



WELLINGTON NEW ZEALAND

PURSUANT to Sections 28, 29, and 30 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *fifth* day of *September* 2006
by **HARRY JAMES DUYNHOVEN**

A large, stylized handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over the printed name.

Minister for Transport Safety

Civil Aviation Rules

Part 129, Amendment 4

Foreign Air Transport Operator—Certification

Docket 4/CAR/2

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Rule objective

The objective of amendment 4 to Part 129 is to improve aviation safety by reducing the potential consequences of an aeroplane undershooting the runway during landing or overrunning the runway during take-off or landing. The amendment requires foreign operators of aeroplanes conducting foreign air transport operations to, from, or within New Zealand to—

- use runways in New Zealand that have a runway end safety area at each end of the runway; or
- if a runway end safety area is not provided, the aeroplane operator must adjust the take-off and landing performance data for the aeroplane to provide the equivalent of a safety area at the overrun end of the runway.

This amendment 4 to Part 129 is associated with amendment 5 to Part 139.

Extent of consultation

In January 2000 the Civil Aviation Industry Rules Advisory Group (**CIRAG**) Executive accepted a terms of reference for the establishment of a Technical Study Group (**TSG**) to participate in a rule making project to implement the ICAO requirements for runway end safety areas. The terms of reference covered the provision of RESA in relation to the New Zealand aerodromes that are used by aeroplanes conducting regular international air transport operations, and the consistency of the requirement for RESA across all New Zealand aerodromes. Participants for the TSG were drawn from the 7 aerodromes that would be affected by the rule proposal, the aircraft operators who were involved with the international air transport operations, aircrew representatives, the airways system operator, and the CAA.

An external consultant was also engaged to carry out a comprehensive cost benefit analysis on the proposal to require RESA at the 7 aerodromes that would be directly affected by the rule to determine that the application of RESA would meet the criteria of the Act for safety at reasonable cost.

The members of the TSG have been fully involved with the input information that was required for the cost benefit analysis and, with the exception of the requirements where an existing aerodrome is certificated after the date of the rule, with the development of the proposed rules.

A Notice of Proposed Rulemaking, NPRM 04-03 Runway End Safety Areas (RESA), containing the proposed rules was issued for public consultation under Docket 4/CAR/2 on 2 July 2004.

Notification of the publication of this NPRM for public submissions was made in the CARRIL, on the CAA web site, and in the *Gazette* on 1 July 2004 and in the major metropolitan newspapers on Saturday 3 July 2004. Copies of the NPRM were sent to 195 interested parties and letters advising of the availability of the NPRM were sent to a further 34 organisations on 29 and 30 June 2004.

The period for public submissions was initially set to close on 16 August 2004, but following an industry request for an extension the period for public submissions was closed on 30 August 2004.

New Zealand Transport Strategy

The amendments to Part 129 do not take into account the requirements of the New Zealand Transport Strategy (NZTS) because the development of the proposed rule changes and the publication of the NPRM for public submissions was undertaken before the requirements of the NZTS came into force on 1 December 2004 with the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

A total of 41 responses to the NPRM were received. Twenty two were written submissions, and 19 were enquiries, congratulations, or updates from aerodrome operators on their progress toward meeting the proposed rules. The 22 written submissions comprised 12 from aerodrome operators, 4 from aircraft operators, 3 from aviation consultants, and 3 from flight crew representative organisations.

The submissions, comments and internal CAA feedback have been considered and as a result the following change has been made to the rule proposal:

- the reference to “regular air transport service” has been deleted from the rule as this was in conflict with the applicability of Part 129 as prescribed in rule 129.1.

The rule as amended was then referred to Parliament’s Regulations Review Committee before being signed by the Minister for Transport Safety.

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 the insertion of rule 129.107.

Effective date of rule

Amendment 4 to Part 129 comes into force on 12 October 2006.

Availability of rules

Civil Aviation Rules are available from—

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Rule Amendments

Subpart C — Foreign Air Transport Operator — Operating Requirements

The following new rule is inserted after 129.105:

129.107 Use of aerodromes

A holder of a foreign air operator certificate must ensure that an aeroplane conducting a foreign air transport operation under the authority of the certificate after 12 July 2007 does not use an aerodrome within New Zealand for landing or taking-off unless—

- (1) the runway to be used at the aerodrome is provided with a RESA at each end of the runway in accordance with the requirements of Part 139 Appendix A.1; or
- (2) if the runway does not have a RESA as required in paragraph (1), the certificate holder must ensure that for an operation conducted after 12 October 2011 the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90 metre RESA at the overrun end of the runway strip.

Consultation details

(This statement does not form part of the rules contained in Part 129. It provides details of the consultation undertaken in making the rules.)

NPRM 04-03 Docket 4/CAR/2 - RESA

The consultation details relating to amendment 4 to Part 129 are contained in the consultation details of amendment 5 to Part 139. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 560 9603 and ask for docket 4/CAR/2.