



Advisory Circular

Subject: Canadian Aviation Regulation 307 – Aerodromes – Consultations

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1.0 INTRODUCTION

- (1) This Advisory Circular (AC) is provided for information and guidance purposes to support Section 307 of the *Canadian Aviation Regulations*, Aerodromes – Consultations.

1.1 Purpose

- (1) The purpose of this document is to provide context and explanation of certain elements of CAR 307, *Aerodromes – Consultations* (the Regulation).

1.2 Applicability

- (1) This document applies anyone seeking to undertake an aerodrome work, as defined in the Regulation.

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 document:
(a) *Canadian Aviation Regulation* - Subpart III - Section 307 - Aerodromes – Consultations.

2.2 Cancelled Documents

- (1) Not applicable.

2.3 Definitions and Abbreviations

- (1) The following **definitions** are used in this document:
- (a) **aerodrome work** means work, other than work necessary to comply with a new requirement imposed by or under the *Aeronautics Act*, carried out for any of the following purposes:
 - (i) building a new aerodrome; or
 - (ii) at an existing aerodrome,
 - (A) building a new runway for aeroplanes, or
 - (B) increasing the length of an existing runway for aeroplanes by 100 m or by 10%, whichever is greater.
 - (b) **proponent** means a person who proposes to carry out aerodrome work.
 - (c) **protected area** means a natural area or habitat that is protected by or under federal legislation.
- (2) The following **abbreviations** are used in this document:
- (a) **CAR**: *Canadian Aviation Regulation*
 - (b) **PRS**: Policy and Regulatory Services at TCCA
 - (c) **TC**: Transport Canada
 - (d) **TCCA**: Transport Canada Civil Aviation

3.0 BACKGROUND

- (1) The Aerodrome Work Consultations Regulation - CAR 307 - was born out of the concerns raised by interested parties adversely affected by aerodrome developments, by proponents frustrated by costly administrative and legal delay, and by the general aviation community concerned for their future in Canada. The nature of the concerns centred on improved communication in advance of construction between proponents of aerodrome developments and those most likely to be affected by such development. Requiring consultation in advance of commencing construction will allow for concerns to be proactively raised and mitigated.
- (2) Prior to the coming into force of CAR 307, the regulatory requirement to consult was limited to those seeking certification and, even then, they were only required to consult with local land use authorities [as per paragraphs 302.03(1)(a) and 305.08(1)(d)]. The CARs did not define what constituted meaningful consultation, which lead to inconsistent approaches and uncertainty around whether the requirement has been met.
- (3) CAR 307 broadens the requirement to consult to include anyone seeking to undertake a prescribed aerodrome work at a certified or non-certified aerodrome. Aerodrome work is defined in the Regulation as work, other than work necessary to comply with a new requirement imposed by or under the *Aeronautics Act*, carried out for any of the following purposes:
 - (a) building a new aerodrome; or
 - (b) at an existing aerodrome,
 - (i) building a new runway for aeroplanes, or
 - (ii) increasing the length of an existing runway for aeroplanes by 100 m or by 10%, whichever is greater.

The Regulation also provides minimum expectations for how the consultation should be conducted, including timelines, who to notify and under what circumstances.
- (4) The intent of the Regulation is to compel consultation in advance of an aerodrome work that will result in sustained and regular impact on interested parties as identified in the Regulation.
- (5) The following exclusions are outlined in the Regulation:
 - (a) Heliports and aerodromes primarily used for helicopter operations;
 - (b) Temporary aerodromes for the provision of emergency services such as forest fire suppression, medical necessity, law enforcement activities and search and rescue;
 - (c) Aerodromes used primarily for agricultural operations;
 - (d) Military aerodromes; and
 - (e) Water aerodromes.
- (6) A graphic organizer of the consultation process can be found in Appendix A of this document.

4.0 POINTS OF CONTACT FOR PROPONENTS AND STAKEHOLDERS

- (1) Whether it is the local municipality, a nearby airport, a piece of land under federal protection, the neighbors or the Crown, the proponent is responsible to correctly identify the specific individual or office that should receive the notification. It is recommended the proponent identify the points of contact during the planning or pre-consultation stage to ensure that all interested parties have the benefit of the full consultation period.

4.1 Transport Canada

- (1) Proponents are required to contact TC to ensure there are no safety or other concerns with respect to the proposed aerodrome work.
- (2) Contact details for the Regional Offices of Transport Canada are as follows:

Pacific Region
Transport Canada, Civil Aviation
820-800 Burrard Street
Vancouver BC V6Z 2J8
Tel.: (604) 666-5575
Fax: (604) 666-4839

Prairie and Northern Region
Transport Canada, Civil Aviation
Street Address:
344 Edmonton Street, 1st Floor,
Winnipeg MB R3B 2L4
Mailing Address:
P.O. Box 8550
Winnipeg, MB R3C 0P6
Tel.: (204) 983-4341
Fax: (204) 984-2069

Ontario Region
Transport Canada, Civil Aviation
300-4900 Yonge Street
Toronto ON M2N 6A5
Tel.: (416) 952-0215
Fax: (416) 952-0196

Atlantic Region
Transport Canada, Civil Aviation
Street Address:
Heritage Court, 6th Floor,
95 Foundry Street
Moncton NB E1C 5H7
Mailing Address:
P.O. Box 42
Moncton NB E1C 8K6
Tel.: 1-800-305-2059
Fax: 1-855-726-7495

Quebec Region
Transport Canada, Civil Aviation
700 Leigh Capr  ol, 2nd Fl.
Dorval PQ H4Y 1G7
Tel.: (514) 633-3580
Fax: (514) 633-3585

4.2 Air Navigation Service Provider

- (1) Proponents are required to consult with the appropriate air navigation service provider. The contact details for NAV CANADA are as follows:

AIS Data Collection Unit and Land Use Office
NAV CANADA
1601 Tom Roberts Road
P.O. Box 9824, Station T
Ottawa, ON K1G 6R2

Tel: (866) 577-0247
Fax: (613) 248-4094

Landuse@navcanada.ca

4.3 Local Land Use Authority

- (1) Because municipalities have the responsibility for managing the broader planning and development of their communities, proponents are required to consult with the local land use authority. Proponents should make efforts to work with the land use authority to resolve conflicts that may arise over aerodrome work.

5.0 PRE-CONSULTATION CONTACT WITH INTERESTED PARTIES

- (1) Although not required in the Regulation, an industry best practice is to pre-consult with key stakeholders during the planning and development stage and is highly recommended. It permits the proponent to ascertain the feasibility of a project and establish proof of concept that can be presented during the actual consultation period. Proponents who go forward without proof of

concept will do so at their own peril and may experience consequential delays if safety or navigation related issues arise.

- (2) It is recommended that Transport Canada, the air navigation service provider and the local land use authority be engaged at the pre-consultation stage. Pre-consultation is not the same as consultation. Interested parties contacted during the pre-consultation must still receive the notice during the actual consultation period.
- (3) If the aerodrome work may affect a change in the level of service or safety of air operations that requires an aeronautical study as per Canadian Aviation Regulations - Part VIII - Section 806, pre-consultation with the air navigation service provider is highly recommended because it may not be able to conduct the aeronautical study in the minimum consultation time requirement as defined in the Regulation. If a proposal requires an aeronautical study, such as for establishing an instrument approach procedure or if the aerodrome work is being undertaken in a controlled zone, the contact information for NAV CANADA is the same as in 4.2(1).

6.0 PROHIBITION ON THE GROUNDS OF SAFETY OR PUBLIC INTEREST

- (1) Section 4.31(1) of the *Aeronautics Act* grants the Minister the power to prohibit an aerodrome activity or development if it is deemed to be unsafe or in the public interest to do so.
- (2) For the purpose of CAR 307, factors including but not limited to economic, social, and environmental are taken into consideration as long as it relates to aviation and does not fall into the responsibility of another federal department or a province, territory or municipality to regulate.

7.0 BUILT-UP AREA

- (1) Since more people are affected by an aerodrome work in areas that are more populated, the Regulation requires more interested parties be consulted if the proposed aerodrome work falls in the built-up area of a city or town.
- (2) For the purpose of CAR 307, please refer to Appendix B to see how Transport Canada will make a determination on whether an area is built-up.

8.0 ITINERANT AIRCRAFT MOVEMENTS

- (1) The intent of the Regulation is to compel consultation in advance of an aerodrome work that will establish a permanent facility resulting in sustained and regular material impact on affected stakeholders.
- (2) In addition to the exceptions outlined in 3.0(5), it is also not the policy intent of the Regulation to capture occasional or one-off landings on the tundra or in private fields, or temporary landing sites for mining and resource exploration in northern and remote areas for seasonal hunting and fishing operations. Aviation refers to this kind of activity as "itinerant aircraft movements." However, once the activity stops being itinerant and becomes regular and sustained, it may likely be subject to the Regulation. It is the responsibility of the proponent to ascertain if they must comply with the Regulation.

9.0 SUMMARY REPORT

- (1) The purpose of the Regulation is to compel meaningful consultation in advance of construction with the goal of soliciting and mitigating concerns from affected stakeholders (interested parties). The Regulation provides a process by which this can be achieved and all proponents of an

aerodrome work must follow the process and document their compliance in the form of a Summary Report.

- (2) In the Summary Report, proponents should clearly identify the objections they have received and what steps they have taken to mitigate the concerns. The proponent is also required to clearly identify any objections they have not addressed and provide a rationale for not doing so.
- (3) The Summary Report must be sent to Transport Canada where it will be reviewed to ensure the consultation has been conducted in accordance with the Regulation. The Summary Report will also serve as a record of the commitments made by the proponent regarding both the aerodrome work and any mitigation strategies.
- (4) The proponent must make the Summary Report available to any interested party for a duration of five years.

10.0 INFORMATION MANAGEMENT

- (1) Not applicable.

11.0 DOCUMENT HISTORY

- (1) Not applicable.

12.0 CONTACT OFFICE

For more information, please contact:

Michel Béland
Director,
Policy and Regulatory Services
Transport Canada
Phone: 613-949-2385
E-mail: michel.beland@tc.gc.ca

Suggestions for amendment to this document are invited, and should be submitted via the following e-mail address:

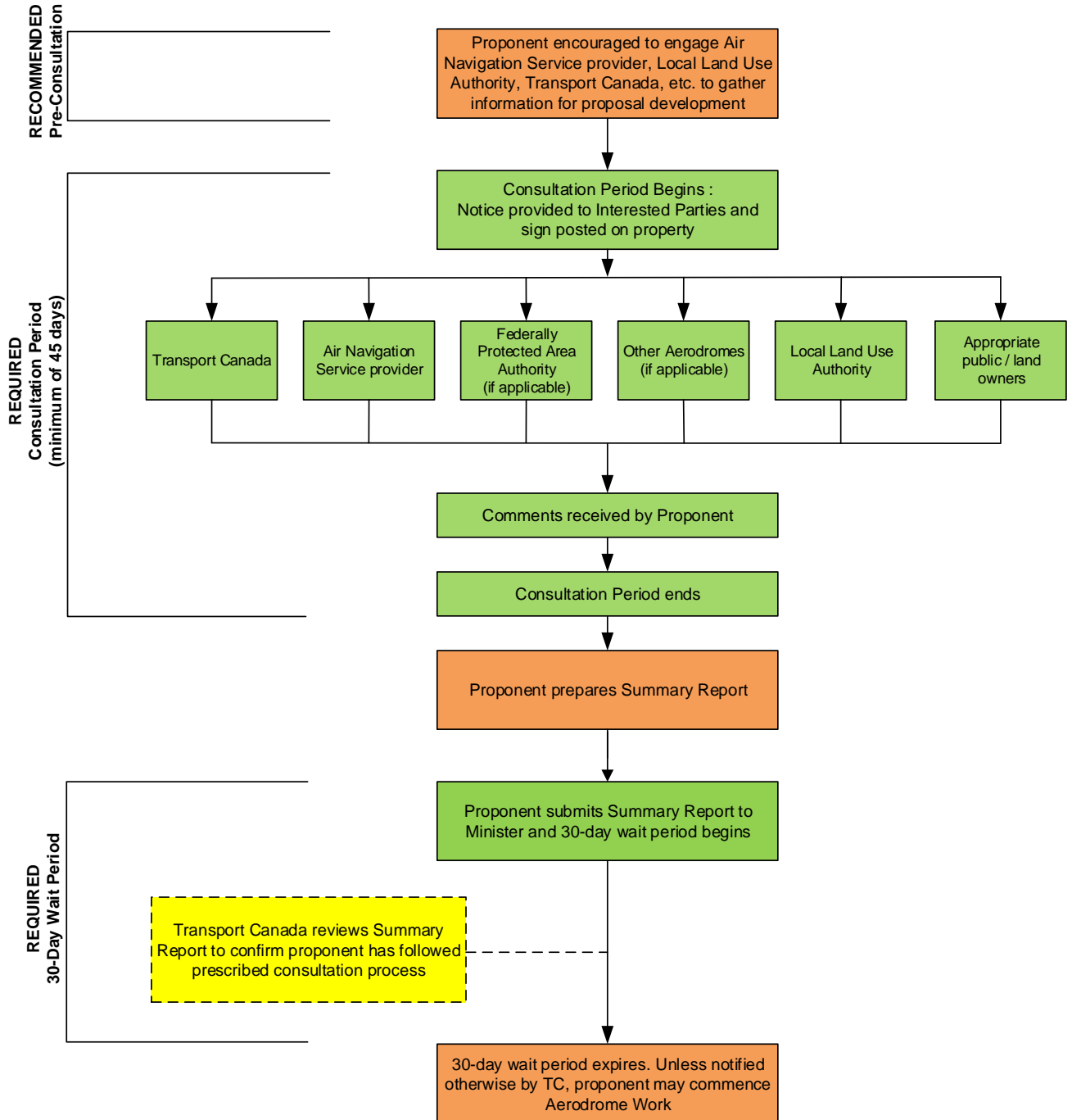
AART Documentation Services/ AART Services de documentation AARTinfoDoc@tc.gc.ca

Original signed by Pierre Ruel for

Robert Sincennes
Director, Standards Branch
Civil Aviation

APPENDIX A — GRAPHIC OVERVIEW FOR PUBLIC CONSULTATION PROCESS

Transport Canada Aerodrome Work Public Consultation Process



APPENDIX B — ASSESSING IF AN AREA IS BUILT UP

BUILT-UP AREA ASSESSMENT TOOL FOR CAR 307

The following series of questions will be used by Transport Canada to assess if an area is built-up as per CAR 307.04. Except for questions 1 and 2, the responses are purposefully not definitive as each situation is unique.

1	Is the area marked in yellow on an aeronautical chart, such as a VNC or VFR Terminal Area Chart?	Yes No	Area is built-up Possibly not built-up
2	Is the area marked in pink on a 1:50,000 National Topographic Society map?	Yes No	Area is built-up Possibly not built-up
3	Does the area have a largely residential population?	Yes No	Probably built-up Probably not built-up
4	Are the lots similar in size to city lots, as distinct from larger semi-rural lots?	Yes No	Probably built-up Probably not built-up
5	Would a pilot easily see the structures and recognize the area as populated?	Yes No	Probably built-up Probably not built-up
6	Is there an empty area adjacent to the runway that can be used for emergency landings?	Yes No	Probably not built-up Probably built-up
7	Is there a pattern of at least three streets?	Yes No	Possibly built-up Possibly not built-up
8	Is there a group of man-made structures?	Yes No	Possibly built-up Possibly not built-up
9	Are the structures mainly along a single road (ribbon development)?	Yes No	Possibly not built-up Possibly built-up
10	Is the area incorporated as a town or city (not as a rural municipality)?	Yes No	Possibly built-up Possibly not built-up
11	Is the area within a designated practice area as shown on an aeronautical chart?	Yes No	Possibly not built-up Possibly built-up