Aerodrome aircraft traffic services (Risk)	
1000-9	“The main reason that CAA appear to require AFIS at an aerodrome with 40,000 movements per annum or more over a three year period is to facilitate scheduled airline traffic. There is a bias toward AFIS/ATC to protect the fare paying passenger. This tends to suggest that the fare paying passengers life is worth more than anyone else’s who uses the same piece of airspace.”	N/A	Appendix B Aerodrome aircraft traffic services	
1000-10	“At many regional airports, Taupo being one of them, the airline traffic makes up only a small part of the total aerodrome movements. It has been proven here at Taupo that the airlines and General Aviation can cohabitate very well without the need for AFIS. Again it is the processes that the aerodrome operator has in place which makes the aerodrome safe and run smoothly. Regulating in this area of AFI/ATC will not make the airspace around an aerodrome any safer.”	N/A	Appendix B Aerodrome aircraft traffic services	
1000-11	“The power of the Director to stipulate that a particular aerodrome must have AFIS/ATC is unnecessary as this should be the responsibility of the aerodrome operator after conducting a risk review. The Director therefore has the power to determine the future of an aerodrome. This aerodrome may be the life blood and a key gate into and out of a region and community, and by the Director exercising the proposed power to get an Aerodrome operator to install AFIS/ATC he could well be putting that aerodrome at risk of closing due to the cost of installing and maintaining the facility. In other words unless the benefit exceeds the costs it should not proceed. More so as there is often other ways of reducing or managing risk.”	N/A	Appendix B Aerodrome aircraft traffic services (Cost/Benefit)	
1011-14	“While we appreciate the background to this table and recall the CAA consultation paper that covered this matter, we are of the view that the situation should be clarified with suitable wording to make it clear that the criteria in the table should be used as a trigger for an aeronautical study, and not as an absolute requirement for the introduction of a flight information or control service, as the case may be.”	N/A	Appendix B Aerodrome aircraft traffic services	

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1018-19	“We consider the Director does have such powers; however these powers should not be exercised without first undertaking a comprehensive Aeronautical study.”	N/A	Appendix B Aerodrome aircraft traffic services	Rules are developed for the entire system not for individual situations.						
1007-9	“We are very disappointed that the NPRM proposes a “one size fits all” approach to the requirement for ATS by introducing a movements based formula. We consider the existing Rule 139.113 to be far more pragmatic and flexible, especially since a methodology has been provided to the CAA for assessing airspace risk.1 We note the proposed rule in fact does not contain any means for the Director to require ATS as there is nothing in the body of the Rule that links to the Appendix B movement thresholds. We assume this is a drafting oversight. Proposed Rule 139.15 provides a means for the Director to require certain standards of non-certificated aerodromes. We support this in principal and in particular consider that 139.15(a)(3) provides sufficient means for the Director to determine whether an ATS is required at an aerodrome via the aeronautical study process. Changes sought... • Delete Appendix B. • Use proposed Rule 139.15(a)(3) as the basis for determining if an ATS is required rather than a movements based formula.”	3	Appendix B Aerodrome aircraft traffic services & Rule 139.15(a)(3) Non-certificated aerodrome requirements							
1011-15	“We can appreciate the reason for including this subject matter in this Rule, but we are unclear as to the implications for aerodromes such as Wellington and Dunedin which do not have the prescribed strip width. How will situations be handled where air operators have an exemption for a specific aspect at a particular aerodrome under the current regime and the new Rule 139 introduces a requirement for the aerodrome operator to also hold an exemption?”	N/A	Appendix D Physical characteristics	Aerodromes such as Wellington and Dunedin will be able to apply for an exemption, just as the airlines have done.						
1013-5	“The table on page 72 of the NPRM does not clearly describe the runway strip width. The right-hand column lists strip distances. Should this say "strip width" as per Annex 14? Whilst the previous paragraph (D.1.2 Width of Runway Strips, page 71) refers to the minimum distance as determined in the table, we find this section and the table unnecessarily confusing.”	N/A	Appendix D Physical characteristics	This is not the strip width but the diastance either side of the centre line. ICAO does not tabulate this but uses simple text. (See 948-34 below)						
984-6	“While WIAL acknowledges that the airlines currently hold an operating exemption for the reduced runway strip, (ref 7/EXE/72 dated 30 January 2007); by virtue of the fact that this requirement is now included within the NPRM document as a mandatory standard, we seek confirmation as the aerodrome CAR Part 139 certificate holder, that an immediate exemption from this requirement will be issued upon application, based upon the premise that the same level of safety is afforded as was provided with the existing exemption provided.”	3	Appendix D Physical characteristics							
958-17	Wellington, Dunedin and Rarotonga do not comply with Table D-1 Minimum Runway Strip requirements. A Roake Manor Risk Assessment was used as the basis of an Exemption 7/EXE/72 for Code 3 and 4 operators (Part 121/ 125). On a similar basis an Exemption exists for a non compliant runway strip at Dunedin. Presumably if the NPRM was to proceed without change to the Annex 14 Standards then an Exemption will also be required for Dunedin and Wellington Airport. Given these will be effectively permanent then CAA should consider embedding the exemption in the Rule itself. Rarotonga in the Cook Islands (who use NZ Rules) will also need to a Part 139 exemption issued by the Director of Civil Aviation Cook Islands.	2	Appendix D Physical Characteristics							
958-18	D.2: Runway Turning Pads – The ICAO Annex 14 definition of wheel base has been omitted. Please add: <i>Wheel base means the distance from the nose gear to the geometric centre of the main gear.</i>	2	Appendix D Physical Characteristics							
948-34	Amend table D-1 to remove the strip width requirements for non-precision approach runways as these are not standards in ICAO. Leave the allowance for a precision approach runway at a level 2 runway as, although non-ICAO, this complies with the Part 125, 121 and 135 rules. Also amend the term ‘Strip Distance’ and replace with ‘Distance’ Table D-1 Minimum Runway Strip Width Distance	2	Appendix D Physical characteristics D.1.2 Width of runway strips	Agree. Will reword as proposed by submitter.						
	<table border="1"> <thead> <tr> <th>Aerodrome Reference Code Number</th> <th>Runway Type</th> <th>Distance</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Aerodrome Reference Code Number	Runway Type	Distance						
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	<table border="1"> <tr> <td>3 or 4</td> <td>Precision approach runway at a Level 1 aerodrome</td> <td>150 m</td> </tr> <tr> <td>3 or 4</td> <td>Precision approach runway at a Level 2 aerodrome</td> <td>110 m</td> </tr> <tr> <td>1 or 2</td> <td>Precision approach runway</td> <td>75 m</td> </tr> </table>	3 or 4	Precision approach runway at a Level 1 aerodrome	150 m	3 or 4	Precision approach runway at a Level 2 aerodrome	110 m	1 or 2	Precision approach runway	75 m			
3 or 4	Precision approach runway at a Level 1 aerodrome	150 m											
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948-35	At the bottom of both Table D-2 and D-3, add a note that states “Wheel base means the distance from the nose gear to the geometric centre of the main gear.”	2	Appendix D Physical characteristics Table D-2 and D-3	Agree. Will reword as proposed by submitter.									
948-36	This requirement would apply to level 3 aerodromes which do not cater for commercial ops with 10 passenger seat aircraft. Suggest applying this standard only to Level 1 and Level 2 aerodromes. “The design of a taxiway for a Level 1 or Level 2 aerodrome must be such that,.....”	2	Appendix D Physical characteristics D.4 Taxiways	Agree. Will reword as proposed by submitter.									
967-12	“This appendix would require Ardmore taxiways to have a minimum of 1.5m clearance distance from the outer wheel of the largest aircraft. In Ardmore’s case, this would be a DC3 aircraft which operates only once or twice a month, whereas the bulk of the aircraft using Ardmore are much smaller. It would seem unnecessary to require Ardmore to widen the taxiways at great expense, just for the one aircraft, operating only a few times per month.”	3	Appendix D Physical characteristics D.4 Taxiways	See above.									
948-37	Add an s to aid at end of paragraph. Should be navigation aids.	2	Appendix D Physical characteristics D.7(b)	Agree. Will reword as proposed by submitter.									
948-38	We have not made allowance for an aeronautical study to be completed when shielding may be in place. The following paragraphs should be amended to reflect this allowance which is currently in both the AC and Annex 14. E.1(c) For a non-instrument runway, new objects or extensions of existing objects must not be permitted above an approach or transitional surface except when the new object or extension would be shielded by an existing immovable object, or an aeronautical study determines that the object would not adversely affect the safety or significantly affect the regularity of operations of aircraft. E.1(d) For a non-precision approach runway, new objects or extensions of existing objects must not be permitted above an approach within 3000 m of the inner edge or transitional surface except when the new object or extension would be shielded by an existing immovable object, or an aeronautical study determines that the object would not adversely affect the safety or significantly affect the regularity of operations of aircraft. E.1(f) For a precision approach runway, new objects or extensions of existing objects must not be permitted above an approach or transitional surface except when the new object or extension would be shielded by an existing immovable object, or an aeronautical study determines that the object would not adversely affect the safety or significantly affect the regularity of operations of aircraft. E.2(b) New objects or extensions of existing objects shall not be permitted above a take-off climb surface except when the new object or extension would be shielded by an existing immovable object.	2	Appendix E Obstacle limitation surfaces	Agree. Will reword as proposed by submitter.									
1009-33	<u>Issue:</u> In reflecting the standards of ICAO Annex 14, E.1 and E.2 in the NPRM have omitted the ‘shielding principle’ that is provided for in Annex 14. <u>Position:</u> 26.1 Request that E.1(c) be amended to read: “(c) For a non-instrument runway, new objects or extensions of existing objects must not be permitted above an	N/A	Appendix E Obstacle limitation surfaces	Agree. See comment #948-38.									

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	<p>approach or transitional surface except when, in the opinion of the appropriate authority, the new object or extension would be shielded by an existing immovable object.”</p> <p>26.2 Request that E.1(d) be amended to read: “(d) For a non-precision approach runway, new objects or extensions of existing objects must not be permitted above an approach surface within 3000 m of the inner edge or above a transitional surface except when, in the opinion of the appropriate authority, the new object or extension would be shielded by an existing immovable object.”</p> <p>26.3 Request that E.1(f) be amended to read: “(f) For a precision approach runway, new objects or extensions of existing objects must not be permitted above an approach surface or a transitional surface except when, in the opinion of the appropriate authority, the new object or extension would be shielded by an existing immovable object.”</p> <p>26.4 Request that E.2(b) be amended to read: “(b) New objects or extensions of existing objects must not be permitted above a take-off climb surface except when, in the opinion of the appropriate authority, the new object or extension would be shielded by an existing immovable object.”</p> <p><u>Reasoning:</u> The NPRM is more exacting than ICAO Annex 14 unless worded as amended. The consequence of not providing for the shielding principle is that development may be unnecessarily constrained when that development may be able to occur safely within operational conditions already in place. This would have unacceptable economic development consequences, and there do not appear to be reasons or analysis to support the change represented by the NPRM. Rule Appendix G.1(a) provides for marking an obstacle that extends above an approach or transitional surface, and would be consistent with the requested wording for this rule. The Advisory Circulars can provide guidance and recommendations on where use of the shielding principle should or should not be applied.</p>			
1013-6	<p>“Appendix F1.1 provision of Wind Direction Indicators on the left side only is not acceptable to Auckland Airport. Annex 14 requires at least 1 and conspicuously located. We recommend that if 2 are to be provided the location should not be restricted to the left side of the runway.”</p>	N/A	Appendix F Visual Aids for Navigation	Agree. See 948-39.
1013-7	<p>“Appendix F.2.5 Arrows. Auckland Airport submits that the proposed displaced arrow requirement is changed. We require the use of the term "temporary" be defined in the AC to be greater than at least 1 day. There are circumstances where a threshold may be displaced for a short period and it is not practical to delete the markings prior to this or paint on arrows. Our Work In Progress East and West modes of operation allow for immediate return to full-length operations for long-haul operators. This requirement would be impractical for us to implement our displaced threshold and would incur significant and unnecessary additional costs.”</p>	N/A	Appendix F Visual Aids for Navigation	Agree. Difficult to define ‘temporary’. Rather leave it as a recommendation in the AC and advise ICAO of a difference.
1013-8	<p>“Appendix F.3.15 (a) Taxiway edge Lights. This section appears to be a new requirement to provide edge lights along apron edges. Annex 14 only requires this when there are no other suitable lighting or taxiway centre line lights available. For Auckland Airport, this would require the installation of edge lighting along the all of our apron edges at considerable cost (approx. implementation cost in excess of 1.2 million dollars). Auckland Airport already has edge lighting in locations where conditions require. We submit that the wording be changed to only require edge lighting where other lighting or taxiway centre line lighting is not provided.”</p>	N/A	Appendix F Visual Aids for Navigation	Agree. Will reword as proposed by submitter.
948-39	<p>The current requirement is not an ICAO standard although common practice in New Zealand. This was a requirement in the old Aerodrome Standards Manual and also in the current AC. There is occasion, however, where a lit windsock may be unserviceable but we continue to allow operations where an alternative means of providing wind information is provided, predominately by ATC.</p> <p>Also, as these are the only requirement for indicators, the heading could be changed to just Wind Direction Indicator. Suggest wording as follows:</p> <p>F.1 Wind direction indicator (windsock)</p> <p>(a) An aerodrome must be equipped with at least one windsock.</p> <p>(b) A windsock must be located abeam the threshold of each paved runway.</p> <p>(c) If the runway is intended to be used at night, the windsock required by (a) or (b) must be lit.</p>	2	Appendix F Visual Aids for Navigation F.1 Indicators	Agree. Will reword as proposed by submitter.
1009-34	<p><u>Issue:</u> F.1.2 requires two wind direction indicators to be illuminated (one at each threshold) where the runway is intended to</p>	N/A	Appendix F Visual Aids for	

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	<p>be used at night. <u>Position:</u> 27.1 Recommend that F.1.2 be re-worded as “A runway intended to be used at night must have at least one illuminated wind direction indicator (windsock).” <u>Reasoning:</u> Annex 14 recommends provision should be made for illuminating at least one wind indicator at an aerodrome intended for use at night. The NPRM requirement exceeds the Annex 14 recommendation with consequential cost implications.</p>		<p>Navigation F.1.2</p>	
948-40	<p>No need for the (a) as this is the only paragraph in this section.</p>	2	<p>Appendix F Visual Aids for Navigation F.2.1 Runway markings</p>	<p>Agree. Will reword as proposed by submitter.</p>
1009-35	<p><u>Issue:</u> As a comment on drafting, the colour of Taxiway markings (F.2.2(b)) appears isolated from taxiway marking provisions. <u>Position:</u> 28.1 Recommend re-ordering Appendix F.2 so that F.2.2 “Colour” (which applies to all markings) be numbered F.2.1 and the present F.2.1 “Runway markings” be renumbered F.2.2. <u>Reasoning:</u> The rule on colour will be less likely associated with runway markings alone. As recommended, it would be the first rule under “Markings” and have relevance to all below it.</p>	N/A	<p>Appendix F Visual Aids for Navigation F.2.2</p>	<p>Disagree. Rule wording will remain as proposed in NPRM.</p>
1009-36	<p><u>Issue:</u> The requirement for all markings prior to a temporary displaced threshold to be obscured is not practical in all circumstances. <u>Position:</u> 29.1 Request that ‘temporary’ in F.2.5 be defined to exclude short periods of time. <u>Reasoning:</u> The Advisory Circular at present uses the term “should” and is accompanied by a note that “Where the threshold is to be displaced for only a short period of time it is satisfactory to use markers in the form and colour of wing bars of cones or marker boards outside the runway edge.” It is common for thresholds to be displaced for short periods of time to enable maintenance or other work, and it is not practical to obscure all prior markings every time the threshold is displaced for short periods.</p>	N/A	<p>Appendix F Visual Aids for Navigation F.2.5</p>	<p>Agree. This will be removed and remain as AC material. Refer to comment # 1013-7</p>
948-41	<p>Make this applicable to paved turn pads only; “Where a paved runway turn pad is provided....”</p>	2	<p>Appendix F Visual Aids for Navigation F.2.10 Runway turn pad marking</p>	<p>Agree. Will reword as proposed by submitter.</p>
948-42	<p>Make this applicable to paved taxiways only; “On a paved taxiway, a runway holding position”</p>	2	<p>Appendix F Visual Aids for Navigation F.2.11 Runway holding position marking</p>	<p>Agree. Will reword as proposed by submitter.</p>
1009-37	<p><u>Issue:</u> NPRM F.3.6 is more exacting than ICAO Annex 14 as the words “where physically practicable” have been omitted, with consequent potentially significant cost and practicality issues. <u>Position:</u> 30.1 Request that the words “Where physically practicable, “ be added to the start of F.3.6(a) relating to a non-precision approach runway. 30.2 Request that the words “Where physically practicable, “ be added to the start of F.3.6(b) relating to a precision</p>	N/A	<p>Appendix F Visual Aids for Navigation F.3.6</p>	<p>Agree. Will reword as proposed by submitter.</p>

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	<p>approach runway category I. <u>Reasoning:</u> The NPRM is more exacting than ICAO Annex 14 unless worded as amended. Simple approach lighting is only a recommendation in Annex 14. The practicality and cost of providing even the simplest of approach lighting systems in some circumstances (eg Wellington) would be challenging. There has been no reasoning or business case presented to show the cost or safety benefits of the rule requiring standards in excess of Annex 14.</p>			
1009-38	<p><u>Issue:</u> In reflecting the standards of ICAO Annex 14, F3.8 in the NPRM has omitted the ‘shielding principle’ that is provided for in Annex 14. <u>Position:</u> 31.1 Request that F3.8(b) be amended to read: (b) “New objects or extensions of existing objects must not be permitted above an obstacle protection surface except when, in the opinion of the appropriate authority, the new object or extension would be shielded by an existing immovable object.” 31.2 Request that F3.8(c) be amended to read: (c) “Existing objects above an obstacle protection surface must be removed except when, in the opinion of the appropriate authority, the object is shielded by an existing immovable object, or after aeronautical study it is determined that the object would not adversely affect the safety of operations of aeroplanes.” <u>Reasoning:</u> The NPRM is more exacting than ICAO Annex 14 unless worded as amended. The consequence of not providing for the shielding principle is that development may be unnecessarily constrained when that development may be able to occur safely within operational conditions already in place. This would have unacceptable economic development consequences, and there do not appear to be reasons or analysis to support the change represented by the NPRM. Rule Appendix G.1(b) provides for marking an obstacle that extends above an obstacle protection surface, and would be consistent with the requested wording for this rule. The Advisory Circulars can provide guidance and recommendations on where use of the shielding principle should or should not be applied.</p>	N/A	Appendix F Visual Aids for Navigation F.3.8	Agree. Will reword as proposed by submitter.
954-2	<p>Page 84 F.3.11[b] requirement for centre line lights when RVR below 400m seems to conflict with table I-1 where the value is stated as 550m</p>	2	Appendix F Visual Aids for Navigation F.3.11 Runway centre line lights	Disagree. Table I-1 does not require centre line lights but if you have them then they must conform to the power supply requirements.
1009-39	<p><u>Issue:</u> NPRM F.3.14 is more exacting than ICAO Annex 14 as the words “except that these lights need not be provided where the traffic density is light and taxiway edge lights and centre line marking provide adequate guidance.” have been omitted. <u>Position:</u> 32.1 Request that the words “except that these lights need not be provided where the traffic density is light and taxiway edge lights and centre line marking provide adequate guidance.” be added to the end of F.3.14(a). <u>Reasoning:</u> The NPRM is more exacting than ICAO Annex 14 unless worded as amended. There is a significant compliance cost in providing centerline lighting, and there appears to be no reasons or analysis to support the change represented by the NPRM.</p>	N/A	Appendix F Visual Aids for Navigation F.3.14	Agree. Will reword as proposed by submitter.
948-43	<p>Complete paragraph missing. Need to add... except that taxiway edge lights need not be provided where, considering the nature of the operations, adequate guidance can be achieved by surface illumination or other means.</p>	2	Appendix F Visual Aids for Navigation F.3.15	Agree. Will reword as proposed by submitter.
1009-40	<p><u>Issue:</u> NPRM F.3.15 is more exacting than ICAO Annex 14 as words qualifying when Taxiway edge lights are required in</p>	N/A	Appendix F Visual Aids for	

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	<p>Annex 14 have been omitted from the NPRM.</p> <p><u>Position:</u> 33.1 Request that the words “except that taxiway edge lights need not be provided where, considering the nature of the operations, adequate guidance can be achieved by surface illumination or other means.” be added to the end of F.3.15(a).</p> <p><u>Reasoning:</u> The NPRM is more exacting than ICAO Annex 14 unless worded as amended. There is a significant compliance cost in providing taxiway and apron edge lighting, and there appears to be no reasons or analysis to support the change represented by the NPRM.</p>		Navigation F.3.15	
1009-41	<p><u>Issue:</u> NPRM F.3.17 is more exacting than ICAO Annex 14 as words qualifying when stop bars are required in Annex 14 have been omitted from the NPRM.</p> <p><u>Position:</u> 34.1 Request that the F.3.17 be re-worded to reflect the wording of Annex 14 5.3.19.1 and .5.3.19.2 including the exceptions within those Annex standards.</p> <p><u>Reasoning:</u> The NPRM is more exacting than ICAO Annex 14 unless worded as amended. There is a significant compliance cost in providing stop bars, and there appears to be no reasons or analysis to support the change represented by the NPRM. NZ Airports understands that the rule as drafted in the NPRM would require stop bars to be provided at Hamilton, Palmerston North, Wellington, Christchurch, Dunedin and Invercargill.</p>	N/A	Appendix F Visual Aids for Navigation F.3.17	Agree. Will reword as proposed by submitter.
1009-42	<p><u>Issue:</u> NPRM F.3.20 contains a typographical error.</p> <p><u>Position:</u> 35.1 Suggest the word “marmusters” be replaced with “marshallers” in F.3.20</p> <p><u>Reasoning:</u> Typographical error.</p>	N/A	Appendix F Visual Aids for Navigation F.3.20	Agree. Will reword as proposed by submitter.
954-3	Page 86 F.3.20 don’t understand the word marmusters, is this meant to mean marshallers?	2	Appendix F Visual Aids for Navigation F.3.20	
948-44	Amend to read “A mandatory instruction sign must be provided at a controlled aerodrome to provide....”	2	Appendix F Visual Aids for Navigation F.4.2	Agree. Will reword as proposed by submitter.
1009-43	<p><u>Issue:</u> NPRM F.4.2(d) appears to have the same intent as ICAO Annex 14 but could be ambiguous.</p> <p><u>Position:</u> 36.1 Request that the wording of Annex 14 be used to clarify F.4.2(d).</p> <p><u>Reasoning:</u> There is no reason to have the rule worded differently from Annex 14. (a) The Annex 14 wording would be less ambiguous than the NPRM wording.</p>	N/A	Appendix F Visual Aids for Navigation F.4.2	Disagree. Annex 14 wording cannot be applied in this instance.
1009-44	<p><u>Issue:</u> NPRM F.4.3(h) is more exacting than ICAO Annex 14 as words referring to the outcome of an aeronautical study in Annex 14 have been omitted from the NPRM..</p> <p><u>Position:</u> 37.1 Request that the words “except that it may be omitted where an aeronautical study indicates that it is not needed” to the end of F.4.3(h).</p> <p><u>Reasoning:</u> There is no reason to have the rule worded differently from Annex 14.</p>	N/A	Appendix F Visual Aids for Navigation F.4.3	Agree. Will reword as proposed by submitter.

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	Additional and unnecessary cost could be incurred where an aeronautical study has shown no safety benefit.												
967-14	“This would require Ardmore to provide secondary power for precision approach to the runway. Ardmore submits that this is not required for this aerodrome as a number of alternative airfields are available in the event of a power failure.”	3	Appendix I Electrical Systems I.2(a) – Secondary power	Disagree. No precision approach runway exists at this time at that aerodrome.									
948-45	Table reference should be I-1 not H-1.	2	Appendix I Electrical Systems I.3 System design	Agree. Will reword as proposed by submitter.									
954-4	Page 95 thru to 99 has several references to “regular air transport passenger service”	2	Consequential Amendments	Correct. See comment #997-12									
965-2	“I also note that in the NPRM, even after making the comment regarding the change from the terminology use ‘regular’ to ‘scheduled’, the term ‘regular’ is used throughout the NPRM particularly when discussing Part 135,121,125 operations.”	N/A	Consequential Amendments	Correct. See comment #997-12									
1009-8	“Request that the terminology “where either the origin or the destination of the flight is an aerodrome outside New Zealand” be used consistently where appropriate in consequential amendments of other Parts.”	N/A	Consequential Amendments	Agree. Will reword as proposed by submitter.									
970-2	“Confirmation of using the term Scheduled rather than Regular to avoid confusion. As a Part 135 and 125 Operator we are particularly interested in the proposed changes to 139 with consequential changes to Part 125. We appreciate that the thrust of changes which affect Part 125 is directed mainly at scheduled operations. However, as a predominantly VFR scenic tourist flight operator we are always aware that operations like our own are rather an anomaly in Part 125. There needs to be understanding that not all Part 125 operations involve high speed, pressurised aircraft on scheduled IFR operations. The runway and performance requirements for these aircraft, and the aerodromes they typically use, are very different from aircraft that could be operating VFR operations under Part 125 such as the Twin Otter, planned Gippsland GA18, Nomad, Cessna 208, and the aerodromes they are designed to use, and typically use in New Zealand.”	3	Regular vs. Scheduled & Consequential Amendments	See comment #997-12									
983-7	“We suggest that NPRM139 must include the requirement that an operator of an aerodrome intender for IFR operations must have an agreement in writing with the Part173 certificate holder.”	3	Part 173 Instrument Flight Procedure Service Organisation – Certification and Operation	Disagree. Compliance responsibility rests with the Part 173 provider.									
983-6	“Rule 173.201 (d) requires the certificate holder to obtain agreement in writing from the aerodrome operator. NPRM139 does not have any requirement for the aerodrome operator to enter into such an agreement with the Part 173 certificate holder for the provision of instrument flight procedures at the aerodrome. This creates an imbalance in rule compliance between the Part 173 and Part 139 certificate holders.”	3	Rule 173.201 (d) Design										
948-48	Amend Table 3 in Appendix C of each of the operating rules Part 121, 125 and 135 to remove the term International and add the terms Level 1 and Level 2. There is also no need to have the word instrument following the word precision, or the term approach following instrument. Revised tables as follows:	2	Parts 121, 125 and 135 Appendix C – Runways	Agree. Will reword as proposed by submitter.									
	<table border="1"> <thead> <tr> <th>Code Number</th> <th>Runway Type</th> <th>Strip width</th> </tr> </thead> <tbody> <tr> <td>3 or 4</td> <td>Precision instrument approach runway at an International Level 1 aerodrome</td> <td>300m</td> </tr> <tr> <td>3 or 4</td> <td>Precision instrument approach runway at a Level 2 aerodrome</td> <td>220m</td> </tr> </tbody> </table>	Code Number	Runway Type	Strip width	3 or 4	Precision instrument approach runway at an International Level 1 aerodrome	300m	3 or 4	Precision instrument approach runway at a Level 2 aerodrome	220m			
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	<table border="1"> <tr> <td>1 or 2</td> <td>Precision instrument-approach runway</td> <td>150m</td> </tr> <tr> <td>3 and 4</td> <td>Non-precision instrument approach or non-instrument approach runway</td> <td>150m</td> </tr> <tr> <td>3 and 4</td> <td>Non-instrument approach runway day only applicable to aeroplanes at or below 22700 kg MCTOW</td> <td>90m</td> </tr> <tr> <td>1 and 2</td> <td>Non-precision instrument approach runway</td> <td>150m</td> </tr> <tr> <td>2</td> <td>Non-instrument approach runway</td> <td>80m</td> </tr> <tr> <td>1</td> <td>Non-instrument approach runway</td> <td>60m</td> </tr> </table>	1 or 2	Precision instrument -approach runway	150m	3 and 4	Non-precision instrument approach or non-instrument approach runway	150m	3 and 4	Non-instrument approach runway day only applicable to aeroplanes at or below 22700 kg MCTOW	90m	1 and 2	Non-precision instrument approach runway	150m	2	Non-instrument approach runway	80m	1	Non-instrument approach runway	60m			
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944-2	“In keeping with the above, we would also envisage consequential changes to Rules 121.71, 125.77, and 109.107 "Use of Aerodromes" to include Engineered Equivalent Systems as an option for New Zealand airports (as approved by the Director) similar to the existing paragraphs in those same rules for airports outside of New Zealand. There should be no distinction between airports inside New Zealand to airports outside New Zealand for the acceptance of an Engineered Equivalent System.	1	Consequential to Rules 121.71(a), 125.77(a) & 129.107	Out of Scope. EMAS will be added to the AC as proposed by ICAO.																		
954-5	Page 96 121.71[b][2] statement is at odds with the requirement of F.3.7[b] on page 82 where an approach slope indicating system is required irrespective of being a turbo jet or turbo fan aircraft. The wording in 121.71[2][b][2] needs to be amended to reflect the intent of F3.7[b]	2	Rule 121.71 [2][b][2] – Use of Aerodromes	Out of Scope.																		
948-46	(i)(2) Is this still needed??	2	Consequential to Rule 121.71 Use of aerodromes	Yes. Rule wording must remain as proposed in NPRM.																		
948-47	This rule, as it stands, will apply to all Part 125 operations, not only those using aircraft with 10 or more passenger seats. Needs to be reworded to clarify when this rule applies. (a) Except as provided in paragraphs (f) and (h), a holder of an air operating certificate must ensure that an aeroplane with a certified seating capacity of more than 9 passenger seats engaged in scheduled air transport operations for the carriage of passengers under the authority of the certificate does not use an aerodrome for landing or taking off unless the aerodrome is -- Also not sure if (b)(iii) can be placed in this paragraph as it applies to cargo ops, not passenger.	2	Consequential to Rule 125.77(b) Use of aerodromes	Agree. Will reword as proposed by submitter.																		
1005-4	“We request a transition period of 2 years to comply with the new rule. Where aerodromes are required to be certificated for the first time, including changes to physical characteristics and systems where required, a lead in time will be necessary in order to achieve compliance.”	3	Transition Period	Length of transition periods will be determined during Final Draft Rule phase.																		
1007-16	“There is no indication in the NPRM as to what the compliance period will be. By way of example the RESA requirements had a 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.”	3	Transition Period																			
984-5	“The NPRM does not however give any indication of a transitional period or how these significant changes are expected to be implemented while keeping cost of compliance to a realistic level.”	3	Transition Period																			
1009-45	Issue: Where an aerodrome is currently compliant with the rules and standards described in Advisory Circulars, a transition period would be appropriate before requiring mandatory compliance with any change from those current rules and standards.	N/A	Transition Period																			

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	<p><u>Position:</u> 38.1 Request that a rule be introduced that provides an appropriate transition period from the time that the new rules become effective for an aerodrome operator to comply with any more stringent requirement than applied immediately prior to the date of the new rule provided the aerodrome complies with the relevant current rule and Advisory Circular provisions (notwithstanding that standards in Advisory Circulars are not mandatory).</p> <p><u>Reasoning:</u> Clause 1 of the NPRM, “Purpose of this NPRM” states that one of the four project objectives is to “Develop appropriate transitional arrangements as necessary”. NZ Airports submits that there are few, if any, transitional arrangements addressed in the NPRM. The NPRM has some very significant changes, particularly where standards are being brought forward as mandatory requirements rather than the former legal status within an Advisory Circular. The implications of some of these changes are still being identified. Many of the changes being introduced by the NPRM are expected, and compliance should be able to be achieved reasonably quickly. On the other hand some will be onerous or simply take time to implement, especially for smaller operators. NZ Airports notes that ICAO documentation and processes indicate time frames of up to five years for implementation and these timeframes differ depending on the level of change required. The transitional provisions should be included within the NPRM to provide the opportunity for comment by stakeholders during the submission process. Where a requirement is new or exceeds standards currently defined through Advisory Circulars, and the aerodrome operator currently complies fully with those former (current) requirements, then a reasonable transition period should be provided to meet the new more exacting standards. NZ Airports has noted that there may be timing issues for members in the following areas: (i) Certification and re-issue of certificates under the revised rules (ii) Compliance with appendices of standards brought forward from ACs (ii) Application for exemptions (such as where exemptions have to date been held by airline operators but should now be held also pursuant to Part 139) (iii) Friction testing (iv) Real-time condition reporting (v) Movement data collection From a safety perspective, such a provision will be no less safe than currently provided for, and in most situations the aerodrome operators will be striving to comply with the new requirements as soon as practicable giving rise to increased levels of safety. A transition period will provide an appropriate balance between the cost of implementing changes and the benefits of increasing safety.</p>			
1013-3	<p>“We are of the understanding that the supporting Advisory Circulars will be issued after the rule changes are finalised. We believe that any changes to the Advisory Circulars need to be included as part of the Rule consultation process. As the ACs are recommended as the acceptable method of complying with the Rule, All relevant ACs should be included in the consultation process with the Rule change itself.”</p>	N/A	Advisory Circulars	Draft advisory circulars will be released prior to rule implementation to provide additional guidance and to encourage industry input.
983-1	<p>“The NPRM in its current form is difficult to comment upon as understanding of the proposed rule cannot be full or complete without the supporting data contained in the yet to be provided associated advisory circulars.”</p>	3	Advisory Circulars	
993-2	<p>“Provide specific information on what will be required for compliance.”</p>	N/A	Advisory Circulars	
995-3	<p>“Provide specific information on what will be required for compliance.”</p>	N/A	Advisory Circulars	
973-2	<p>“Provide specific information on what will be required for compliance.”</p>	N/A	Advisory Circulars	
958-15	<p>In addition to the suggested Rule clause amendments above additional details will be required in a revision of AC139-3. This AC revision should provide clear direction and guidance regarding runway inspection criteria, accuracy, and use of terminology. Current practise has historically resulted in a “disconnect” between airport</p>	2	Advisory Circular 139-3 Aerodrome	Noted.

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	<p>reporting, the direction to pilots, and the performance stated by the aircraft manufacturer. Enhancement of Advisory Circular 139-3, specifically Chapters 5 and 7, addressing the following aspects of condition inspection would provide clearer direction to airports and improve the consistency and accuracy of operational condition reporting:</p> <ul style="list-style-type: none"> • Runway Condition Report (RCR) • Braking action report • Dissemination of runway information (PIREP, NOTAM, RCR, etc.) • Runway and apron snow and ice control plan <p>Runway Condition Report (RCR)</p> <ul style="list-style-type: none"> • Use of a standard RCR across NZ airports for detailing runway surface conditions. • Standard method of describing conditions based on agreed terms and definitions. • Convert the various methods of reporting braking conditions (including friction measurement) into a standard pilot usable format. • Allow standard abbreviated NOTAM versions to be understood by flight crews. • Runway condition provided in thirds of runway length when covered by standing water, slush, snow or ice • Contamination descriptions provided each third in terms of: <ul style="list-style-type: none"> – type and depth of contaminant, and – percentage of the runway surface area covered <p>Braking action report</p> <ul style="list-style-type: none"> • Type of device, method used, and value determined or converted to standard terms • Reported by scale as Good, Good-Medium, Medium, Medium-Poor, Poor <p>Dissemination of Runway Information</p> <ul style="list-style-type: none"> • Pilots receive an RCR from ATIS, NOTAM or PIREP in a timely manner • Standard NOTAM format allows for abbreviated versions to be understood by flight crews <p>Runway and Apron Snow and Ice Control Plan</p> <ul style="list-style-type: none"> • The airport operator must take all practical steps using all available equipment and materials that are appropriate for the condition to improve the braking action. • If the runway cannot be improved, the airport operator must continuously monitor the runway to ensure braking action does not become worse than Poor. 		<p>inspection programme and condition reporting</p>	
941-2	<p>“If not then how can an AC139 be published on a topic that is not covered by the rule itself.”</p>	NA	AC 139-8 Aerodrome Design, Heliports	ACs can be published to provide guidance without a Rule in force.