

**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 28 of the Civil Aviation Act 1990

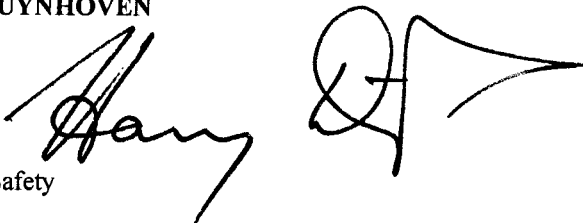
**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *12<sup>th</sup>* day of *October* 2004

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', followed by a stylized flourish or mark.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 125, Amendment 6**

**Air Operations-Medium Aeroplanes**

*Docket 2/CAR/5*

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### **Consultation Details**

### **Rule amendment objective**

The objective of Amendment 6 to Part 125 is to update the prescribed standard weight for passengers and their carry-on baggage and to provide additional flexibility for operators regarding the determination of the weight of crew members. Additional procedures are also required to reduce the possibility for errors associated with the use of standard passenger and crew member weights. The rule proposal also removes the exception for a load manifest for operations within 25nm of, and return to, the same aerodrome.

### **Extent of consultation**

In May 1999 petition 99/PET/27-*Goods, passengers and baggage weights* was published in the Civil Aviation Rules Register Information Leaflet (CARRIL) for public comment. The petition called for an amendment to the Civil Aviation Rules because the adult standard passenger weight of 77 kg, established in 1958, that was prescribed in the rules needed to be updated to a more appropriate figure of 82 kg. A second petition 99/PET/6 also requested an amendment to the rules to allow standard weights to be used for crew members and for checked baggage to provide greater flexibility for the operator.

In December 1999 NFO Research carried out a survey of passenger weights on behalf of the CAA. The survey established the adult mean passenger weight with carry-on baggage should be 85 kg.

In August 2001 a CAA/Industry Technical Study Group (TSG) was established to develop a rule amendment proposal.

The TSG was split into two sub-groups, one concentrating on the issues relating to Parts 121 and 125 for large and medium size aeroplanes, and the second dealing with Part 135 for helicopters and small aeroplanes. These sub-groups met twice each, in September and November 2001, with matters arising from the meetings being developed through comprehensive email debate. The Part 121/125 TSG met in Wellington, and the Part 135 TSG met in Timaru and Tekapo to reduce the cost for industry participation.

A Notice of Proposed Rule Making (NPRM 02-05) was published for public comment in April 2002 and contained the proposed rule amendments to Parts 121, 125, 135 and 1. This NPRM was issued under

Docket 2/CAR/5, and advertised in the daily newspapers in the five main provincial centres on 13<sup>th</sup> April 2002 and in the Gazette on 11<sup>th</sup> April 2002. A period of 40 days was allowed for submissions on the proposed rules. Following a request from 2 parties the time for making submissions was extended by another 2 weeks. Twelve written submissions were received on the NPRM.

The Environmental Risk Management Authority was not consulted on the proposed amendments as the amendments do not contain any issues that are relevant to the Authority.

The Office of the Human Rights Commission was consulted to determine whether the proposed rules might conflict with the human rights legislation. The Commissioner noted that a discrimination issue could arise if individual passengers needed to be weighed but if all passengers on a flight needed to be weighed then there should not be an issue.

The CAA considered the submissions on the NPRM and developed a draft final rule that was forwarded to TSG members on 23 August 2002 for comment.

Copies of the draft final rule were also sent on 23 September 2002 to those individuals and organisations who responded to the NPRM for their comment.

In October 2002, the Aviation Industry Association (AIA) wrote to the CAA expressing concerns about the content of the draft final rule. The CAA met with representatives from the AIA on 29 November 2002 to discuss the AIA concerns. Agreement was reached on some technical changes including the removal of prescribed standard weights from Part 135.

In February 2003 the CAA published NPRM Supplement 02-05 that detailed the agreed changes to the rule proposal and requested comment from the wider aviation community.

Two responses were received to the NPRM Supplement, these came from NZALPA and AIA.

Further discussions with NZALPA and AIA resulted in a further simplification of the proposed rules including the removal of the proposed matrix of standard passenger weights from rule Parts 121 and 125. NZALPA questioned the ability of operators to develop the necessary procedures to warrant the use of standard or exposition weights and CAA's ability to effectively monitor the implementation of the procedures.

The AIA did not accept that the mean passenger weight derived from the 1999 survey of passenger weights was the appropriate weight to specify in the rule amendments. It was agreed, in consultation with other TSG members, that the results of a new survey of passenger weights would be appropriate to incorporate into the final rule amendment for Parts 121 and 125.

In September 2003 an amended draft final rule proposal was sent to twenty two industry members, placed on the CAA website and notified in the CARRIL to inform interested parties of the final rule proposal and that the final rule proposal would be updated with the standard weight arising from the 2003 survey of passenger weights.

At the same time, following further consultation with industry on a terms of reference for a passenger survey, the CAA engaged NFO New Zealand to conduct a comprehensive survey of passenger weights for operations conducted under Parts 121, 125, and 135. The survey for the Part 121 and 125 operations was completed in November 2003 and the Part 135 survey was completed in March 2004.

The rule as amended including editorial and format changes 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 Aviation House 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 revocation of the existing rules and insertion of new rules.

**Effective date of rule**

Amendment 6 to Part 125 comes into force on 25 November 2004.

**Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

## Subpart E — Weight and Balance

**Rule 125.303 is revoked and the following new rule is inserted:**

### **125.303 Goods, passenger, and baggage weights**

(a) Subject to paragraphs (b), (c), and (d), a holder of an air operator certificate must ensure that for every air operation conducted under the authority of the certificate the weights of the following items that are carried on the aeroplane are established:

- (1) the total actual weight of goods, excluding baggage:
- (2) the total weight of passengers and their carry-on baggage:
- (3) the total weight of crew members and their carry-on baggage:
- (4) the total weight of checked baggage.

(b) The total weight of passengers and their carry-on baggage must be established by using only 1 of the following:

- (1) the actual weight of every passenger and their carry-on baggage:
- (2) a standard weight for every passenger and their carry-on baggage that is established by the certificate holder and detailed in the certificate holder's exposition:
- (3) the following applicable standard weight for every passenger and their carry-on baggage:
  - (i) 15 kg for a child under 2 years of age:
  - (ii) 46 kg for a child of the age of 2 years and under the age of 13 years:
  - (iii) 86 kg for a person of or over the age of 13 years.

(c) The total weight of crew members and their carry-on baggage must be established by using only 1 of the following:

- (1) the actual weight of every crew member and their carry-on baggage:
  - (2) a standard weight for every crew member and their carry-on baggage that is established by the certificate holder and detailed in the certificate holder's exposition:
  - (3) a standard weight of 86 kg for every crew member and their carry-on baggage.
- (d) The weight of checked baggage must be established by using the actual weight of the baggage.
- (e) A certificate holder who intends to establish a standard weight to be detailed in the certificate holder's exposition for use under paragraphs (b)(2) or (c)(2) must establish the respective standard weight in accordance with a survey programme that is acceptable to the Director.
- (f) A certificate holder who intends to use a standard weight for passengers under paragraphs (b)(2) or (b)(3), or for crew members under paragraphs (c)(2) or (c)(3), must establish procedures that are acceptable to the Director to ensure that, if the weight of a passenger or crew member with their carry-on baggage is clearly greater than the applicable standard weight being used, a weight that is more representative of the actual weight of the person and their carry-on baggage is used.

***Rule 125.307 is revoked and the following new rule is inserted:***

**125.307 Load manifest**

A holder of an air operator certificate must ensure that —

- (1) a load manifest is completed before every air operation; and
- (2) the load manifest is certified by the pilot-in-command; and
- (3) the following details are accurately recorded on the load manifest:



- (i) the name of the pilot-in-command, except where this is recorded by the certificate holder in another document:
- (ii) the date of the operation:
- (iii) the aeroplane type and registration mark:
- (iv) the name or identification of the departure and destination aerodromes:
- (v) the flight number or estimated time of departure:
- (vi) the surnames and initials of every crew member and passenger, except where these details are recorded by the certificate holder in another document:
- (vii) the total empty weight of the aeroplane, the total weight of any removable equipment, the total weight of consumables, and the total weight of crew members:
- (viii) the total weight of passengers and their carry-on baggage, the total weight of goods, the total weight of checked baggage, and the total weight of usable fuel:
- (ix) the take-off weight of the aeroplane:
- (x) evidence that the centre of gravity of the aeroplane is within the limits specified in the flight manual:
- (xi) the maximum allowable weights for the operation including zero fuel weight, take-off weight, and landing weight:
- (xii) the total of any weight adjustments made under rule 125.303(f).

## Consultation Details

(This statement does not form part of the rules contained in Part 125. It provides details of the consultation undertaken in making the rule.)

Amendment 6 to Part 125 has been developed in conjunction with the development of amendment 11 to Part 121 under docket 2/CAR/5. The consultation details relating to amendment 6 to Part 125 are therefore documented in the consultation details associated with amendment 11 to Part 121.

The comments and all background material used in developing the rules are held on the docket file and are available for public inspection. Persons wishing to view the docket should call at 10 Hutt Road, Petone and ask for docket 2/CAR/5.