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TITLE 16. TRANSPORTATION

CHAPTER 60. AERONAUTICAL INVESTIGATION AND ENFORCEMENT

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

Expires on February 6, 2022.

SUBCHAPTER 1. GENERAL PROVISIONS

16:60-1.1 Purpose and scope

This chapter designates certain employees of the Bureau 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.

16:60-1.2 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 Bureau of Aeronautics assigned to the following positions are hereby designated as law enforcement officers:

1. Director, Multimodal Services;
2. Manager, Bureau of Aeronautics; and
3. Aeronautical Operations Specialist.

16:60-1.3 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 Manager, Bureau of Aeronautics 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.

16:60-1.4 (Reserved)

SUBCHAPTER 2. DEFINITIONS

16:60-2.1 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.

"Bureau 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.

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

"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 cowling, 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.

16:60-2.2 (Reserved)

16:60-2.3 (Reserved)

16:60-2.4 (Reserved)

16:60-2.5 (Reserved)

16:60-2.6 (Reserved)

16:60-2.7 (Reserved)

APPENDIX A (RESERVED)

APPENDIX B (RESERVED)

SUBCHAPTER 3. INVESTIGATION OF AIRCRAFT ACCIDENTS AND INCIDENTS

16:60-3.1 Aircraft accident reporting requirements

(a) The pilot or aircraft operator or anyone observing an aircraft accident or with knowledge that an aircraft accident has just occurred shall immediately notify the FAA Communications Center at 718-553-3100 or the New Jersey State Police at 609-882-2000.

(b) The accident notification made pursuant to (a) above shall contain the following information if known:

1. The type, nationality, and registration marks of the aircraft;
2. The name of the owner, and the operator of the aircraft;
3. The name of the pilot in command;
4. The date and time of the accident;
5. The last point of departure and point of intended landing of the aircraft;
6. The position of the aircraft with reference to some easily defined geographical point;
7. The number of persons aboard, number killed, and number seriously injured;
8. The nature of the accident, weather and aircraft damage, so far as is known; and
9. A description of any explosives, radioactive materials, or other dangerous articles carried.

(c) When deemed necessary by a designated law enforcement officer, the pilot or aircraft operator shall complete the New Jersey Department of Transportation Form DA-25-1, "Aircraft Acci-

dent/Incident Statement of Pilot," for any accident involving the operation of an aircraft, which occurs in the State of New Jersey. The form is available on the Department's website at: <http://www.state.nj.us/transportation/aviation/forms.shtm> or by mail from:

New Jersey Department of Transportation
Bureau of Aeronautics
P.O. Box 600
Trenton, NJ 08625

The written report shall be submitted to the Bureau of Aeronautics within 72 hours after the accident by fax at 609-530-5270 or by mail to:

New Jersey Department of Transportation
Bureau of Aeronautics
P.O. Box 600
Trenton, NJ 08625

16:60-3.2 Aircraft incident and forced landing reporting requirements

(a) The pilot or aircraft operator involved in an incident shall immediately notify the FAA Communications Center at 718-553-3100 or the New Jersey State Police at 609-882-2000.

(b) The pilot or aircraft operator involved in a forced landing shall immediately notify the FAA Communications Center at 718-553-3100 or the New Jersey State Police at 609-882-2000.

(c) The incident or forced landing notification made pursuant to (a) or (b) above shall contain the following information if known:

1. The type, nationality, and registration marks of the aircraft;
2. The name of the owner, and the operator of the aircraft;
3. The name of the pilot in command;
4. The date and time of the incident;
5. The last point of departure and point of intended landing of the aircraft;
6. The position of the aircraft with reference to some easily defined geographical point;
7. The number of persons aboard; and
8. The nature of the incident or forced landing, weather and aircraft damage, so far as is known.

(d) When deemed necessary by a designated law enforcement officer, the pilot or aircraft operator shall complete the New Jersey Department of Transportation Form DA-25-1, "Aircraft Accident/Incident Statement of Pilot," for any incident or forced landing involving the operation of an aircraft, which occurs in the State of New Jersey. The form is available on the Department's website at: <http://www.state.nj.us/transportation/aviation/forms.shtm> or by mail from:

New Jersey Department of Transportation
Bureau of Aeronautics
P.O. Box 600

Trenton, NJ 08625

The written report shall be submitted to the Bureau of Aeronautics within 72 hours after the incident or forced landing by fax at 609-530-5270 or by mail to:

New Jersey Department of Transportation
Bureau of Aeronautics
P.O. Box 600
Trenton, NJ 08625

16:60-3.3 Notification of next of kin

Names of pilots or passengers who are seriously or fatally injured shall not be released until after positive notification of next of kin has been accomplished.

16:60-3.4 Preservation of aircraft wreckage, mail, cargo, and records

(a) The operator of an aircraft, or if the operator is incapable, the first law enforcement official on the scene, is responsible for preserving, to the greatest extent possible, any aircraft wreckage, cargo and mail aboard the aircraft, and all records pertaining to the operation and maintenance of the aircraft and to persons involved in an accident.

(b) Wreckage shall be disturbed only to the extent necessary:

1. To remove the person injured or trapped;
2. To protect the wreckage from further damage; and
3. To protect the public from injury.

(c) When aircraft wreckage, mail, or cargo must be disturbed or moved, sketches, descriptive notes and photographs shall be made, if possible, of the accident scene, including original position and condition of wreckage and any significant impact marks.

(d) The aircraft wreckage shall be released for the period of the investigation to the first official that appears on the scene from the New Jersey Bureau of Aeronautics, Federal Aviation Administration, or the National Transportation Safety Board. In the event officials from both State and Federal governments are present, the Federal representatives shall take precedence.

16:60-3.5 Statements of witnesses

When deemed necessary by a designated law enforcement official, New Jersey Department of Transportation Form DA-25, "Aircraft Accident/Incident Statement of Witness," shall be completed by any person or persons who observed the actual aircraft accident or incident, or any events prior to or immediately following said accident or incident and shall include the place, date, and time of the accident/incident; make, mode, and tail number of the aircraft; the witness's identification information; and a description of the accident/incident. The form is available on the Department's website at: <http://www.state.nj.us/transportation/aviation/forms.shtm> or by mail from:

New Jersey Department of Transportation
Bureau of Aeronautics
P.O. Box 600
Trenton, NJ 08625

The witness or witnesses shall return the completed form to a designated law enforcement official at the scene or return it to the Bureau of Aeronautics within 72 hours after the accident or incident by fax at 609-530-5270 or by mail to:

New Jersey Department of Transportation
Bureau of Aeronautics
P.O. Box 600
Trenton, NJ 08625

16:60-3.6 Forced landings

In the event of a forced landing on other than a licensed aeronautical facility, no person shall cause a subsequent take-off of the aircraft without the express authorization of the Bureau of Aeronautics, which shall only be granted after a representative of the Bureau has adjudged the site to be safe for the type of aircraft and pilot experience involved. This permission cannot be granted by Federal or local officials.