



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

I, Hon Kiri Allan, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This

1

day of

May

2023

A handwritten signature in black ink, appearing to read 'Kiri Allan', with a long horizontal line extending to the right.

by Hon Kiri Allan

Associate Minister of Transport

Civil Aviation Rules

Part 139, Amendment 15

Aerodromes - Certification, Operation and Use

Docket 21 /CAR/2

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Rule objective

The objective of amendment 15 to Part 139 is to update the Civil Aviation Rules that prescribe the requirements relating to runway condition reporting to be fit for purpose, and aligned with the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**.

In its current form, the affected rule 139.103 is problematic with the use of the term 'real time'. For instance, the rule is difficult to interpret due to a lack of clear policy intent and the cost of technology required to undertake 'real-time' assessments of runway surface condition is prohibitive.

All ICAO member states are expected to implement a standardised approach to assessing the condition of the runway and reporting this information to the appropriate persons to ensure safe take-off and landing. International consistency with regards to runway condition reporting is crucial in order to achieve the full safety benefits.

Extent of consultation

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

The NPRM was published on the CAA website and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 62 days was allowed for comment on the proposed rule.

Summary of submissions

Four (4) written submissions were received on the NPRM. There were no oral comments received on the submission. A summary of submissions for this NPRM is available on the CAA website. These submissions and comments have been considered and as a result, the following amendments were made –

- Paragraph (a)(1) of rule 139.107 is amended by splitting it into 2 subparagraphs to better clarify intent that–

(1) the relevant section is section 4 of the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**; and

(2) the assessment of the runway condition and provision of the runway condition report is to be in accordance with the runway condition assessment matrix which produces the runway condition code as contained in the AIPNZ;

- Paragraph (b)(1) of rule 139.107 is amended –

(1) to provide a more definitive time frame for when a runway condition report is to be produced by removing the term ‘daily’ and replacing with ‘in each calendar day’; and

(2) to better pinpoint when a runway condition report is actually required by removing the phrase ‘at the start of the operation’ and replacing with ‘before the first aircraft takes off or lands at the aerodrome’;

- Paragraph (b)(2) of rule 139.107 is amended by splitting the paragraph into 2 subparagraphs to better clarify intent that a runway condition report is amended when there is a change in the conditions since the last report was made, and immediately before an aircraft takes off or lands at the aerodrome;

- Paragraph (c) is amended as follows to better clarify intent –

(1) Paragraphs (1) and (3) are combined into one paragraph to require that the runway condition report is produced in each calendar day immediately before an aircraft takes off or lands at the aerodrome, and produced at civil evening twilight if additional take-off and landing are scheduled, and produced upon agreement with a Part 121 operator, and is available for issue in a timely manner;

(2) Paragraph (2) is removed as it adds another layer of complexity that is not necessary for an uncontrolled aerodrome;

(3) in paragraph (3) - the phrase “in a format acceptable to the Director” which refers to the runway condition report, is removed for being redundant as rule 139.107(a)(2) already covers this;

(4) for consistency with the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions** paragraph (d)(2) is amended by inserting the phrase ‘and further assessment of runway condition resulting in different runway condition codes’ after ‘poor braking action’; and

- new rule 139.107B (Training of personnel for assessment of runway condition and provision of runway condition report) is inserted, which requires affected certificated aerodrome operators to ensure that personnel who perform tasks involving runway condition assessments and runway condition reporting are suitably trained and remain competent.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by –

- revoking and replacing rule 139.103; and
- inserting new rules 139.107 and 13.107B.

Effective date of rule

Amendment 15 to Part 139 comes into force on 30 November 2023

Availability of rules

Civil Aviation Rules are available from–

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

Subpart C — Operating Requirements for Aerodrome

Rule 139.103 is revoked and replaced by the following rule:

139.103 Aerodrome maintenance

- (a) A holder of an aerodrome operator certificate must establish a maintenance programme, including preventative maintenance if appropriate, for maintaining the aerodrome facilities in a condition that does not impair the safety, security, regularity, or efficiency of aircraft operations.
- (b) The maintenance programme must –
- (1) provide for the surface of paved manoeuvring areas to be kept clear of any loose objects or debris that might endanger aircraft operations; and
 - (2) provide for the surface of paved runways to be maintained in a condition that provides good surface friction characteristics and low rolling resistance for aircraft; and
 - (3) provide for an assessment of runway condition and provision of runway condition report as specified in rule 139.107.

The following new rule is inserted after rule 139.105:

139.107 Assessment of runway condition and provision of runway condition report

- (a) A holder of an aerodrome operator certificate must ensure that the assessment of the runway condition and the provision of a runway condition report –
- (1) is in accordance with –
 - (i) section 4 of the **ICAO Circular 355 Assessment, Measurement and Reporting of Runway Conditions**; and
 - (ii) the runway condition assessment matrix which produces the runway condition code as contained in the AIPNZ; or

(2) is in an equivalent format acceptable to the Director.

(b) The holder of an aerodrome operator certificate referred to in paragraph (a) for a controlled aerodrome must ensure that for an aircraft performing an air transport operation under Part 121, the runway condition report for conditions other than dry or wet runway -

(1) is compiled and produced each calendar day immediately before the first aircraft takes off or lands at the aerodrome; and

(2) is amended –

(i) when there is a change in the conditions since the last report was made; and

(ii) immediately before an aircraft takes off or lands at the aerodrome; and

(3) is issued in a timely manner to operators.

(c) The holder of an aerodrome operator certificate referred to in paragraph (a) for an uncontrolled aerodrome must ensure that for an aircraft performing an air transport operation under Part 121, the runway condition report -

(1) is compiled –

(i) each calendar day immediately before the aircraft takes off or lands at the aerodrome; and

(ii) at civil evening twilight if additional take-off and landing of aircraft are scheduled; and

(2) is available for issue in a timely manner upon prior agreement with the aircraft operator.

(3) For the purposes of paragraph (b)(2)(i), a change in the conditions includes -

(i) when the runway conditions have changed significantly due to meteorological conditions but

excluding a change from dry to wet runway, or wet to dry runway; or

- (ii) following a report of poor braking action and further assessment of runway condition resulting in different runway condition codes.

The following new rule is inserted after rule 139.107:

139.107B Training and competency of personnel for assessment of runway condition and provision of runway condition report

The holder of an aerodrome operator certificate must ensure that personnel who perform the task of assessing the runway condition and providing a runway condition report are suitably trained and competent to perform those tasks.