Transport Canada Transports Canada

Staff Instruction

Subject: **National Exemption to the Canadian Aviation Regulations (CAR) 302.07 (1)(a)(ii)**

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1.0 INTRODUCTION

1.1 Purpose

(1) The purpose of this document is to instruct Transport Canada Civil Aviation (TCCA) regional aerodrome inspectors on the process and requirements associated with the privileges set out in the National Exemption to Subparagraph 302.07(1)(a)(ii) of the *Canadian Aviation Regulations (CARs)*.

1.2 Applicability

(1) This document applies to TCCA Headquarters and regional personnel.

1.3 Description of Changes

(1) Not applicable.

2.0 REFERENCES AND REQUIREMENTS

2.1 Reference Documents

(1) It is intended that the following reference materials be used in conjunction with this SI:

(a) *Aeronautics Act* (R.S., 1985, c. A-2);

(b) Part III, Subpart 2 of the Canadian Aviation Regulations (CARs) — *Airports*;

(c) Advisory Circular (AC) 302-021, Issue 01, — *Introduction of TP312 5th edition;*

(d) Advisory Circular (AC) 302-022, Issue 01, — *National Exemption to Subparagraph 302.07 (1)(a)(ii) of the Canadian Aviation Regulations;*

(e) Transport Canada Publication, TP312 — *Aerodrome Standards and Recommended Practices*;

(f) National Exemption to Subparagraph 302.07 (1)(a)(ii) of the *Canadian Aviation Regulations* – RDIMS # 10370129

2.2 Cancelled Documents

(1) Not applicable.

(2) By default, it is understood that the publication of a new issue of a document automatically renders any earlier issues of the same document *null and void*.

2.3 Definitions and Abbreviations

(1) The following **definitions** are used in this document:

(a) Not applicable

(2) The following **abbreviations** are used in this document:

(a) Not applicable

3.0 BACKGROUND

(1) Improvements or replacements to the airfield components typically involve long lead times and, are complex in nature due to the regulatory requirements, sometimes from other authorities and the resulting impact on its operation during execution of the works. These lead times, typically extend 12 – 24 months and sometimes longer, due to multiple steps in the process, such as tendering or various agency approvals, prior to the execution of the works. Also, the execution stage of some projects may extend over multiples seasons due to the nature of the works and local environmental conditions.

(2) Subparagraph 302.07 (1)(a)(ii) of the CARs requires the operator of an airport to comply "*...with the standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the part or facility was returned to service,...*"

(3) The introduction of TP312 (5th edition) presents an additional consideration for airport operators/ planners that are currently in the advanced planning, or execution phases of airport works. Considering the lead time related to work planning and execution, the airport operator needs to know ahead of time which set of "standards" the airport components will be subject to upon its return to service.

(4) Based on the foregoing and pursuant to Subsection 5.9(2) of the Aeronautics Act, TCCA has issued a **National ministerial exemption** from Subparagraph 302.07(1)(a)(ii) of the CARs so that the airport operator / planner may abide by the standards set out in TP312 (4th edition), subject to certain conditions.

4.0 PROCESS AND REQUIREMENTS FOR REGIONAL OFFICE PERSONNEL TO EXERCISE THE PRIVILEGES OF THIS NATIONAL EXEMPTION

(1) The airport operator shall submit to the TCCA regional office personnel a plan of airport construction and operations no later than 12 months (calendar days) after the coming into force of TP312 (5th edition). Elements to be included in the submission are, but not limited to;

- (a) Identification of the airport areas subject to the exemption;
- (b) Identification of specific airport infrastructure elements being requested for compliance with TP312 (4th edition) standards. The specific TP312 (5th edition) standards being exempted from and the TP312 (4th edition) standards identified for compliance must be clearly identified;
- (c) Construction schedule (See 6 below); and
- (d) Plan of airport operations detailing how the ongoing airport operations will continue to meet the requirements of the *CARs* while the physical works are in progress.

(2) TCCA regional office personnel shall review and comment on the acceptability of the plan of airport construction and operations being submitted;

(3) TCCA regional office personnel shall conduct a preliminary Environmental Impact scan (Strategic Environmental Assessment) and comment as to the acceptability of the proposed project in this respect;

(4) Subject to the acceptability of the Strategic Environmental Assessment stated in (3), if the TCCA regional office officials support the submission, the attachment to the National Exemption *(RDIMS # 10370129)* detailing the infrastructure elements of the airport being exempted from TP312 (5th edition) for compliance with TP312 (4th edition) standards must be completed. The attachment must be signed by the regional aerodromes TCCA Technical Team Leader for valid use of the exemption.

(5) TCCA regional office personnel should respond to submitter within 30 calendar days of submission. A supportive response must include;

(a) A copy of the National exemption; and

(b) A completed copy of the exemption attachment.

(6) Works must be completed in full and the airport areas subject to the exemption be fully operational within 24 months (calendar days) after the coming into force of TP312 (5th edition) standards;

(7) The Airport Operations Manual must clearly state which infrastructure elements of the airport are being exempted from TP312 (5th edition) for compliance with TP312 (4th edition) standards;

(8) A copy of the Exemption, including its signed attachment must be added to the Airport Operations Manual.

5.0 INFORMATION MANAGEMENT

(1) All information and documents relating to the use of the exemption must be retained in the Records Documents and Information Management System (RDIMS), by using File Classification No. Z 5500-15-15-3-2.

(2) TCCA regional office personnel shall provide AARBH (Regulatory Affairs) a copy of the documentation outlined in 4.0 (3) and (4); more specifically the Preliminary Scan Environmental Assessment (Strategic Environmental Assessment), the completed and signed attachment to the exemption.

(3) TCCA regional office personnel shall record the exemption on the airport file in NASD clearly stating which infrastructure elements of the airport are being exempted from TP312 (5th edition) for compliance with TP312 (4th edition) standards, and referencing the RDIMS number of the documents in 4.0 (4) above.

6.0 DOCUMENT HISTORY

(1) Not applicable

7.0 CONTACT OFFICE

For more information, please contact:

http://www.tc.gc.ca/eng/regions.htm

Suggestions for amendment to this document are invited, and should be submitted via:

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Original signed by

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