

**Requirements for a Safety Case  
Air and Water Operations  
Victoria Harbour**

**Supplementary Information  
Relating to the Report**

**QualaTech Aero Consulting Ltd.**

**20 September 2010**

## **Supplementary Information Relating to the Report on Requirements for a Safety Case pertaining to Air and Water Operations in Victoria Harbour**

This document provides supplementary information related to the subject report. It examines correspondence made available after the report was completed and also includes regulatory references. Some of the references are highlighted where it is considered that they have a direct bearing on the subject. In addition some comments by consultants are included.

Those parts of regulations or official documents which are considered to be of particular relevance are highlighted in red and bold (where the document is printed in colour - otherwise they are bold black). Comments by the collators of the supplementary information are in bold blue italics (where the document is printed in colour - otherwise they are bold black italics). Quotes from publications may be in italics or quotes(").

All official documents listed or quoted are the latest available versions.

CARs = Canadian Aviation Regulations.

NPA = Notice of proposed Amendment.



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## Supplementary Information

### Exchange of letters between Hon John Baird PC. MP. (then Minister of Transport) and Denise Savoie MP during the period 8 June 2009 to 29 July 2010.

The Baird/Savoie letters refer to the proposed CAR 306 (Water Airports) which was the subject of NPA 1999-280 issued in 1999 - eleven years ago. Mr Baird was saying it will (hopefully) be published in the Canada Gazette Pt 1 by this fall (2010). However, Gazette 1 is the consultation publication and the final Gazette 2 does not occur for at least another year. However, it must be remembered that Victoria Harbour Water Airport already has an airport certificate, granted by the Minister, despite the absence of CAR 306.

CAR 306 would certainly be applicable to Victoria (more than 2800 movements of CAR 704/705 aircraft per year) when it finally happens.

However, one issue is that it is now so long since the NPA, that the proposed regulation is arguably partly obsolete due to other regulatory changes. The proposed CAR 306 does not cover safety management systems (CAR 302.500 etc) whereas all the other CARs relating to airports now do so. It is almost inconceivable that SMS is required for all other airports but not for Water Airports. There would also be the need for consequential amendments to others CARs (e.g. 302.01 etc) when CAR 306 comes into force.

Another point of interest is that the Victoria Water Airport is required to have a (Water) Airport Operations Manual as a condition of the airport certificate and this is required to show the complete boundaries of the airport. It would be interesting to see the original page of the Manual with this information.

Then there is the certification issue. The Transport Canada (TC) press release of 19 April 2000 announced that TC was "making Victoria Harbour a certified water airport". However, this does not just happen as a result of a press release. The Minister has to have some legal or regulatory basis for issuing an airport certificate; unless the Governor General can use some Vice-Regal prerogative (we can find no such reference). The mere existence of an NPA does not, as far as is known, confer such far reaching powers upon Ministers - otherwise one might infer that we would not need regulations!

One is therefore led to assume that the Minister used the powers he/she does have under CAR 302.01(1) (a) and (c), highlighted in red in the CAR excerpt below. In this case, the whole of CAR 302 (Airports) would presumably now apply to Victoria Harbour Water Airport, including CAR 302.500 (SMS) and CAR 302.07 (Obligations of operator). No assumption is made as to whether or not the City of Victoria considers that the Victoria Harbour Water Airport is "an aerodrome that is located within the built-up area of a city or town" within the meaning of CAR 302.01(1) (a).

This leads also to the question of why the SMS implementation schedule for water airports has been delayed to 2014 (per TC schedule on TC website). Is it because CAR

306 will not reach Gazette 1 until this fall and so presumably TC does not think it will reach Gazette 2 until about 2013? SMS has a 3 year phased implementation schedule but this is not usually shown on the schedule - just the CAR in-force date. For all airports other than the "big 10" of the National Airports System, the in-force date on the schedule was 2009 with full SMS implementation by 2012.

It should be noted that the SMS schedule is just that - a schedule, not a CAR or other regulation.

Thus, in theory, and as an interpretation of the wording of the Airport Certificate (TADB 5151-P325 dated 17 April 2000), Victoria Harbour Water Airport was certified as an airport under CAR 302.01(1) (a) and/or(c),and thus everything pertaining thereto should now be in force. This may be a matter for lawyers and no doubt their learned selves might argue the interpretations.

Excerpt from:

## **Part III - Aerodromes, Airports and Heliports**

*Canadian Aviation Regulations 2010-1*

### **Subpart 2 - Airports**

#### **DIVISION I - GENERAL**

(amended 2006/05/05; no previous version)

##### ***Application***

#### **302.01**

**(1)** Subject to subsection (2), **this Subpart applies in respect of**

**(a) an aerodrome that is located within the built-up area of a city or town;**

(b) a land aerodrome that is used by an air operator for the purpose of a scheduled service for the transport of passengers; and

**(c) any other aerodrome, other than an aerodrome referred to in subsection (2), in respect of which the Minister is of the opinion that meeting the requirements necessary for the issuance of an airport certificate would be in the public interest and would further the safe operation of the aerodrome.**

**(2)** This Subpart does not apply in respect of

(a) a military aerodrome;

(b) a land aerodrome referred to in paragraph (1)(b) where the Minister has issued a written authorization for each air operator using the aerodrome to land at and take-off from the aerodrome; or

(c) *heliports*

## Terminology - Aerodromes and Airports

The current use of the words "aerodrome" and "airport" by Transport Canada have a tendency to lead to confusion, particularly in the regulatory sense. It should be recalled that in Canada, all "airports" which have an airport certificate issued by Transport Canada (the Minister) are aerodromes, but not all aerodromes are airports.

The International Civil Aviation Organisation (ICAO) defines the term "aerodrome" and this is the definition used by TC, but ICAO, unlike TC does not define the term airport. Most other countries do not define the term "airport" in a regulatory sense, but use only the ICAO terminology - "aerodrome". The word "airport" is generally used outside Canada and the US in a generic functional sense in the same way as seaport, railway station, bus terminal etc.

In CAR 101.01, the term "airport" is defined as "an aerodrome in respect of which an airport certificate issued under Subpart 2 of Part III is in force". Unfortunately 101.01 does not however define "aerodrome". This is left to the Aeronautics Act and the description of an aerodrome is very broad - namely:

*Any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith.*

The other difficulty arises when attempting to understand the term certification as applied to aerodromes and airports. In the Transport Canada web page "FAQ" it is stated:

### **What is aerodrome certification?**

- *A procedure that certifies that an airport complies with the Canadian Aviation Regulations. (Part III, Sub-part 2)*
- *The Canadian Aviation Regulations require certification of aerodromes that meet certain conditions. **Comment - the regulation does not specifically state this requirement.***

*An airport certificate **AUTHORIZES** operation of an airport. This certificate is issued by Transport Canada following approval of the [Airport Operations Manual](#) (Land or heliport).*

The lay reader might expect that aerodrome certification was something to do with certifying that an aerodrome has achieved some recognised standard - instead the reader has to leap from one term to another. This is part of the problem of misunderstanding and loose use of terminology surrounding airports and aerodromes. Documents and the internet frequently use the terms interchangeably when they should not.

Excerpt from TC Website:

## Frequently Asked Questions

### What is an aerodrome?

Any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped, or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft. This includes land aerodromes, heliports and water aerodromes. CARs, PART III, SUBPART 2.

What is an airport?

An airport is a certified aerodrome. [CAR 101,01](#)

### What is aerodrome certification?

- A procedure that certifies that an airport complies with the Canadian Aviation Regulations. (Part III, Sub-part 2)
- The Canadian Aviation Regulations require certification of aerodromes that meet certain conditions.

An airport certificate **AUTHORIZES** operation of an airport. This certificate is issued by Transport Canada following approval of the [Airport Operations Manual](#) (Land or heliport).

The **objective** is to ensure that Canadian airports maintain high safety standards.

Excerpt from TC Press Release 7/2000:

No. P007/00

For release - April 19, 2000

## **IMPROVING SAFETY IN VICTORIA HARBOUR**

VICTORIA, B.C. — Transport Minister David Collenette, together with David Anderson, Minister of the Environment and Member of Parliament for Victoria, today announced new safety and noise abatement measures for Victoria Harbour.

"The new procedures will improve safety and help ensure Victoria Harbour continues to maintain its excellent safety record," said Mr. Collenette. "These measures were developed as part of a comprehensive safety review of aircraft and marine traffic in Victoria Harbour and in partnership with aviation and marine harbour users. The actions we are taking will enhance both marine and aviation safety in the harbour."

"Victoria Harbour is a vital part of our city," said Mr. Anderson. "The procedures Transport Canada is introducing will help ensure Victoria Harbour remains safe for all users while balancing the needs of local residents, aircraft traffic, marine traffic and the local economy."

### **Some of the safety and noise abatement actions Transport Canada is taking include:**

- **Making Victoria Harbour a certified water airport;**
- Requiring aircraft operators to have prior permission from the harbour airport manager to land at the Victoria Harbour water airport, effective April 28;
- Designating two Harbour operating areas - A and B (Area A is adjacent to Pelly Island and Area B is near Colville Island);
- Prohibiting aircraft from using the area directly in front of Laurel Point for take offs or landings;
- Designating the Colville Island operating area as the preferred take off area (wind, water and load conditions permitting);
- Requiring aircraft taking off or landing to stay 50 metres clear of all vessels;
- Updating the *Partnership in Safety: Victoria Harbour Vessel Traffic Scheme*;
- Developing a harbour user education program;
- Establishing a Noise Management and Air Quality Committee and a Harbour Safety Committee;
- Requiring aircraft to fly 500 feet over the Johnson Bridge when coming in for a landing; and
- Instituting a Victoria Harbour Monitoring and Enforcement Program.

The key improvement is certifying Victoria Harbour as a water airport. Creating a water airport centralizes accountability in the Harbour and allows Transport Canada to deal with issues such as noise mitigation and air quality management. The designation of a harbour airport manager, mandatory procedures, an enforcement program, and an intensive user education will also help provide an even greater level of safety in Victoria Harbour.

Increased aircraft and marine traffic in Victoria Harbour, along with the growth in waterfront residential neighbourhoods, prompted Transport Canada to conduct a Harbour



safety review. The safety review team conducted over 30 interviews with harbour users and residents and reviewed data collected by Transport Canada staff on aircraft and vessel movements in the harbour.

The safety review team identified several areas where safety could be improved in Victoria Harbour. The safety actions Transport Canada is taking will reduce the potential for conflict between aviation and marine traffic and streamline the harbour airport's operations. Victoria Harbour has had an excellent safety record and Transport Canada's goal is to keep it that way.

Excerpt from:

TP 14371 Aeronautical Information Manual

## **AGA - 2.0 AERODROMES AND AIRPORTS**

### **2.1 General**

An aerodrome is defined by the Aeronautics Act as:

*Any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith.*

This has a very broad application for Canada where there are no general restrictions preventing landings or takeoffs. There are defined exceptions, but, for the most part, all of Canada can be an aerodrome.

**Rules for operating an aerodrome are provided in Part III of the *Canadian Aviation Regulations (CARs)* under Subsection 301. The focus is to define the minimum safety standards that must be offered as well as making provision for inspection by the Minister.** The operators of aerodromes are encouraged, in the interest of aviation safety, efficiency and convenience to improve their aerodromes beyond the basic regulatory requirements using, as guidelines, the standards and recommended practices applicable for the certification of aerodromes as airports. The users of aerodromes are, however, reminded that the improvement of aerodrome physical characteristics, visual aids, lighting and markings beyond the basic regulatory requirements for aerodromes is a matter of individual aerodrome operator initiative. Such improvements do not require regulatory compliance, nor are those improvements inspected or certified in accordance with the standards and recommended practices applicable for the certification of aerodromes as airports.

Subsection 301 also puts into regulation the "Registration" process, which is used to publish and maintain information on an aerodrome in the *Canada Flight Supplement (CFS)* or the *Canada Water Aerodrome Supplement (WAS)*. This specifies that an aerodrome operator can expect:

- (a) their aerodrome will be registered in the appropriate publication when the operator provides the necessary information respecting location, markings, lighting, use and operation of the aerodrome;
- (b) their aerodrome will not be registered in the appropriate publication if the operator of the aerodrome does not meet the aerodrome regulatory requirements for markers and markings, warning notices, wind direction indicator and lighting;
- (c) to assume responsibility to immediately notify the Minister of any changes in the aerodrome's published information regarding location, markings, lighting, use or operation of the aerodrome; and

(d) their aerodrome will be classed as a registered aerodrome when it is published in the CFS or WAS.

**NOTE:** No aerodrome operator is obliged by these regulations to have information published in the CFS or WAS and the Minister may choose not to publish information for a site that is considered to be hazardous to aviation safety.

In addition to the initial application inspection, registered aerodromes are inspected on a required basis to verify compliance with CARs and the accuracy of information published in the CFS and WAS. Such information, however, is only published for the convenience of the pilot and should be confirmed through contact with the aerodrome operator before using a site.

Besides the "Aerodrome" and "Registered Aerodrome" terminology, there is also the term "Airport." This is an aerodrome for which a certificate has been issued under Subsection 302 of CARs. The objective is to protect those that do not have the knowledge or ability to protect themselves – the fare paying public and the resident in the vicinity of an airport that could be affected by unsafe operations. This is done by ensuring the site is inspected periodically for compliance with Transport Canada Standards for obstruction surfaces, physical characteristics, marking and lighting, which have been recorded in an Airport Operations Manual, and Airside Operating Procedures. The current status is to be advertised to all interested aircraft operators through the CFS, Canada Air Pilot (CAP), NOTAM and voice advisory as applicable.

## 2.2 Use of Aerodromes and Airports

**Public Use:** An aerodrome or airport listed in the CFS or WAS that does not require prior permission of the aerodrome or airport operator for aircraft operations is called a public-use aerodrome or airport.

**Private Use:** An aerodrome or airport can be listed in the CFS or WAS, but be limited in its use. This can include:

(a) *Prior Permission Required (PPR):* The aerodrome operator's permission is required prior to use. All military aerodromes require PPR for Civilian aircraft.

(b) *Prior Notice Required (PNR):* The aerodrome operator owner or operator is to be notified prior to use in order that current information on the aerodrome may be provided.

### NOTES

1: Pilots and aerodrome operators are reminded that aerodrome or airport trespass restrictions are not applicable to aircraft in distress.

2: Pilots intending to use a non-certified aerodrome are advised to obtain current information from the aerodrome operator concerning operating conditions prior to using that aerodrome for aircraft operations.

## 2.3 Airport Certification

### 2.3.1 General

**Transport Canada has the responsibility for the development and operation of a safe national air transportation system. Therefore, airports supporting passenger-carrying commercial operations must meet accepted safety standards. An airport certificate testifies that an aerodrome meets such safety standards. Where exemptions from airport certification safety standards are required, studies will be undertaken to devise offsetting procedures, which will provide equivalent levels of safety.**

### **2.3.2 Applicability of Airport Certification**

**The requirement for airport certification applies to:**

**(a) any aerodrome that is located within the built-up area of a city or town;**

(b) any land aerodrome that is used by an air operator for the purpose of a scheduled service for the transport of passengers; and

**(c) any other aerodrome, where the Minister is of the opinion that it is in the public interest for that aerodrome to meet the requirements necessary for the issuance of an airport certificate.**

Exempt are:

(a) military aerodromes; and

(b) aerodromes for which the Minister has written an exemption, and an equivalent level of safety is defined.

### **2.3.3 Transport Canada Responsibilities**

**The responsibilities of Transport Canada include:**

(a) developing safety standards, policies and criteria for:

(i) airfield physical characteristics, including runway and taxiway dimensions, and separations,

(ii) marking and lighting of manoeuvring surfaces and obstacles, and

(iii) obstacle limitation surfaces in the vicinity of airports;

(b) providing assistance to airport operators in drafting Airport Operations Manuals (AOM);

**(c) conducting aeronautical studies where exemptions from airport certification safety standards are required;**

(d) certifying airports and inspect against the requirements and conditions of the AOM; and

(e) verifying, amending and relaying pertinent airport information to be identified in the appropriate aeronautical information services (AIS) publications.

### **2.3.4 Operator Responsibilities**

The aerodrome or airport operator's responsibilities include:

- (a) completing and distributing an approved AOM;
- (b) maintaining an airport in accordance with the requirements specified in the AOM;
- (c) detailing the airport general operating procedures, including the following:
  - (i) hours of operation,
  - (ii) apron management and apron safety plans,
  - (iii) airside access and traffic control procedures,
  - (iv) snow and ice removal and grass cutting services,
  - (v) airport emergency services, such as Emergency Response Service (ERS) and medical services,
  - (vi) bird and animal hazard procedures,
  - (vii) airport safety programs, including Foreign Object Damage control,**
  - (viii) airport security programs,
  - (ix) the issuance of NOTAM; and
- (d) advising Transport Canada and aircraft operators whenever services or facilities fall below requirements prescribed in the AOM.

### **2.3.5 Airport Certification Process**

Airport certification is a process whereby Transport Canada certifies that an aerodrome meets airport certification safety standards and that aerodrome data, as provided by the owner or operator and confirmed by Transport Canada inspectors, is correct and published in the appropriate aeronautical information publications. When these requirements are met, an airport certificate is issued. The airport certificate documentation includes:

- (a) the airport certificate, which certifies that the airport meets required standards; and
- (b) the AOM, which details the airport specifications, facilities and services, and specifies the responsibilities of the operator for the maintenance of airport certification standards. The AOM is a reference for airport operations and inspections, which ensures that deviations from airport certification safety standards and the resulting conditions of airport certification are approved.

### **2.3.6 Regulatory References for Airport and Heliport Certification**

The regulatory authority for airport certification is Subpart 302 of the CARs. The regulatory authority for heliport certification is Subpart 305 of the CARs. Standards for airport certification and the associated process are contained in the *Aerodrome Standards and Recommended Practices* (TP 312E), while standards for heliport certification and the associated process are contained in CARs Standard 325-*Heliports and the Heliport and Helideck Standards and Recommended Practices* (TP 2586E). Depending on the date on which the heliport certificate was issued, heliport operators will have to comply with either CARs Standard 325 or TP 2586E.

## **2.4 Airport Certificate**

### **2.4.1 Issue**

An airport certificate will be issued when an inspection confirms that all requirements for airport certification have been met, including the following:

- (a) where an exemption from airport certification safety standards exists, measures have been implemented to provide for an equivalent level of safety; and
- (b) the AOM has been approved by the Regional Director, Civil Aviation.

### **2.4.2 Airport Certificate Validity and Amendments**

The airport certificate is a legal aviation document that remains valid as long as the airport is operated in accordance with the AOM. Periodic inspections are conducted to verify continued conformity to airport certification safety standards and conditions specified in the AOM. Transport Canada may make amendments to the conditions of issue of an airport certificate where:

- (a) an approved deviation from airport certification safety standards and a change in the conditions of airport certification are required;
- (b) there is a change in the use or operations of the airport;
- (c) there is a change in the boundaries of the airport; and
- (d) it is requested by the holder of the airport certificate.

## AVIATION SAFETY LETTER TP185

### ISSUE 3/2009

#### Exemption from Pre-Publication

*by Pierre-Laurent Samson, Civil Aviation Safety Inspector, Regulatory Affairs, Policy and Regulatory Services, Civil Aviation, Transport Canada*

Most of the regulatory amendments processed by Transport Canada Civil Aviation's Regulatory Affairs Division have a "low" level of impact, as defined in the Triage Questionnaire. The purpose of these amendments is to clarify existing provisions, bring Canadian regulations in line with those in the United States or Europe, respond to a request made by the Standing Joint Committee for the Scrutiny of Regulations, or correct one of the following errors:

- minor errors in format, syntax, spelling or punctuation;
- typographical errors, archaisms, anomalies, numbering errors;
- inconsistencies between the English and French versions;
- unclear, nonessential information;
- obsolete regulations, that is, regulations that are outdated but still legally enforceable;
- spent regulations that have no further application or effect.

A low level of impact implies that the amendment will cause little or no controversy and that it is supported by the main stakeholder groups. The TBS believes that, in such cases, pre-publication in the *Canada Gazette*, Part I, adds little to the regulatory amendment process. The TBS analyst who is assigned to the department decides whether or not to grant an exemption from pre-publication for a regulatory amendment after the department has demonstrated that the impact of the proposed amendment is nil or low, that the stakeholders have already been consulted, and that the majority would support the regulatory proposal. The time and resources that would otherwise have been used for the analysis would therefore be dedicated to the analysis of files with higher levels of impact, which require more work.

Since the implementation of the triage process, only two files have been granted an exemption from pre-publication and published directly in the *Canada Gazette*, Part II, after an assessment confirmed a low level of impact. The files involved amendments regarding the International Civil Aviation Organization's (ICAO) language requirements and those regarding monetary penalties. If more than two years have passed since stakeholder consultation was conducted on a proposed amendment, the TBS asks that the department requesting the exemption from pre-publication inform the stakeholders that it intends to proceed with the file.

Civil Aviation currently has about 50 files involving proposed amendments to the *Canadian Aviation Regulations* (CARs). The following are examples of a few files, which are at different stages in the regulatory process.

Amendments are proposed to Part I-*General Provisions* regarding the maximum monetary penalty that may be imposed on individuals or corporations for violations. The amendments would introduce 18 new provisions, repeal three that will no longer result in

violations, and make corrections to two. The TBS approved the request for an exemption from pre-publication.

**Amendments are proposed to Part III-Aerodromes, Airports and Heliports regarding certified water aerodromes. The purpose of these amendments is to increase the safety of certified water aerodromes to a level equal to the current level of safety found at certified land airports. The following water aerodromes would be affected: Victoria Harbour, Vancouver Harbour, Vancouver International, Nanaimo Harbour and Prince Rupert/Seal in British Columbia; and Québec/Lac St-Augustin, Montréal/Boisvert & Fils, Montréal/Marina Venise and Delco Aviation in the province of Quebec. The triage statement for these amendments suggests a level of impact that will require pre-publication.**



Excerpt from NPA 1999-280

Reference / référence:	<b>NPA 1999-280 306</b>
English Title / titre anglais:	Water Airport Regulation
French Title / titre français:	Règlement sur les hydroaéroports
Sponsor (indicate if not OPI Branch or TC)	AARN
Language (E - F - Both)	Both

**Issue**

The present **Water/Ice Aerodrome Standards and Recommended Practices (TP 4884)** **are not enforceable** due to lack of supporting regulation. The standards for land airports, Aerodrome Standards and Recommended Practices (TP312), specifically exclude Water Aerodromes from its applicability. Seaplanes are being utilized more frequently with larger aircraft offering scheduled services, and the number and frequency of commercial passenger-carrying flights is forecast to increase.

**Background**

At the time of development, the existing standards and recommended practices for water aerodromes were developed to give some guidance to seaplane operators and provided only a limited level of manoeuvring area and shore facility requirements for water aerodromes. This new regulation and standard will provide a higher level of safety and further protection of movement areas

**Justification**

The proposed regulations describe the aerodrome components that must meet a standard in order for the aerodrome to be certified as an airport. The proposed amendment will increase levels of safety for passengers, crew, and populated areas surrounding a water airport by highlighting new safety requirements for the airport, providing human factors training for airport personnel, and outlining the airport operator's responsibilities and obligations. It also identifies when an aircraft operator must abide by other specific rules that may govern a body of water. The proposed Canadian Aviation Regulations, the Water Airport Regulations (CAR 306) and CAR 326 the Water Airport Standard, will provide for minimum safety criteria at certified water airports.

**Proposal**

To appropriately regulate the criteria required for the certification of a water airport.

## PART III - AERODROMES AND AIRPORTS

### SUBPART 6 - WATER AIRPORT REGULATION

#### Division I - General

##### *Interpretation*

**306.01** In this Subpart,

*“accountable executive”* - means the person having financial and executive control over an entity that is the holder of one or more certificates issued pursuant to *Canadian Aviation Regulations*;

*“airport operational management”* - consists of defining all the physical characteristics, type of aviation activities and periods of operations, services provided at the airport and of providing information on associated airport certification requirements to third party service providers. It excludes the provision of *“air traffic services”* as defined in CAR 800.01 (1)

*“airside”* - means the area of a water airport or water aerodrome consisting of the dockside, of the movement area and its adjacent areas within the airport or aerodrome boundaries, and does not include

a) a building used for the maintenance of aircraft, or

b) a building and its appurtenances used for the movement of passengers (côté piste);

*“airside personnel”* - means persons that are assigned duties on airside that are either employees of the airport operator or those persons employed by organizations that are under contract to the airport for more than six months;

*“dockside”* - means the area that is part of the airport and includes the area(s), on or adjacent to the water, used for the emplaning or deplaning of passengers; or the aircraft loading or unloading of cargo;

*“scheduled”* - means a publicly available air transport service that provides transportation for passengers between points and serves those points in accordance with a published schedule at a charge per seat;

*“seaplane”* - means any aircraft designed to maneuver on the water;

*“take-off and landing area”* - means the area on the surface of the water that is designated for take-off and landing of aircraft;

*“water airport”* - means a water aerodrome in respect of which a water airport certificate issued under this Subpart is in force;

*“water airport boundary”* means the movement area and dockside(s) as described in the *Water Airport Operations Manual*;

##### **Information Note 1: From Part I Interpretations:**

***“movement area” means a part of an aerodrome that is intended to be used for the surface movement of aircraft and includes the manoeuvring area and aprons;***

***“manoeuvring area” means that part of an aerodrome, other than an apron that is intended to be used for the take-off and landing of aircraft and for the movement associated with take-off and landings.***

***Information Note 2 : Water airports may or may not have aprons.***

*“water airport certificate”* - means a certificate issued pursuant to Section 306.08;

*“water airport elevation”* - means the elevation of the take-off and landing area;

*“Water Airport Operations Manual”*(WAOM) - means a manual containing information relating to the operation and certification criteria of a particular water airport;

*“water airport operator”* - means the person in charge of a water airport and includes employee, agent or other authorized representative;

*“water airport standards”* - means a publication that contains the water airport certification requirements for certified water airports.

### ***Application***

**306.02** (1) Subject to subsection (2), this Subpart applies in respect of the operation of the following:

- (a) a water aerodrome that is located within a built-up area;
- (b) a water aerodrome that receives scheduled passenger-carrying aircraft
  - (i) operating under Part VII, Subparts 704 or 705; and
  - (ii) the annual number of movements of those aircraft exceeds 2800; or
- (c) a water aerodrome that the aerodrome operator chooses to have certified at the expense of the aerodrome operator; or
- (d) any other water aerodrome, in respect of which the issuance of a water airport certificate would be in the public interest and would further the safe operation of the water aerodrome.

(2) This Subpart does not apply in respect of

- (a) a military water aerodrome; or
- (b) a water aerodrome referred to in paragraph (1) (b) where the Minister has issued a written authorization for each air operator using the aerodrome to land at and take-off from the aerodrome.

(3) The Minister may issue an authorization with respect to water aerodromes referred to in paragraph (2) (b) where it is possible to specify conditions in the authorization that will ensure a level of safety in respect of the use of the aerodrome that is equivalent to the level of safety

established by this Subpart, and, in any such authorization, the Minister shall specify those conditions.

#### ***Accountable Executive***

**306.03** (1) The airport operator shall appoint and identify a person as the accountable executive to be responsible and accountable on behalf of the airport operator for meeting the requirements of this Subpart.

(2) No person may be appointed as the accountable executive unless the person has control of the financial and human resources required for the operations or activities authorized to be conducted under the operations certificate.

(3) The airport operator shall ensure that airport personnel who have assigned duties on airside successfully complete a safety related initial training course on human and organizational factors.

#### ***Aircraft Operation***

**306.04** The pilot in command of a seaplane operating at a water airport shall comply with the applicable regulations, standards and restrictions that apply to the body of water on which the water airport is located, while in the following positions:

- (a) from the point of touchdown on the water;
- (b) while on the water; and
- (c) until the point of lift-off from the water.

#### ***Requirement to Hold a Water Airport Certificate***

**306.05** No person shall operate a water aerodrome that meets the certification applicability in 306.02 unless the person holds and complies with the provisions of a water airport certificate and the *Water Airport Operations Manual* (WAOM) applicable to the airport.

#### ***Eligibility to Hold a Water Airport Certificate***

**306.06** A person is eligible to hold a water airport certificate if the person is

- (a) a Canadian citizen;
- (b) a permanent resident, a corporation of Canada, of the United States of America or of Mexico; or
- (c) a municipal, provincial or federal agency.

### ***Management Agreement***

**306.07** (1) A water airport operator may authorize a person or organization to operate the water airport on behalf of the operator where

- (a) the person or organization has a written agreement to operate the water airport;
- (b) the agreement is signed by the operator and the person or organization authorized to operate the water airport;
- (c) a copy of the agreement is in the WAOM; and
- (d) the person or organization complies with the *water airport standards* and other applicable regulations and standards.

(2) No person or organization shall manage a water airport on behalf of the water airport operator unless the conditions in (1) are met.

**306.08** [Reserved]

## **Division II - Certification**

### ***Issuance or Amendment of Water Airport Certificate***

**306.09** (1) An applicant for a Water Airport Certificate shall

- (a) submit to the Minister an application in the form and manner required by the water airport standards;
- (b) ensure that the water airport meets the applicable certification criteria set out in the *water airport standards*; and
- (c) submit, to the Minister for approval, a WAOM for the water airport that accurately describes the manner in which the water airport meets the certification criteria referred to in paragraph (b).
- (d) submit to the Minister proof that the applicant has consulted with any local government authority relating to the proposed water airport area and adjacent land as per the *water airport standards requirements*.

(2) Subject to section 6.7(1) of the Act, the Minister shall, on receipt of an application submitted in the form and manner required by the *water airport standards*, issue a water airport certificate where the applicant demonstrates to the Minister the ability to

- (a) maintain an adequate organizational structure;
- (b) maintain operational management of aviation activities utilizing the facility;

- (c) meet the *water airport standards* for the operation as outlined in the WAOM; and
- (d) conduct the operation safely.

(3) For the purposes of subsection (2), an applicant shall have

- (a) an organization capable of exercising airport operational management;
- (b) operational support services and equipment that are in accordance with the WAOM; and
- (c) managerial personnel who perform the functions related to water airport operations.

#### ***Conditions of Continuance of a Water Airport Certificate***

**306.10** A water airport certificate shall be in effect subject to the following general conditions:

- (a) the water airport operator shall comply with the *water airport standards*;
- (b) the water airport operator shall maintain the organizational structure referred to in paragraph 306.09(2)(a);
- (c) the water airport operator shall maintain a current WAOM for the water airport;
- (d) the water airport operator shall maintain and operate the water airport in accordance with the WAOM;
- (e) the water airport operator shall notify the Minister within ten (10) working days after any change in its legal name, trade name or managerial personnel;
- (f) the holder of the water airport certificate, at least fourteen (14) days before ceasing to operate the water airport, notifies the Minister in writing that the current holder will cease to operate the water airport as of the date specified in the notice; and
- (g) the water airport operator shall conduct a safe operation.

### ***Interim Water Airport Certificate***

**306.11** (1) The Minister may, by mail, telex or facsimile machine, issue to an applicant referred to in Section 306.09 (1), an interim water airport certificate authorizing the applicant to operate an aerodrome as a certified water airport where a water airport certificate in respect of the water airport will be issued to the applicant as soon as the application procedure in respect of the issuance is completed.

(2) An interim water airport certificate issued pursuant to subsection (1) expires on the earlier of

(a) the date on which the water airport certificate is issued or transferred; or

(b) the date specified in the interim water airport certificate on which it will expire.

(3) This Subpart applies in respect of an interim water airport certificate in the same manner as it applies in respect of a water airport certificate.

### ***Cancellation of Water Airport Certificate***

**306.12** (1) The Minister may cancel a water airport certificate where this Subpart no longer applies in respect of the water airport referred to in the water airport certificate, as determined in accordance with Section 306.02.

(2) The Minister may cancel or suspend a water airport certificate where the water airport no longer meets certification criteria as specified in Section 306.09.

(3) The airport operator may request cancellation of the water airport certificate where the water airport is closed or no longer meets the applicability criteria.

(4) Where a water airport certificate has been cancelled or suspended, the airport operator shall return the water airport certificate to the Minister within ten (10) working days from the reception of the notice of cancellation or suspension.

**306.13 - 306.14 [Reserved]**

## **Division III – Personnel**

### ***Number of Personnel***

**306.15** The water airport operator shall determine the number of personnel required to comply with the requirements of this Division.

### ***Appointment of Water Airport Manager***

**306.16** (1) The water airport operator shall appoint as a water airport manager a person who meets the requirements of Section 306.17.

(2) The water airport operator shall assign responsibilities, in writing, to the water airport manager;

(3) The water airport manager shall acknowledge in writing that the water airport manager knows, accepts and will carry out the assigned responsibilities

(4) A copy of the assigned responsibilities shall be in the WAOM; and

(5) The water airport operator shall inform the Minister within ten (10) working days after the appointment of a water airport manager.

### **Qualifications of the Water Airport Manager**

**306.17**(1) Except as in (2), no person shall act as a water airport manager unless the person successfully demonstrates, to the Airport Operator, knowledge of the following;

(a) contents of the WAOM,

(b) contents of the water airport certificate and related operational procedures; and

(c) the regulations and standards in this Subpart and other applicable regulations and standards necessary to carry out the duties and responsibilities to ensure safety.

(2) A person may be delegated to act as a water airport manager for a period of time not exceeding sixty (60) working days where the knowledge requirements detailed in (1) are demonstrated to the water airport manager rather than the Airport Operator.

(3) The Airport Operator shall maintain documentation of the results of the requirements in (1) and (2) for two (2) years.

### ***Responsibilities of the Water Airport Manager***

**306.18**The airport manager shall ensure safe operation of the water airport by

(a) exercising operational management of the water airport;

(b) coordinating the functions which impact on operational management;

(c) supervising the production and amendment of the WAOM;

(d) liaising with the regulatory authorities on all matters concerning water airport operations, including modifications to the WAOM;



- (e) liaising with any external agencies, including marine operators and the provider of air navigation services, on all matters which may affect water airport operations;
- (f) ensuring that the maintenance of the water airport operations are being conducted in accordance with current regulations, standards and WAOM;
- (g) receiving and taking action on any aeronautical information affecting the safety of the water airport;
- (h) ensuring the maintenance of a current water airport operations library that includes as a minimum the Canada Flight Supplement (CFS), the Water Aerodrome Supplement (WAS) and the Aeronautical Information Publication (AIP); and
- (i) in his or her absence all responsibilities for operational duties shall be delegated to another qualified individual to act as Water Airport Manager in accordance with 306.17(2).

**306.19 [Reserved]**

## **Division IV - Water Airport Operator**

### ***Obligations of the Water Airport Operator***

**306.20(1)** The water airport operator shall

- (a) review each issue of each aeronautical information publication on receipt thereof and, immediately after such review, notify the Minister and the provider of aeronautical information services of any inaccurate information contained therein that pertains to the water airport;
- (b) before any change to the water airport, the water airport facilities or the level of service at the water airport that has been planned in advance and that is likely to affect the accuracy of the information contained in an aeronautical information publication, notify the provider of aeronautical information services;
- (c) the notification of the information shall be in accordance with the processes and procedures established by the provider of aeronautical services to meet the standards of ICAO Annexes 4 and 15 to the Convention;
- (d) notify the provider of aeronautical information services of all changes to operational information published in the aeronautical information publications; and
- (e) notify the Minister in writing of any change in water airport operations within fourteen (14) days after the date of the change; and
  - (i) where a hazardous condition has been identified, issue a NOTAM identifying the hazard; and

(ii) where a change in water airport operations constitutes a change to the provisions identified in the water airport certificate, ensure the change has been approved by the Minister.

(2) Subject to subsection (4), as soon as aware, the water airport operator shall give to the Minister, and to the provider of aeronautical navigation services, notice of any of the following circumstances:

(a) any projection by an object through an obstacle limitation surface relating to the water airport;

(b) the existence of any obstruction or hazardous condition affecting aviation safety at or in the vicinity of the water airport;

(c) any reduction in the level of services at the water airport published in an aeronautical information publication;

(d) the closure of any part of the maneuvering area of the water airport; and

(e) any other conditions that could be hazardous to aviation safety at the water airport and against which precautions are warranted.

(3) Where it is not feasible for a water airport operator to cause notice of a circumstance to be received at the appropriate air traffic control unit or flight service station, the water airport operator shall give immediate notice directly to the pilots who may be affected by that circumstance.

(4) The water airport operator shall remove or cause to be removed from the dockside of the water airport any object or other obstruction that is hazardous to aviation safety.

(5) The water airport operator shall

(a) provide the Minister with a copy of the WAOM, as approved by the Minister and any amendment to the WAOM; and

(b) distribute copies of the applicable portions and amendments to the persons and institutions referred to in the WAOM.

(6) The water airport operator shall

(a) conduct a formal survey of the Obstacle Limitation Surfaces, based on lowest normal tide or water level, upon request of the Minister; and

(b) forward a copy of the survey to the Minister.

### **306.21 [Reserved]**

## **Division V - Certification Criteria**

### ***General***

**306.22** The requirements of this Division shall be recorded in the WAOM and shall also apply in respect of any amendment to the WAOM.

### ***Units of Measurement***

**306.23** Except as specified, units of measurement shall be as follows:

- (a) elevations to the nearest foot;
- (b) linear dimensions to the nearest one-half meter;
- (c) geographic co-ordinates in latitude and longitude to the nearest second;
- (d) geographic co-ordinates measured in accordance with the NAD 83 reference datum;
- (e) bearings given to the nearest degree;
- (f) water depths to the nearest foot or meter to the nearest decimal; and
- (g) range of tides or water levels to the nearest foot or meter to the nearest decimal.

### ***Geographic Data and Water Levels***

**306.24** The geographic data, water levels and navigation aids shall be determined as follows:

- (a) the geometric center to the nearest 1/10 second;
- (b) the water airport elevation in accordance with the
  - (i) lowest normal tide, where there are tides; or
  - (ii) lowest known water level for that body of water;
- (c) the range of tides or water levels;
- (d) where there is an identified take-off and landing area, water airport magnetic variation to the nearest degree from magnetic north; and
- (e) where electronic navigation aids are installed,
  - (i) the geographic co-ordinates of the antenna or radiating center to the nearest 1/10 second;

- (ii) the elevation of the antenna or radiating center; and
- (iii) the bearing of any unidirectional navigation signal.

### ***Physical Characteristics***

**306.25** (1) The following water airport dimensions shall be available during take-offs and landings:

- (a) the take-off and landing area shall be an area on the water surface, measured in a straight line, that is usable for take-off and landing;
- (b) the area referred to as the take-off and landing area includes the runway and the strips;
- (c) the width of the runway shall be a minimum of 60 m;
- (d) the width of the strip shall be a minimum of 30 m each side of the runway;
- (e) the width of the take-off and landing area shall not be less than 120 m (400 ft); and
- (f) length of the primary take-off and landing area shall not be less than 800 m (2666 ft);
- (g) the depth of the water in the take-off and landing area shall not be less than 1.8 m (6 ft) unless the airport is restricted to aircraft requiring less than 1.8 m (6 ft) in which case the depth of the water shall be based on the requirements of that aircraft .

(2) Shore facilities to emplane and deplane passengers shall be provided in the form of a dock, float, wharf, ramp or beach and shall be in accordance with the *water airport standards*.

(3) Where provided, the following shall be in accordance with the *water airport standards*:

- (a) turning basins;
- (b) taxi areas;
- (c) mooring or anchor facilities;

### **Obstacle Limitation Surfaces**

**306.26** (1) The airport operator shall ensure that Obstacle Limitation Surfaces (OLS) for take-off and approach and transitional surfaces are established.

(2) A take-off and approach surface shall be established for each end of the take-off and landing areas that is either

- (a) a straight-in take-off and approach surface;
- (b) an off-set take-off and approach surface;

- (c) a curved take-off and approach surface; or
  - (d) a single take-off and approach surface where movements are restricted to one direction arrivals and opposite direction take-offs;
- (3) The length of the take-off and approach surface shall not be less than 2500 m (8333 ft) in accordance with Table 1.
- (4) The slope of the take-off and approach surface shall be in accordance with Table 1.
- (5) The centreline of the take-off and approach surface shall be a
- (a) straight line;
  - (b) straight line, off-set from the centreline of the take-off landing surface; or
  - (c) combination of a straight line and an arc of constant radius.
- (6) A straight-in take-off and approach surface shall start at the inner edge and its divergence be set at 10% starting at 300 meters from the inner edge.
- (7) An off-set or curved take-off and approach surface shall be established only where guidance such as geographical points or other visual references or published procedures are available.
- (8) Where established, an off-set take-off and approach surface shall not exceed twelve degrees (12°) off-set, in accordance with Figure 4 of the *water airport standards*.
- (9) An off-set take-off and approach surface shall start at the inner edge and its divergence be set at 10% starting at 300 meters from the inner edge.
- (10) Where established, a curved take-off and approach surface shall
- (a) not contain more than one curved portion;
  - (b) not allow a change of direction greater than 90 degrees; and
  - (c) have a straight portion originating at the inner edge of not less than 1300 m (4265 ft).
- (11) The radius of arc defining the centre line of the take-off and approach surface shall not in any portion of the take-off and approach surface be less than 736 m (2415 ft) in accordance with Figure 5 of the *water airport standards*.
- (12) A curved take-off and approach surface shall start at the inner edge and its divergence be set at 10% starting at 300 meters from the inner edge.

(13) Where it is necessary to determine a single take-off and approach surface due to one-direction arrivals and opposite direction take-offs;

- (a) The single take-off and approach surface shall start at the inner edge and its divergence be set at 10% starting at 300 meters from the inner edge; and
- (b) the single take-off and approach surface shall be clearly depicted in the aeronautical information publications.

(14) The Transitional Surface shall be an unobstructed plane running parallel to the take-off and approach area as follows:

- (a) the first portion of the transitional surface shall be vertical, commencing each side of the take-off and approach area or strip, and shall extend to a height of 15 m (50 ft) above the water level in accordance with Figure 3 of the *water airport standards*;
- (b) the second portion of the transitional surface shall start at the top of the first portion and shall extend at a slope of 50% (1:2) to meet the take-off and approach surface at a height of 45 m (150 ft) above the water level in accordance with Figure 3 of the *water airport standards*;
- (c) the width of the inner edge shall not be less than be 120 m;
- (d) the inner edge shall be positioned at the threshold;
- (e) the elevation of the inner edge shall be the elevation of the water airport.

<b>Table 1 - Dimensions and Slopes of Obstacle Limitation Surfaces - Water Airports</b>	
	Approach Type
	Non - Instrument, Day, VFR
<b>Take-off and approach Surface</b>	
Width of Runway	60 m minimum
Width of Strips	30 m minimum each side of runway
Width of inner edge	Width of take-off and landing area - (120 m minimum)
Location of inner edge	Positioned at the threshold
Divergence	10 % starting at 300 meters from the inner edge
Length (minimum)	2500 m
Slope (maximum)	5 % (1:20)
<b>Transitional Surface:</b>	
Slope (maximum)	Vertical to 15 m then (1:2) 50%
Height	45 m

***Objects, Obstacles and Markings of Objects and Obstacles***

**306.27** (1) No fixed object shall be permitted on a take-off and landing area.

(2) Objects or structures that are located within the water airport boundary shall not penetrate OLS unless;

(a) those structures are for air navigation purposes; or

(b) are essential to the safety of aircraft operation; and

(c) are frangible; or

(d) those structures are for marine navigation purposes.

(3) Except as in (6) and (7), all fixed objects shall be marked with a colour.

(4) The colour and form of markings displayed on objects on the dockside shall be in accordance with Part VI, Subpart 601. (621.19)

(5) Marking of fixed objects on the dockside of the water airport shall be in accordance with the Canadian Aids to Navigation and Private Buoy Regulation as administered by the Canadian Coast Guard.

(6) Objects that are conspicuous by their shape, size or colour need not be marked.

(7) Where it is not possible to colour the objects, markers or flags shall be displayed on or above them.

(8) Where an airport operator perceives the presence of an object that may be hazardous to aircraft operations on the movement area or in the air in the immediate vicinity of the water airport, and where the risk analysis confirms that the object is hazardous, it shall be

(a) removed; or

(b) marked or lighted in accordance with this Subpart in respect of fixed objects where a risk analysis indicates this provides an equivalent level of safety .

(9) The water airport operator shall conduct a risk analysis to establish the required clearances to be used above waterways, rivers, or canals.

(10) Overhead wires, catenaries and other similar objects shall be marked in accordance with Part VI, Subpart 601 (621.19).

(11) The risk analyses referred to in (8) and (9) shall be conducted as a formal risk analysis, equivalent or better than a Q850 or a similar recognized form of risk analysis.

### ***Provision of Operational Information for Publication***

**306.28** The following operational information shall be reported to the Minister and to the aeronautical information services provider for publication in the Canada Flight Supplement:

- (a) the water airport elevation;
- (b) the magnetic bearing(s) of the primary take-off and landing area(s);
- (c) the range of tides or water levels;
- (d) the average speed and direction of the current;
- (e) water airport dimensions and facilities required under 306.25;
- (f) arrival and departure procedures where applicable;
- (g) navigation aids;
- (h) contact information for the water airport operator;
- (i) times of operation;
- (j) communication frequency;
- (k) operational procedures;
- (l) operational restrictions;
- (m) cautions; and
- (n) information on significant obstacles on and in the vicinity of the water airport with respect to
  - (i) location;
  - (ii) top elevation to the nearest, next higher foot: and
  - (iii) type.

### ***Airport Operational Information***

**306.29(1)** Information shall be reported by the water airport operator to the appropriate aeronautical information services provider for dissemination on

- (a) any change in the condition of the movement area;
- (b) the operational status of related facilities;
- (c) changing conditions significantly affecting normal aircraft operations; and



(d) situations likely to adversely affect normal aircraft operations in respect of

- (i) damage to shore facility;
- (ii) known hazards to include log booms, or any other surface or below surface hazard; and
- (iii) abnormally high/low water depth.
- (iv) currents.

(2) The information shall be kept up to date.

#### ***Wind Indicators***

**306.30(1)** Unless the direction of the wind can be obtained by radio, a wind direction indicator shall be installed.

(2) Where a wind direction indicator is installed it shall be

- (a) of a conspicuous colour; and
- (b) in the form of a truncated cone.

(3) The wind direction indicator shall be

- (c) visible at a height of 300m (1000 ft) above the indicator; and
- (d) visible from the take-off and landing area.

#### ***Markings and Markers***

**306.31(1)** A take-off and landing area shall be identified by

- (a) geographical points and/or other visual references which shall be described to designate the take-off and landing area; or
- (b) markings or markers in accordance with the *Canadian Aids to Navigation System* where identification as in (a) is not feasible and a risk assessment indicates that markings are required ; and
- (c) the geographical points, markers or other visual references in (a) and (b) shall be described in the Canada Flight Supplement (CFS) as applicable.

- (2) Where shoals or other hazards could endanger an airplane
- (a) marker buoys shall
    - (i) be installed to clearly indicate the hazardous area; and
    - (ii) comply with the Canadian Aids to Navigation and Private Buoy Regulation as administered by the Canadian Coast Guard;
  - (b) the location of the shoals or other hazards shall be published in the CFS.
- (3) Where dock identification markings are used they shall be in accordance with the *water airport standards*.

### ***Prohibition Signs***

**306.32(1)** Where it has been determined there is a need to place restrictions on the dockside, a sign shall be displayed identifying the restriction and the area that is restricted.

(2) A sign restricting persons from the dockside until all aircraft and propellers have come to a complete stop shall be displayed in a manner that is visible to the persons.

**306.33 - 306.36 [Reserved]**

## Division VI -Water Airport Emergency Planning

### ***General Requirements***

**306.37(1)** The water airport operator shall, after consultation with the air operators that use the water airport, marine operators, air navigation services provider and community agencies, develop and maintain a Water Airport Emergency Plan (WAEP).

(2) A water airport operator shall consult all agencies identified in the WAEP concerning their role in the plan.

(3) The water airport operator shall review the WAEP on an annual basis and update as necessary.

(4) The water airport operator shall conduct a test of the WAEP at least once every three (3) years at a water airport that is located in a built up area.

(5) The airport operator shall ensure that the WAEP includes preparation for the following types of emergencies:

- (a) aircraft accidents or incidents and other emergencies within the water airport boundaries;
- (b) aircraft accidents or incidents outside the water airport boundaries;

- (c) water rescue;
- (d) fire response;
- (e) oil and fuel spills;
- (f) recovery of aircraft from the movement area;
- (g) trauma injury to passengers or personnel; and
- (h) medical emergencies.

(6) The WAEP shall

- (a) include the types of emergencies planned for;
- (b) include the measures to activate the plan for each type of emergency;
- (c) describe the role of each agency for each type of emergency;
- (d) identify the name of agencies on and off the water airport to contact for each type of emergency;
- (e) identify agencies which would be of assistance to the water airport operator in responding to an emergency at the water airport;
- (f) include the contact information and services available for agencies identified in (d,) and (e);
- (g) include a list of pertinent on-site services available with telephone numbers or other contact information;
- (h) include copies of any written agreements with other agencies for mutual aid and the provision of emergency services;
- (i) include the process for the review and updating of the plan;
- (j) include lines of authority and organizational relationships; and
- (k) include administrative procedure for the distribution of the plan and its amendments to agencies that have a response role identified in the WAEP .

### ***Approval of Water Airport Emergency Plan***

**306.38** (1) The operator of an airport shall submit, in manual format, two (2) copies of a Water Airport Emergency Plan to the Minister for approval, prior to implementation.

(2) Where a Water Airport Emergency Plan meets the requirements of 306.37, the Minister shall approve the plan.

(3) Except as in (4), the operator of a water airport shall submit, in manual format, two (2) copies of any amendments to an existing plan, to the Minister for approval, prior to implementation.

(4) Amendments of an administrative nature as identified in the *airport standards*, need not be submitted for approval, but shall be submitted, as information, within fourteen (14) days.

### ***Emergency Equipment***

**306.39**(1) The water airport operator shall ensure that emergency equipment is provided in accordance with the *water airport standards*.

(2) The emergency equipment in (1) shall be readily available at each site during scheduled passenger-carrying arrivals and departures.

306.40 [Reserved]

## **Division VII - Water Airport Operations Manual**

### ***General***

**306.41** The provisions of this Subpart that apply in respect of the making of a water airport operations manual also apply in respect of any amendment to a WAOM.

### ***Administration***

**306.42** (1) A WAOM shall contain the following General Information:

(a) a table of contents; and

(b) any information relating to the administration of the water airport, including, but not limited to

(i) a record of any amendments, including the pages affected by the amendment, to the WAOM;

(ii) a list of the effective pages;

- (iii) a list of holders of copies of the WAOM or of portions thereof;
- (iv) a description of the procedure for amendment of the WAOM ;
- (v) a description of the organizational structure of the water airport management;
- (vi) a description of the operational procedures of the water airport ;
- (vii) an enumeration of the obligations of the operator referred to in Section 306.20;
- (viii) reference to any marine regulations applicable to the water airport;
- (ix) a statement, signed by the operator, certifying that the water airport operations manual is complete and accurate, and that the operator agrees to comply with all of the conditions and specifications referred to therein;
- (x) documentation, signed by the Minister, that the Minister has approved the water airport operations manual and any amendments thereto; and
- (xi) copies of all agreements or memorandums of understanding that affect the operation of the water airport.

#### ***Certification Criteria***

**306.43** A WAOM shall document

- (a) the information necessary to verify that the water airport meets the requirements of this Subpart;
- (b) detailed information on how the Certification Criteria are met for issuance of the water airport certificate;
- (c) the requirements of the Water Emergency Response Plan; and
- (d) the services to be provided by a water airport operator.



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No. P007/00

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## **IMPROVING SAFETY IN VICTORIA HARBOUR**

VICTORIA, B.C. — Transport Minister David Collenette, together with David Anderson, Minister of the Environment and Member of Parliament for Victoria, today announced new safety and noise abatement measures for Victoria Harbour.

"The new procedures will improve safety and help ensure Victoria Harbour continues to maintain its excellent safety record," said Mr. Collenette. "These measures were developed as part of a comprehensive safety review of aircraft and marine traffic in Victoria Harbour and in partnership with aviation and marine harbour users. The actions we are taking will enhance both marine and aviation safety in the harbour."

"Victoria Harbour is a vital part of our city," said Mr. Anderson. "The procedures Transport Canada is introducing will help ensure Victoria Harbour remains safe for all users while balancing the needs of local residents, aircraft traffic, marine traffic and the local economy."

Some of the safety and noise abatement actions Transport Canada is taking include:

- Making Victoria Harbour a certified water airport;
- Requiring aircraft operators to have prior permission from the harbour airport manager to land at the Victoria Harbour water airport, effective April 28;
- Designating two Harbour operating areas - A and B (Area A is adjacent to Pelly Island and Area B is near Colville Island);
- Prohibiting aircraft from using the area directly in front of Laurel Point for take offs or landings;
- Designating the Colville Island operating area as the preferred take off area (wind, water and load conditions permitting);
- Requiring aircraft taking off or landing to stay 50 metres clear of all vessels;
- Updating the *Partnership in Safety: Victoria Harbour Vessel Traffic Scheme*;

- Developing a harbour user education program;
- Establishing a Noise Management and Air Quality Committee and a Harbour Safety Committee;
- Requiring aircraft to fly 500 feet over the Johnson Bridge when coming in for a landing; and
- Instituting a Victoria Harbour Monitoring and Enforcement Program.

The key improvement is certifying Victoria Harbour as a water airport. Creating a water airport centralizes accountability in the Harbour and allows Transport Canada to deal with issues such as noise mitigation and air quality management. The designation of a harbour airport manager, mandatory procedures, an enforcement program, and an intensive user education will also help provide an even greater level of safety in Victoria Harbour.

Increased aircraft and marine traffic in Victoria Harbour, along with the growth in waterfront residential neighbourhoods, prompted Transport Canada to conduct a Harbour safety review. The safety review team conducted over 30 interviews with harbour users and residents and reviewed data collected by Transport Canada staff on aircraft and vessel movements in the harbour.

The safety review team identified several areas where safety could be improved in Victoria Harbour. The safety actions Transport Canada is taking will reduce the potential for conflict between aviation and marine traffic and streamline the harbour airport's operations. Victoria Harbour has had an excellent safety record and Transport Canada's goal is to keep it that way.

A backgrounder on Victoria Harbour and the *Safety Review of Aviation and Marine Operations in Victoria Harbour* is attached. For a copy of the safety review report please contact the number listed below.

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Contact:

Rod Nelson  
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## **BACKGROUND**

### ***Victoria Harbour***

Over the last 50 years Victoria Harbour has evolved from an industrial and fishing port into a tourism and recreational port. Ferries, water taxis, small tour boats, pleasure craft



and kayaks have gradually overtaken fishing boats and commercial vessels as the harbour's primary traffic. The industrial lands surrounding the harbour have also changed. Beginning in the late 1980s, condominiums were built around the perimeter of the port and homes began replacing the shipyards and factories.

Seaplanes began operating in Victoria Harbour in the early 1930s. After World War II, aviation activity gradually increased. By the 1970s, scheduled commercial aircraft service was operating out of the harbour. Since then, aircraft traffic has grown. Over the next decade, relatively slow growth is anticipated. No statistics are available for vessel traffic but it is estimated that approximately 900,000 passengers and 128,000 vehicles came through the two harbour ferry terminals in 1998. This does not include small vessel traffic.

## **Safety Review of Aviation and Marine Operations in Victoria Harbour**

Overall, Victoria Harbour's safety record has been excellent. Since the late 1980's, there have been three accidents involving aircraft in the harbour. In each case, no other aircraft or vessels were involved and there were no fatalities.

However, increasing aircraft and marine traffic, along with the growth of waterfront residential neighbourhoods, has led to concerns about safety in the harbour. These concerns prompted Transport Canada to conduct a safety review. The review team identified safety hazards and assessed the effectiveness of the proposed safety mitigation measures.

The safety review team conducted over 30 interviews with harbour users and residents and reviewed data collected by Transport Canada staff on aircraft and vessel movements in the harbour. Based on their analysis the safety review team identified several areas where safety could be improved in Victoria Harbour. The safety actions Transport Canada is taking will reduce the potential for conflict between aviation and marine traffic and streamline the harbour airport's operations. Victoria Harbour has had an excellent safety record and Transport Canada's goal is to keep it that way.

Some of the safety actions Transport Canada is taking include:

- Making Victoria Harbour a certified water airport;
- Requiring aircraft operators to have prior permission from the harbour airport manager to land at the Victoria Harbour water airport, effective April 28;
- Designating two Harbour operating areas - A and B (Area A is adjacent to Pelly Island and Area B is near Colville Island);
- Prohibiting aircraft from using the area directly in front of Laurel Point for take offs or landings;
- Requiring aircraft taking off or landing to stay 50 metres clear of all vessels;
- Updating the *Partnership in Safety: Victoria Harbour Vessel Traffic Scheme*;
- Developing a harbour user education program;
- Establishing a Harbour Safety Committee; and
- Instituting a Victoria Harbour Monitoring and Enforcement Program.

The key improvement is certifying Victoria harbour as a water airport. Creating a water airport centralizes accountability in the Harbour and allows Transport Canada to deal with issues such as noise mitigation and air quality management. The designation of a harbour airport manager, mandatory procedures, an enforcement program, and an intensive user education will also help provide a greater level of safety in the Victoria Harbour.

## **Noise Mitigation in Victoria Harbour**

Transport Canada is also taking the following steps to address noise concerns in the Harbour:

- Prohibiting aircraft from using the area directly in front of Laurel Point for take offs or landings;
- Designating the Colville Island operating area as the preferred take-off area (wind, water and load conditions permitting);
- Requiring aircraft to fly 500 feet over the Johnson Bridge when coming in for a landing; and

- Establishing a Noise Management and Air Quality Committee.

Aircraft operators, residents, the City of Victoria and Transport Canada have been working for several years to reduce the impact of aircraft noise in Victoria Harbour on residents. Float plane operators have adopted a number of voluntary noise reduction measures, such as replacing two-bladed props with three-bladed props to reduce ambient noise and moving take off and landing zones to areas further off-shore. In addition, aircraft not arriving or departing are required to overfly Victoria above 2000 feet.

### **Victoria Harbour Management Plan**

The Safety Review is an important component of Transport Canada's Harbour Management Plan. The management plan was developed to address a variety of issues in Victoria Harbour including safety, noise, air quality and emergency response. The City of Victoria, supports the management plan and Transport Canada has taken the following steps:

- Developed an Emergency Response Plan to ensure a coordinated response to incidents in the harbour;
- Completed the Victoria Harbour Noise Management Review;
- Developed a *Victoria Harbour Vessel Traffic Scheme* for vessel and aircraft operations in the harbour;
- Completed an air quality review; and
- Completed the *Safety Review of Aviation and Marine Operations in Victoria Harbour*.