

Petition for Rule Making



This section must be completed

From: MAX STEVENS		Date: 1/9/08	Representing: GLIDING NZ	
CAA Client ID (if known): 15561			CAA Client ID (if known): 19835	
ADDRESS FOR SERVICE The Civil Aviation Act, s8, requires applicants to provide an address for service in New Zealand (ie, a physical address) and to promptly notify the Director of any changes.		15 TAWHAI DRIVE		
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Charges:

There is no charge for a petition to make a rule.

Please fill out the form below, or use ALL the headings below on a separate sheet and attach to this contact sheet for your submission.

SEE ATTACHED

ISSUE DESCRIPTION <i>Detail the specific issue that needs to be addressed in relation to the identified rule.</i>	
RISK STATEMENT <i>Complete the following statement:</i>	<i>Without the issue being addressed, there is a risk that ...</i>
RISK CONTEXT <i>Identify the scope of the risk(s) that need to be managed</i>	

Issue Description

CAR 61.155(c) permits the holder of a current private pilot licence to act, but not for remuneration, as pilot-in-command or as a copilot of an aircraft that is operated for hire or reward to tow a glider in flight, but only if the operation is under the direct control of a gliding organisation.

CAR 61.357(b) prohibits the holder of a recreational pilot licence (aeroplane) from acting as pilot-in-command or as co-pilot of an aircraft if the aircraft is conducting a glider towing operation.

Gliding New Zealand considers that holders of a recreational pilot licence (aeroplane) should be permitted act, but not for remuneration, as pilot-in-command of an aircraft that is operated for hire or reward to tow a glider in flight, but only if the operation is under the direct control of a gliding organisation and no passenger is carried in the towing aircraft.

Risk Statement

Without the issue being addressed, there is a risk that some generally older but very experienced and skilful glider tow pilots may not continue to meet the class 2 medical standards required for the private pilot licence, potentially leading to a reduction in the overall experience and skill of the available pool of tow pilots.

Risk Context

See risk statement above.

Stakeholders

Gliding New Zealand is the only CAR Part 149 organisation certificated by the CAA for the administration of gliding. Currently there are 25 gliding clubs and three commercial gliding organisations affiliated to Gliding New Zealand, carrying out a total of some 24,000 glider flights per annum.

Approximately 75-80 % of all glider flights in New Zealand are launched by an aeroplane tow. Currently, there are approximately 140 pilots holding a glider tow rating issued under Part 61 subpart M who regularly tow gliders under the direct control of Gliding New Zealand. This number represents a 15% reduction in tow pilots over the previous five years, despite an 8% increase in launches per annum over the same period.

Justification

The background to the recent introduction of the recreational pilot licence (RPL) made it clear that it was founded on the concept that any increase in safety risks arising from the reduction in medical standard for the RPL could be mitigated by providing an appropriate set of operational limitations on the RPL to maintain the then current level of safety. The rule minimised any additional risks arising from the lower medical standard by providing a less demanding flying environment and by mitigating the consequences if something went wrong. The RPL holder is thus limited to carrying only one passenger.

Gliding NZ agrees with the fundamental concept of maintaining the current level of safety but submits that, while towing gliders may be slightly more demanding than (say) flying circuits in good weather, if something goes wrong the consequences are likely to be considerably less significant than may arise under the current rule, for the following reasons.

- There is only one person potentially exposed to the direct risk of medical incapacitation, ie the pilot of the towing aircraft.
- Glider pilots are routinely trained to cope safely with launch failures at relatively low level brought about by events such as a broken tow-rope. Once above an altitude of about 500 ft AGL (typically less than 1 minute after takeoff), loss of the tow is largely immaterial because the glider pilot has the inherent ability to return safely to the takeoff aerodrome. Therefore, in absolute terms there is a low level of exposure to risk associated with failure of the tow.

It is therefore not appropriate to limit the RPL privileges to exclude glider towing where the pilot is the sole occupant of the towing aircraft because the consequences of medical incapacitation would be less significant than in other situations where a passenger is carried as allowed by the current rule.

Historically, there have been no fatalities or serious-injuries in accidents involving gliders in New Zealand where tow pilot incapacitation has been a factor.

Costs

The only costs involved in addressing the issue relate to the rule amendment process.

Desired Outcome

CAR 61.357 is amended to permit holders of a recreational pilot licence (aeroplane) to act, but not for remuneration, as pilot-in-command of an aircraft that is operated for hire or reward to tow a glider in flight, but only if the operation is under the direct control of a gliding organisation and no passenger is carried in the towing aircraft.

The impact on safety of this outcome should be positive because the availability of the RPL may allow some generally older but very experienced and skilful glider tow pilots no longer able to meet the class 2 medical standards to continue glider towing, thus leading to an increase in the overall experience and skill of the available pool of tow pilots.

Summary of Petition for CARRIL

The petitioner seeks to amend CAR 61.357(b), which prohibits the holder of a recreational pilot licence (RPL) from acting as pilot-in-command of an aircraft if the aircraft is conducting a glider towing operation.

It is contended that it is not appropriate to limit the RPL privileges to exclude glider towing where no passenger is carried in the towing aircraft because the consequences of medical incapacitation would be less significant than in other situations where a passenger is carried as is allowed by the current rule.