



Advisory Circular

Subject: TP 308 Non-Standard Procedures

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1.0 INTRODUCTION

- (1) This Advisory Circular (AC) is provided for information and guidance purposes. It may describe an example of an acceptable means, but not the only means of demonstrating compliance with regulations and standards. This AC on its own does not change, create, amend or permit deviations from regulatory requirements nor does it establish minimum standards.

1.1 Purpose

- (1) The purpose of this AC is to provide guidance on the processes required to authorize the publication of Non-Standard Instrument Procedures.

1.2 Applicability

- (1) This document is applicable to all Transport Canada Civil Aviation (TCCA) employees and to individuals or organizations when they are exercising privileges granted to them under an External Ministerial Delegation of Authority. This information is also available to the aviation industry for informational purposes.

1.3 Description of Changes

- (1) The related information for non-standard procedures in AC 803-004, has been transferred to this document (AC 803-009). AC 803-004 will be reissued to remove this information.

2.0 REFERENCES AND REQUIREMENTS

2.1 Reference Documents

- (1) It is intended that the following reference materials be used in conjunction with this document:
- (a) *Aeronautics Act* (R.S., 1985, c. A-2);
 - (b) Part VIII, Subpart 03 of the Canadian Aviation Regulations (CARs) — *Aeronautical Information Services*;
 - (c) Civil Aviation Directive (CAD) REG-003, Issue 01, 2009-10-01— *Exemptions from Regulatory Requirement*;
 - (d) Transport Canada Publication (TP) 308/GPH 209 — *Criteria for the Development of Instrument Procedures*; and
 - (e) Advisory Circular (AC) 803-004, Issue 03, 2018-02-05 — *Restricted Instrument Procedures*.

2.2 Cancelled Documents

- (1) Not applicable.

2.3 Definitions, Acronyms and Abbreviations

- (1) The following **definitions**, **acronyms** and **abbreviations** are used in this document:

- (a) **Deviation approval:** a type of formal approval that supports a deviation to the criteria described in TP308/GPH209.
- (b) **Exemption:** a ministerial document issued pursuant to subsection 5.9(2) of the *Aeronautics Act*. An exemption allows a person to be exempted from the requirements of a particular provision of the CARs if the Minister or an officer of the Department of Transport authorized by the Minister, as the case may be, is of the opinion that the issuance of the exemption is in the public interest and is not likely to adversely affect aviation safety or security. An exemption is issued subject to conditions.
- (c) **Non-standard procedure:** For the purpose of this document and TP308/GPH 209, a non-standard procedure is an instrument flight procedure that deviates from the standards and criteria contained in TP 308/GPH 209.
- (d) **Sponsor:** a “sponsor” is deemed to be an individual or organization that has agreed to assume the regulatory responsibility for an Instrument Procedure (IP) at an aerodrome or operational location. This responsibility involves the initial design, ground validation, flight validation and continuous maintenance of the IP, including the periodic review. Sponsors may be air, private or aerodrome operators, or other organizations. In cases where multiple operators have a requirement for an IP, one of these operators must agree to be the sponsor.

3.0 BACKGROUND

3.1 General

- (1) Paragraph 803.02(a) of the CARs states that “No person shall publish or submit for publishing in the *Canada Air Pilot* an instrument procedure unless the procedure has been developed in accordance with the standards and criteria specified in the manual entitled *Criteria for the Development of Instrument Procedures*.”
- (2) The use of alternate IP design standards (e.g. ICAO PANS-OPS) to those published in TP 308/GPH 209 is outside the regulatory requirements and requires an exemption to paragraph 803.02(a) of the CARs. The detailed requirements for an exemption submission are outlined in the TCCA document Civil Aviation Directive (CAD) No. REG-003 -- Exemptions from Regulatory Requirements.
- (3) Section 141 of TP 308/GPH 209 allows the development of IPs that are recognized as a non-standard procedure.

3.2 Policies

- (1) TP 308/GPH 209 states that “Every effort shall be made to formulate procedures in accordance with these standards and criteria; however, peculiarities of terrain, navigation information, obstacles, etc... may require special consideration.”
- (2) To grant flexibility when circumstances require, TCCA may approve non-standard procedures provided the deviations are fully documented and an equivalent level of safety exists.
- (3) Deviations from the design criteria must be approved through a deviation approval letter issued by the Chief of Flight Standards.
- (4) Deviation approval is used to officially document the non-standard application of criteria, and serves as a means to identify criteria that may require further refinement or to identify problem areas.

- (5) Deviation approvals must be reviewed at the time of the periodic review to determine whether the approvals are still required.
- (6) When a procedure is amended, reprocessing of an existing deviation approval is not necessary unless the reason for the amendment directly impacts the basis for the original deviation approval in which case a new deviation request is required.
- (7) Deviation approval will only be issued if the IP is in the public interest and not likely to affect aviation safety or security.
- (8) When a sponsor is seeking the approval of a non-standard procedure, a criteria compliant IP should be available for the same site. If a compliant IP is not already available, one should be developed and published in conjunction with the non-standard procedure. If a criteria compliant IP is not already available and one is not developed and published in conjunction with the non-standard procedure, the reason(s) for not developing a criteria compliant procedure must be clearly justified.
- (9) Applications for deviation approvals or exemptions from section 803.02 of the CARs have to be submitted to:

Chief, Air Navigation Services Operations (AARON)
Transport Canada, Civil Aviation
330 Sparks Street, Tower C
Ottawa, ON K1A 0N5
E-mail: tc.airnavservices-servicesnavaerienne.tc@tc.gc.ca

4.0 REQUIREMENTS

4.1 General

- (1) Non-standard procedures will be considered ONLY when there is no other suitable means to resolve a procedural problem, or to provide a required service. Provided that an application is fully documented and that an equivalent level of safety exists, TCCA may approve a non-standard procedure, if it is justified and in the public interest, and it does not adversely affect aviation safety or security.
- (2) Flight Standards must coordinate with the appropriate Standards branch and regional office concerning any special conditions that may be imposed on the use of an IP. This action is necessary to establish required supervision to ensure user compliance with equivalent level of safety provisions. For example, special aircrew training may be required as an equivalent level of safety.

4.2 Submission for deviation approval

- (1) All submissions should be accompanied by the following information:
 - (a) Deviation approval request letter;
 - (b) Deviation approval request form (see Appendix A);
 - (c) All supporting documentation and data;
 - (d) Charts depicting the procedure and all items that are the subject of the approval request; and
 - (e) An analysis of the operational benefits to be gained from publishing of the IP. When TCCA processes the application, a review of the operational advantage will be conducted to ensure that it is sufficient to justify the approval.

5.0 INFORMATION MANAGEMENT

(1) Not applicable.

6.0 DOCUMENT HISTORY

(1) Not applicable.

7.0 CONTACT OFFICE

For more information, please contact:

Chief, Flight Standards (AARTA)

E-mail: TC.FlightStandards-Normsvol.TC@tc.gc.ca

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

Civil Aviation Communications Centre

E-mail: Services@tc.gc.ca

Original signed by

Robert Sincennes
Director, Standards Branch
Civil Aviation
Transport Canada

APPENDIX A — DEVIATION APPROVAL REQUEST FORM

(Form to be completed by the party making the request and attached to the request letter.)

AERODROME/HELIPORT NAME: name and location of the site (e.g., Regina/ Sumspot, SK).

PROCEDURE IDENTIFICATION: name of the IP (e.g., LOC RWY 15).

ICAO IDENTIFIER: four-letter code.

PROCEDURE SPONSOR: name/organization's name, contact information.

PROCEDURE DESIGNER: name, contact information.

INTENDED USER(S): organization's name, contact information.

DATE REQUEST MADE: yyyy-mm-dd.

TP308/GPH209 STANDARD AFFECTED: indicate the specific paragraph(s) of the standard, by number and title, which is (are) not complied with in the proposed procedure design (e.g., TP 308/GPH 209, Volume 1, paragraph 216 Controlling Obstacle(s)).

BACKGROUND/ISSUE: summarize the case being put forward (e.g., missed approach section 1 is not aligned with the final approach course).

JUSTIFICATION: an explanation of why the requested procedure cannot be developed to meet published standards and criteria and why the proposed deviation should be authorized.

MEANS OF PROVIDING AN EQUIVALENT LEVEL OF SAFETY: all means of providing an equivalent level of safety must be documented. Means such as restricting the procedure to specific aircraft types or performance, special aircrew training requirements and/or special notes or briefings may be considered.

FILE ATTACHMENTS: list of the supporting document and data (e.g., letter of request, map, chart, analysis, etc.).