Proposed Part 139 (aerodromes) transition strategy - (PP 1916AS)

# Overview

In order to facilitate a smooth transition for aerodrome operators to the new rule set, the Civil Aviation Safety Authority (CASA) has given a great deal of consideration to providing reasonable timelines and balance in terms of meeting the new regulatory requirements, while avoiding undue burden on existing aerodrome operators. Our objective is to ensure aerodromes can continue to operate while transition activities are undertaken.

We are proposing delaying some of the new regulatory requirements during the transition period, to allow additional time for industry to prepare and comply with significant changes. We also intend to bring forward some of the visual aid requirements of chapter eight in relation to aerodrome markings, markers, signs etc and chapter nine in relation to the use of inset runway lights. Additionally, consideration has been given to grandfathering new aerodromes or aerodrome facilities under development, against the current rules where construction will not be complete by 13 August 2020. Aerodrome facilities or new aerodromes under construction or approved before 6 September 2019, or where building or funding approval has been sought before 6 September 2019, will be assessed against the existing Part 139 Manual of Standards (MOS).

The resultant policy will then be enacted through the Part 139 Aerodromes – Consequential, Application, Transitional and Savings provisions (CATS) regulations, which will support the revised Part 139 of the *Civil Aviation Safety Regulations 1998 (CASR)* for aerodromes and the Part 139 MOS.

The policy proposal for the Part 139 transitional strategy is divided into three key implementation phases for the revised Part 139 Ruleset:

* before commencement
* during transition
* post transition.

### Main transition strategies

* Bring forward commencement date to 13 August 2020 to align with the Aeronautical Information Publication (AIP) publication date. The current commencement date is 22 August 2020.
* Bring forward Part 139 MOS chapter eight and chapter nine (in relation to use of inset runway lights) to commence as soon as the CATS regulations are made.
* Application of grandfathering provisions for active infrastructure projects and funding applications prior to commencement in certain circumstances.
* Deem all certified and registered aerodromes to be certified from 13 August 2020.
* Delay the requirement for an aerodrome manual for certified aerodromes until six months after commencement of the new rules.
* Delay the requirement for an aerodrome manual for registered aerodromes until 18 months after commencement of the new rules.
* Delay new requirements for safety management systems (SMS), risk management plans, aerodrome emergency plans and exercises plus aerodrome technical inspections for 12 or 24 months.

# Why we are consulting

A revised Part 139 of CASR (aerodromes) was made in February 2019 and a revised Part 139 MOS was made in September 2019. The revised rules commence in August 2020.

We are consulting to ensure that the proposed policy to transition aerodrome operators into the new Part 139 of CASR requirements, is clearly articulated and will work in practice and as it is intended.

The Part 139 of CASR prescribes the requirements for regulated aerodromes typically used in air transport operations as well as:

* obstacles and hazards
* radio communications facilities at aerodromes.

In order to support a smooth transition for aerodrome operators, a series of Consequential, Application, Transitional and Savings (CATS) provisions are also required as part of a broader .

### Previous consultations

Full consultation on the proposed changes to Part 139 of CASR and Part 139 MOS culminated in endorsement from the Part 139 Technical Working Group (TWG), under the Aviation Safety Advisory Panel (ASAP) in October 2018. The resultant Part 139 regulation and MOS amendment aligns with that TWG endorsement.

This Part 139 transitional strategy will support the revised Part 139 of CASR and Part 139 MOS and in no way changes the policy endorsed by ASAP TWG in the October 2018 meeting.

### Documents for review

A copy of the Part 139 transitional strategy is provided below in the ‘Related’ section. Please read through this document and then provide your feedback against each transitional policy proposal in the online survey. You will also find a downloadable MS Word copy of this consultation for ease of distribution and feedback within your organisation.

*Note: The word document and PDF are not to be used as an emailed submission, unless there are extenuating circumstances and this form of submission has been agreed to by the consultation project lead.*

**General comments and file upload option**

There is a general comments box at the end of the consultation, into which you can place your comments on matters related to the regulatory amendment, which have not already been addressed in the consultation.

*Note: CASA can no longer offer the option to upload files because of the potential risk of malware.*

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>*.

To be notified of any future consultations, you can subscribe to our **consultation and rulemaking mailing list** *<https://mailinglist.casa.gov.au/?p=subscribe&id=3>*.

## Using an iPad

If you are using an iPad to complete the survey you will be asked to 'download the relevant PDF'. Depending on the software you have on your iPad you may need to download the free viewer to review the single document PDF files. Where a file is a 'multi-file or portfolio PDF you will need to source the Adobe free view - available from iTunes.

**What happens next**

Once the consultation has closed, we will register and review each submission received through the online response form. All submissions will be made publicly available on the Consultation Hub, unless you request your submission remain confidential. All comments on the draft Part 139 transitional strategy policy proposal will be considered. Relevant feedback that improves upon the proposed policy, will be incorporated into the final Part 139 Aerodromes Consequential, Application, Transitional and Savings regulations. We will also publish a Summary of Consultation which summarises the feedback received, outlines any intended changes and details our plans for the regulation/standard

We will publish a Summary of Consultation which summarises the feedback received, and the action we plan to take regarding that feedback.

CASA has set a tentative date of April 2020 to make the proposed aerodrome CATS regulations, some of which will come into effect before the proposed new 13 August 2020 commencement date. The feedback we receive from this consultation will also assist CASA in developing adequate implementation and transition timeframes.

Give Us Your Views

Online Survey

**Related**

Proposed policy PP 1916AS

MS Word Document – Consultation - Part 139 transition strategy

## **Audiences & Interest groups**

## Audiences

* CASA Staff
* Aerodrome operators
* Pilots
* Air traffic service providers
* Part 173 of CASR Instrument flight procedure designers
* Part 175 of CASR aeronautical information service providers
* Aviation Meteorology
* Certified aerodrome owner/operator
* Registered aerodrome owner/operator
* Unregulated aerodrome owner/operator

## Interests

* Airspace and infrastructure
* Safety management systems

# Page: Consultation Contents

This consultation asks for your feedback on the *proposed Part 139 transitional strategy.*

The first two pages of the consultation ask you for some information about yourself and request your consent to publish your response. The next seven pages will ask you for your feedback on specific transition policy as per the headings below:

* *New commencement date*
* *Bringing forward visual aids elements in chapters eight and nine of the new MOS*
* *Application of grandfathering provisions for active infrastructure projects and funding applications prior to commencement in certain circumstances*
* *Deeming existing certified and registered aerodromes as certified under the new rules*
* *Submission date for revised aerodrome manuals by existing certified aerodromes*
* *Submission date for new aerodrome manuals by existing registered aerodrome*
* *Delayed commencement of inspections and management systems for applicable registered aerodromes*

The last two pages of the consultation provide an opportunity for you to give us any general feedback you may have regarding the proposed policy, and for you to tell us your priorities for the Part 139 Transition.

Unless an answer is required or mandatory, such as consent to publish submissions and personal identification, you can answer as few or as many of the questions as you like.

When you have completed the consultation, click the **‘Finish’** button at the bottom right of this page.

# **Page 1: Personal information**

## First name

(Required)

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## Last name

(Required)

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## Email address

If you enter your email address you will automatically receive an acknowledgement email when you submit your response.

## Email

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## Do your views officially represent those of an organisation?

(Required)

*Please select only one item*

* Yes, I am authorised to submit feedback on behalf of an organisation
* No, these are my personal views.

## If yes, please specify the name of your organisation.

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Which of the following best describes the group you represent?

*Please select only one item*

Certified aerodrome owner/operator

Registered aerodrome owner/operator

Unregulated aerodrome Owner/operator (Aeroplane Landing Area)

Pilot

Other

Please specify “Other” if selected.

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# **Page 2: Consent to publish submission**

In order to provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name**, if the submission is made by you as an individual
* **the name of the organisation** on whose behalf the submission has been made
* **your responses and comments**

We **will not** include any other personal or demographic information in a published response.

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

## Do you give permission for your response to be published?

(Required)

*Please select only one item*

Yes - I give permission for my response/submission to be published.

No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

I am a CASA officer.

# Page 3: Policy proposal one – new commencement date

**Proposed policy**

The new Part 139 of CASR and Part 139 MOS will commence on 13 August 2020. The current commencement date is 22 August 2020.

**Objective**

To provide a commencement date which is aligned with an AIP publication date so all registered aerodromes can be published as certified in the AIP-En Route Supplement Australia.

**Do you agree with the proposal, to amend the commencement date to 13 August 2020?**

Yes, I agree

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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# Page 4: Policy proposal two – bringing forward visual aids elements in chapters eight and nine of the new Part 139 MOS

**Proposed policy**

Allow aerodrome operators to use the revised standards for aerodrome markings, markers, signs etc and inset runway edge lights prior to the new Part 139 MOS commencing on 13 August 2020, that is, as soon as the CATS regulations are made.

**Objective**

In relation to aerodrome markings and other visual aids are maintained frequently. It would not be practical or economical for an aerodrome operator to re-mark or install signs in accordance with the old rules today if they will be non-compliant with the new rules in a few months' time. Remarking lines or replacing signs would be at a significant cost to the aerodrome operator.

In relation to inset runway edge lights, many aerodrome operators would like to install inset lighting using LED technology prior to the commencement of the new rules.

**Do you agree with the proposal, to bring forward the visual aids standards in chapter eight and allow the use of inset runway edge lighting in chapter nine as soon as the CATS regulations are made?**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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# Page 5: Policy proposal three – application of grandfathering provisions for active infrastructure projects and funding applications

**Proposed Policy**

Prior to commencement, new aerodromes or facilities under construction, or approved building or funding applications will also be recognised under grandfathering provisions in the following circumstances:

* aerodrome facilities under construction prior to 6 September 2019
* building developments or funding applications approved by the relevant authority or funding body prior to 6 September 2019
* building developments or funding applications submitted prior to 6 September 2019 and not decided by 6 September 2019
* in relation to the approved building works, the aerodrome operator must provide evidence that:
  + - Where they have started construction before 6 September 2019 that the construction work is intended to be completed no later than 13 August 2021.
    - Where construction commences on or after 6 September 2019 that the construction work is intended to begin no later than 13 August 2021 and the construction work is intended to be completed no later than 13 August 2022.

**Objective**

The new Part 139 MOS was registered on the Federal Register of Legislation on 6 September 2019. From that time, CASA expects aerodrome operators to begin planning any aerodrome construction or changes to an aerodrome facility in accordance with the requirements under the new framework. To allow existing aerodrome developments and approved building and funding applications to continue on commencement of the new Part 139 of CASR and Part 139 MOS, it is appropriate to recognise those aerodrome developments underway or approved under the old Part 139 MOS.

**Do you agree with the proposed grandfathering provisions:**

* **to allow aerodrome developments, approved or applied for prior to 6 September 2019 whose construction will not be complete before 13 August 2020, to be developed under the old MOS**
* **for construction commenced before 6 September 2019 and intended to be completed no later than 13 August 2021**
* **for construction commenced on or after 6 September 2019 that the construction work is intended to begin no later than 13 August 2021 and intended to be completed no later than 13 August 2022?**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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Page 6: Policy proposal four – deeming all existing certified and registered aerodromes as ‘certified’ aerodromes

**Proposed policy**

**Existing certified** and **existing** **registered aerodromes** will be deemed to be a Part 139 certified aerodrome, from commencement of the new rules on 13 August 2020.

**Objective**

This provides the least disruption to aerodrome operators and CASA as only a few provisions of the new Part 139 MOS are intended to be delayed, mainly in relation to the submission of aerodrome manuals. The deeming is intended to apply until aerodrome operators have submitted their revised or new aerodrome manuals and CASA has assessed them as being compliant with the new MOS.

**Do you agree with the proposal to deem existing certified and registered aerodromes as Part 139 certified aerodromes from 13 August 2020 for a transitional period, until the aerodrome manuals can be submitted and assessed by CASA?**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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# Page 7: Policy proposal five – submission date for revised aerodrome manuals by existing certified aerodromes

**Proposed policy**

**Existing certified aerodrome** operators will be required to submit their revised aerodrome manual with all the compliance aspects ‘present’, no later than **six months** after commencement of the rules (by 13 February 2021).

The aerodrome manual must then be assessed by CASA as compliant no later than **12 months** after commencement (by 13 August 2021).At this point, deeming provisions will no longer be required and a new certificate will be issued.

**Objective**

To provide enough time for existing certified aerodrome operators to revise and submit their aerodrome manuals with all the compliance aspects ‘present’, and for CASA to assess them as compliant.

**Do you agree that for existing certified aerodrome operators on commencement of the rules, a further:**

* **six months is provided to revise and submit their aerodrome manual with all the compliance aspects present and**
* **12 months for the aerodrome manual to be assessed as compliant by CASA**

**is reasonable and achievable?**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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# Page 8: Policy proposal six– submission date for new aerodrome manuals by existing registered aerodromes

**Proposed policy**

**Existing registered aerodrome** operators will be required to submit their new aerodrome manual, with all the compliance aspects ‘present’, no later than **18 months** after commencement of the rules (by 13 February 2022).

The aerodrome manual must then be assessed by CASA as compliant no later than **24 months** after commencement of the rules (by 13 August 2022).

At this point deeming provisions will no longer be required and a new certificate will be issued.

**Objective**

To provide enough time for existing registered operators to submit their new aerodrome manuals with all the compliance aspects ‘present’, and for CASA to assess them as compliant.

**Do you agree that for existing registered aerodrome operators on commencement of the rules, a further:**

* **18 months is provided to submit a new aerodrome manual, with all the compliance aspects ‘present’ and**
* **24 months for the aerodrome manual to be assessed as compliant by CASA**

**is reasonable and achievable?**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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# Page 9: Policy proposal seven – delayed commencement of aerodrome technical inspections and management systems for applicable registered aerodromes

**Proposed policy**

For a very small number of **existing registered aerodrome** operators (i.e. those with either passenger or aircraft movement rates above the established trigger criteria, for example, 50,000 air transport passengers or 100,000 aircraft movements annually), new regulatory requirements will be subject to delayed commencement:

* Safety Management Systems (SMS), risk management plans, aerodrome emergency plans, aerodrome emergency exercises and wildlife hazard management plans, will be required for existing registered aerodromes **24 months** after the commencement date (by 13 August 2022).
* Requirements for technical inspections commence **24 months** from commencement date (by 13 August 2022), unless they have done an Aerodrome Safety Inspection (ASI) within 12 months prior to 13 August 2020, in which case the annual requirement applies **12 months** from commencement date (by 13 August 2021).

**Objective**

To provide enough time for this small group of aerodrome operators to meet the new risk-based regulatory requirements above.

**Do you agree that for existing registered aerodrome operators whose passenger or aircraft movement rates are above established trigger criteria, on commencement of rules, a further 24 months to comply with requirements is provided for:**

* + **Safety Management Systems**
  + **risk management plans**
  + **aerodrome emergency plans**
  + **aerodrome emergency exercises and**
  + **wildlife hazard management plans**
  + **aerodrome technical inspections unless an Aerodrome Safety Inspection (ASI) has been conducted within 12 months prior to 13 August 2020 in which case the annual requirement applies 12 months from commencement date**

**is reasonable and achievable?**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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**Do you agree for existing registered aerodrome operators whose passenger or aircraft movement rates are above established trigger criteria, on commencement of rules, a further 24 months to comply with requirements for technical inspections is reasonable and achievable?**

**Note: This excludes those operators who have completed an ASI within 12 months prior to 22 August 2020, in which case the annual 12 months applies from commencement date.**

Yes, I agree

Yes, I agree, but with changes

I disagree with this proposal (please specify why below)

Not applicable to me

Comments

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# Page 10: General feedback

**Do you have any further comments on the Part 139 transition strategy policy proposal?**

Comments

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# Page 11: Your priorities

**When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?**

Priority 1

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Priority 2

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Priority 3

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