**Airports and the Review of Rule Part 139**

There has been a lot for airports to get their teeth into in the CAA’s proposed Rule 139 (NPRM 11-02).

The complete re-write has meant lots of detail needed to be checked and the CAA’s processes unfortunately did not include identifying where text had changed between the Rule and the NPRM. The NPRM’s summary of changes was incomplete and we had to produce our own record of all the differences. This also revealed several instances where material being brought into the Rule from the current advisory circulars had changed – perhaps inadvertently.

We therefore appreciate the CAA’s agreement to our request to extend the period for submissions.

NZ Airports supports the CAA’s alignment of the Rule with ICAO’s Annex 14. This mainly requires advisory material becoming enforceable by inclusion in the Rule itself. In principle this should not present a major difficulty as levels of compliance are high, but we have also identified some instances where the NPRM provision exceeds ICAO requirements. We don’t support this, particularly in the absence of a safety case or other justification.

The other main concerns of airports are:

* The way air traffic services at aerodromes are dealt with
* The circumstances in which aeronautical studies are required, and the scope of such studies (and who should meet the costs)
* The basis of aerodrome certification and the appropriateness of the proposed levels of certification
* The detail of the way that standards are transferred from Advisory Circulars to the Rule, and
* The lack of transitional provisions - we understand that transition requirements are generally not assessed until the contents of the Rule are closer to being finalised, but it is an area we would like to provide airport views on.

Our conclusion is that when these issues plus the volume of details that need to be reworked are summed up, the NPRM in its current form falls short of being a viable set of rules. These areas of the proposed Rule also all have significant potential costs implications which are difficult to assess without knowing how they will be addressed by the CAA when it has considered industry submissions.

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