

CHAPTER 60

AERONAUTICAL INVESTIGATION AND ENFORCEMENT

Authority

N.J.S.A. 6:1-29, 6:1-44, 27:1A-5 and 27:1A-6.

Source and Effective Date

R.2007 d.343, effective October 4, 2007.
See: 39 N.J.R. 2612(a), 39 N.J.R. 4860(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 60, Aeronautical Investigation and Enforcement, expires on October 4, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 60, Issuance of Summons and Designation of Peace Officer, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 60, Issuance of Summons and Designation of Peace Officer, was readopted as R.1988 d.314, effective June 14, 1988. See: 20 N.J.R. 968(a), 20 N.J.R. 1731(b).

Pursuant to Executive Order No. 66(1978), Chapter 60, Issuance of Summons and Designation of Peace Officer, was readopted as R.1993 d.279, effective May 13, 1993. As a part of R.1993 d.279, effective June 7, 1993, Chapter 60 was renamed Issuance of Summons and Designation of Law Enforcement Officer. See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).

Pursuant to Executive Order No. 66(1978), Chapter 60, Issuance of Summons and Designation of Law Enforcement Officer, was readopted as R.1997 d.206, effective April 24, 1997. See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

Chapter 60, Issuance of Summons and Designation of Law Enforcement Officers, was renamed Aeronautical Investigation and Enforcement by R.1998 d.221, effective May 4, 1998. As a part of R.1998 d.221, effective May 4, 1998, Subchapter 2, Investigation of Aircraft Accidents and Incidents, was adopted as new rules. See: 30 N.J.R. 595(a), 30 N.J.R. 1629(b).

Chapter 60, Aeronautical Investigation and Enforcement, was readopted as R.2002 d.239, effective June 21, 2002. See: 34 N.J.R. 377(a), 34 N.J.R. 2466(a).

Chapter 60, Aeronautical Investigation and Enforcement, was readopted as R.2007 d.343, effective October 4, 2007. As a part of R.2007 d.343, Subchapter 1, Enforcement, was renamed General Provisions, effective November 5, 2007. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 16:60-1.1 Purpose and Scope
- 16:60-1.2 Definitions
- 16:60-1.3 Designation
- 16:60-1.4 Authority

SUBCHAPTER 2. INVESTIGATION OF AIRCRAFT ACCIDENTS AND INCIDENTS

- 16:60-2.1 Aircraft accident reporting requirements
- 16:60-2.2 Aircraft incident and forced landing reporting requirements
- 16:60-2.3 Notification of next of kin
- 16:60-2.4 Preservation of aircraft wreckage, mail, cargo, and records

- 16:60-2.5 Statements of witnesses
- 16:60-2.6 Forced landings
- 16:60-2.7 (Reserved)

APPENDIX A. AIRCRAFT ACCIDENT / INCIDENT REPORT

APPENDIX B. ACCIDENT / INCIDENT STATEMENT OF WITNESS

SUBCHAPTER 1. GENERAL PROVISIONS

16:60-1.1 Purpose and Scope

This chapter designates certain employees of the Division of Aeronautics as law enforcement officers and sets forth the procedures and conduct of persons involved in and related to the reporting and investigation of aircraft accidents and incidents in the interest of public safety, the safety of persons operating or using aircraft, and the safety of persons and property on the ground.

Amended by R.1993 d.279, effective June 7, 1993.

See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).

Amended by R.1997 d.206, effective May 19, 1997.

See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

Repeal and New Rule, R.2007 d.343, effective November 5, 2007.

See: 39 N.J.R. 2612(a), 39 N.J.R. 4860(a).

Section was "Scope".

16:60-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Designated law enforcement officer" means the Division of Aeronautics personnel designated as a law enforcement officer pursuant to N.J.S.A. 6:1-29 and this chapter.

"Division of Aeronautics" means the office in the New Jersey Department of Transportation, or any subsequent or succeeding office, having responsibility for the supervision of aeronautics in New Jersey.

"Fatal injury" means any injury, which results in death within 30 days of the accident.

"Forced landing" means any landing of an aircraft, whether on or off an airport or other licensed aeronautical facility, resulting from engine failure or other mechanical malfunction, fuel contamination, fuel starvation, law enforcement action, or other circumstances. Landings, except at licensed facilities, as a result of adverse weather conditions are to be considered forced landings.

“Incident” means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations of an aircraft, or which affects or could affect the operational capability of an aeronautical facility, or in which any person suffered an injury, which was not a serious injury and which did not result in death. All forced landings in New Jersey are considered incidents for the purposes of this chapter.

“Operator” means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

“Serious injury” means any injury which:

1. Requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received;
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage;
4. Involves any internal organ; or
5. Involves second or third degree burns, or any burns affecting more than five percent of the body surface.

“Substantial damage” means damage or failure, which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowlings, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered “substantial damage” for the purpose of this chapter.

Amended by R.1988 d.314, effective July 18, 1988.
See: 20 N.J.R. 968(a), 20 N.J.R. 1731(b).

Substituted “chapter” for “Subtitle”.
Amended by R.1993 d.279, effective June 7, 1993.
See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).
Amended by R.1997 d.206, effective May 19, 1997.
See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).
Recodified from N.J.A.C. 16:60-2.1 and amended by R.2007 d.343, effective November 5, 2007.
See: 39 N.J.R. 2612(a), 39 N.J.R. 4860(a).

In the introductory paragraph, substituted “chapter” for “subchapter”; added definitions “Designated law enforcement officer”, “Division of Aeronautics” and “Forced landing”; in definition “Fatal injury”, substituted “any injury” for “an injury,” and inserted “of the accident”; rewrote definition “Incident”; and in definition “Substantial damage”, inserted a comma following “damage or failure”, and substituted “fairings” for “failings” and “chapter” for “subchapter”.

Former N.J.A.C. 16:60-1.2, Issuance of summons, repealed.

16:60-1.3 Designation

(a) In addition to the personnel specifically designated as law enforcement officers by N.J.S.A. 6:1-29, the employees

of the Division of Aeronautics assigned to the following positions are hereby designated as law enforcement officers:

1. Director, Intermodal Services;
2. Director, Division of Aeronautics;
3. Chief, Bureau of Inspection and Aircraft Operations; and
4. Aeronautical Operations Specialist.

Amended by R.1983 d.477, effective November 7, 1983.

See: 15 N.J.R. 1456(a), 15 N.J.R. 1870(c).

Amended by R.1988 d.314, effective July 18, 1988.

See: 20 N.J.R. 968(a), 20 N.J.R. 1731(b).

Amended by R.1993 d.279, effective June 7, 1993.

See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).

Amended by R.1997 d.206, effective May 19, 1997.

See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

Inserted new (a)1 and recodified existing (a)1 through 4 as (a)2 through 5.

Amended by R.1998 d.221, effective May 4, 1998.

See: 30 N.J.R. 595(a), 30 N.J.R. 1629(b).

In (a)2 and (c), inserted “Deputy” preceding “Director”.

Amended by R.2007 d.343, effective November 5, 2007.

See: 39 N.J.R. 2612(a), 39 N.J.R. 4860(a).

Section was “Designation action”. Rewrote (a)1 through (a)3; deleted former (a)4; recodified former (a)5 as (a)4; and deleted (b) through (d).

16:60-1.4 Authority

(a) Designated law enforcement officers have authority pursuant to N.J.S.A. 6:1-29 to issue a summons and complaint for violations of the provisions of N.J.S.A. Title 6, Aviation, as supplemented and amended, or of any rules, orders and regulations established under Title 6.

(b) Designated law enforcement officers shall comply with the procedures established by the Administrative Director of the Courts in the issuance of summons and complaints.

(c) The Chief, Bureau of Inspections and Aircraft Operations is responsible for the accounting, control, and distribution of the summons and complaint forms.

(d) No designated law enforcement officer shall be authorized to carry or use weapons in the execution of assigned responsibilities. Assistance, as required, will be obtained from appropriate State or local law enforcement officers.

New Rule, R.2007 d.343, effective November 5, 2007.

See: 39 N.J.R. 2612(a), 39 N.J.R. 4860(a).

SUBCHAPTER 2. INVESTIGATION OF AIRCRAFT ACCIDENTS AND INCIDENTS

16:60-2.1 Aircraft accident reporting requirements

(a) The operator of an aircraft or anyone observing an aircraft accident or with knowledge that an aircraft accident has