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**Chapter 7. WAIVERS OF APPLICATION OF STANDARD CRITERIA**

**Section 1. GENERAL**

**700. PURPOSE**

This chapter provides the Flight Procedures Office (FPO) with a detailed explanation of the policies, processes, and procedures for waivers of the application of the standard criteria used to develop flight procedures.

**701. Background**

The Federal Aviation Act of 1958 (FA Act), and subsequent amendments, legislates the FAA's responsibility for maintaining a safe National Airspace System (NAS). The development of Instrument Procedures represents a major undertaking in meeting this requirement of the FA Act. Waivers of the application of standard criteria are required to provide instrument procedure capability in some cases because of unique terrain characteristics, environmental conditions or situations, and/or operational requirements.

**702. STATUTORY BASIS FOR THE INSTRUMENT FLIGHT PROCEDURES PROGRAM**

The Federal Aviation Act of 1958 (FA Act), and subsequent amendments, legislates the Secretary of Transportation's responsibility for maintaining a safe National Airspace System (NAS). Authority to act on behalf of the Secretary has been delegated to the FAA Administrator. The following sections contain the basic authority for the FAA to develop and implement Standard Instrument Approach procedures.

**a. Section 305, Fostering of Air Commerce**

Directs the Secretary to encourage and foster the development of civil aeronautics and air commerce.

**b. Section 307a, Airspace Control and Facilities - Use of Airspace**

Authorizes and directs the Secretary to develop plans for and formulate policy with respect to the use of the navigable airspace and assign the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to

insure the safety of aircraft and the efficient utilization of such airspace.

**c. Section 307b, Airspace Control and Facilities - Air Navigation Facilities**

Authorizes the Secretary to arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft.

**d. Section 307c, Air Traffic Rules and Regulations**

To prescribe air traffic rules and regulations governing the flight of aircraft for navigation, the protection of the aircraft, and the protection of persons and property on the ground.

**e. Section 312, Development Planning**

Directs the Secretary to formulate long range plans for the orderly development of the navigable airspace, landing areas, other aids and facilities for air navigation.

**f. Aviation Safety and Noise Abatement Act of 1979**

Requires that the Secretary of Transportation, in consultation with other public agencies, to establish a single noise measuring system (Integrated Noise Model) and identify land uses that are compatible with airport development. The law also provides for funding of noise compatibility programs.

Court Decisions and the Statutes - Occasionally, legal actions result from the use or misuse of an FAA established Standard Instrument Procedure. The court will consider if the procedure was developed and published in accordance with internal FAA guidance, the Code of Federal Regulations (CFR), and the laws. A court decision will normally be based on strengths or deficiencies in the FAA's internal guidance, procedures, or the CFRs and/or proper application of those documents.

**703. REGULATORY BASIS FOR INSTRUMENT PROCEDURES**

The Administrator implements the provisions of the Federal Aviation Act and other Acts by adoption of various CFRs. The following CFRs cover subjects involved in or associated with the development of Instrument Procedures.

**a. 14 CFR PART 77 - Objects affecting navigable airspace**

Establishes standards for determining obstructions in navigable airspace. Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration. Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace. Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation. And, provides for establishing antenna farm areas.

**b. 14 CFR PART 91 - General operating and flight rules:**

Prescribes rules governing the operation of aircraft (other than moored balloons, kites, unmanned rockets, unmanned free balloons and ultralight vehicles) within the United States.

**c. 14 CFR PART 95 - Governing Altitudes under IFR conditions**

Prescribes altitudes governing the operation of aircraft under IFR conditions on Federal Airways, jet routes, area navigation, or other direct routes.

**d. 14 CFR PART 97 - Standard Instrument Approach Procedures**

Prescribes standard instrument approach procedures for instrument letdown to airports in the United States and the weather minimums that apply to takeoffs and landings under IFR at those airports. It documents that standard instrument approach procedures adopted by FAA and described on FAA Form 3139, 8260-3, 8260-4, or 8260-5 are incorporated into Part 97.

**e. 14 CFR PART 121 - Certification and operations**

Governs the certification and operations of air carriers and contains sections pertaining to Standard Instrument Procedures (SIAP).

**f. 14 CFR PART 135 - Air taxi operators and commercial operators**

Governs the certification and operations of air taxi operators and commercial operators. It contains sections pertaining to Standard Instrument Procedures (SIAP).

**g. 14 CFR PART 139 - Certification and operations: Land airports serving certain air carriers**

Prescribes rules governing the certification and operation of land airports which serve any scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers.

**h. 14 CFR PART 150 - Airport noise compatibility planning**

Prescribes the procedures, standards, and methodology governing the development, submission, and review of airport noise compatibility programs, including the process for evaluating and approving or disapproving those programs. This part also identifies those land uses which are normally compatible with various levels of exposure to noise by individuals.

**i. 14 CFR PART 171 - Non-Federal navigational facilities**

Sets forth minimum requirements for the approval and operation of non-Federal navigational facilities that are to be involved in the approval of instrument flight procedures predicated on those facilities.

**704. FAA INTERNAL DIRECTIVES AND PROCESSES**

The procedures for accomplishing the Instrument Procedures program incorporated in the FAA's internal orders are based on the laws passed by the Congress and the CFRs issued by the FAA. Proper application of

these directives requires that the Flight Procedures Office (FPO) personnel maintain a working knowledge and basic understanding of terminal and en route instrument procedures; the Facilities and Equipment (F&E) program and process, the Obstacle Evaluation (OE) program and process, and Non-rulemaking Actions. The following documents are the reference sources most frequently used by the Flight Procedures Office specialist.

**a. Flight Procedures Office Handbook**

The 8260.XX is the primary guidance concerning administration of the Standard Terminal Instrument Procedures program at region locations for the Office of Aviation System Standards (AVN). It provides policy, standards and procedures necessary for Flight Procedures Office personnel to perform all functions required for effective administration of the program. Each chapter contains procedures and processes for accomplishing various elements or segments of the program.

**b. Terminal Instrument Procedures, Handbook 8260.3.**

This handbook contains criteria used to formulate, review, approve, and publish procedures for instrument approach and departure of aircraft to and from civil and military airports. These criteria are applicable at any location over which an appropriate United States agency exercises jurisdiction.

**c. Flight Procedures and Airspace, Handbook 8260.19**

This handbook provides guidance for AVN personnel for the administration and accomplishment of the Flight Procedure and Airspace program services provided in support of the Flight Standards Service.

**d. Order 8200.1, United States Standard Flight Inspection Manual**

This order contains policy, criteria and procedures for the flight inspection of navigational aids and instrument flight procedures.

**e. Order 7400.2, Procedures for Handling Airspace Matters**

This order prescribes policy, criteria, and procedures applicable to Air Traffic Rules and Procedures Service, Program Engineering and Maintenance Service, Systems Engineering Service, Office of Airport Planning and Programming, Office of Airport Standards, and the Flight Standards Service. It also applies to all regional and field organizational elements involved in rule making and non rule making actions associated with airspace allocation and utilization, obstruction evaluation, obstruction marking and lighting, airport airspace analysis, and the establishment of air navigational aids.

**f. Order 7031.2, Airway Planning Standard Number One**

This order contains criteria for determining the eligibility of specific locations and runways for various types of navigational aids.

Other internal directives in the form of Advisory Circulars and Orders containing information relative to the Standard Instrument Approach program are routinely issued and should be used as necessary. Flight Procedures Office personnel should review periodic distributions of the agency Directives Checklist to identify directives applicable to their assigned functions. It is also important that their review identify directives no longer applicable because of cancellation. The specialists should know or determine the reason for cancellation of applicable directives because the action usually follows incorporation or consolidation of the material into another directive. Examples of directives effective at the time this handbook was completed (month/day/year) are:

- (1) AC-120-29 (plus changes 1, 2, and 3) Criteria for Approving Category and I Category II Landing minimums for CFR 121 Operators.
- (2) Order 8260.26, Establishing and Scheduling Instrument Approaches Effective Dates.
- (3) Order 8260.15, U.S. Army Terminal Instrument Procedures Service.
- (4) Order 8260.32, U.S. Air Force Terminal Instrument Procedures Service.
- (5) Order 8250.31, Foreign Terminal Instrument Procedures.

#### **705. POLICY AND OBJECTIVES**

It is the policy of the Flight Standards Service, that processing of Waivers of the application of standard criteria for Instrument Procedures will display the following characteristics.

##### **a. Coordination Responsibilities**

FPO personnel understand their own responsibilities and have at least a basic understanding of, and respect for the responsibilities of the other organizations involved in the Instrument Procedures program.

##### **b. Consistency, Accuracy, and Completeness**

The coordination/review packages and response packages prepared by FPO personnel are accurate, complete, and timely thus minimizing or avoiding problems, delays, and negative impacts on others.

##### **c. Effective and Efficient Process**

The processing and handling of each waiver of application of standard criteria is assigned appropriate priority. The degree of complexity is a primary consideration in the assignment of personnel. The significance of the program and potential impacts on users are understood by all and they strive to achieve and maintain an effective and efficient process.

**d. Overall Understanding of the Process**

All Flight Procedures Office personnel have at least a basic understanding of all required coordination and review processes.

**e. Management and Control of the Process**

FPO personnel should take steps to manage and control the processing of requests in a timely and responsive manner. They should maintain an awareness of how delays in their processing activities impact others.

**706. ORGANIZATIONAL RESPONSIBILITIES**

The Flight Standards Service (AFS) is responsible for the establishment and maintenance of terminal and en route flight procedures. The director has final authority to issue, amend, and terminate rules and regulations relating to standard terminal instrument procedures and minimum equipment requirements. AVN provides criteria/standards development, procedures development, and procedures flight inspection support services as required by the Flight Standards Service.

**a. Technical Programs Division (AFS-400)**

This division is the principal element of the Flight Standards Service governing policies for establishing and maintaining terminal and en route flight procedures, and, for using air navigation facilities, appliances, and systems. The division is responsible for approval/disapproval of requests for waivers of standards.

**b. Special Programs Branch (AFS-430)**

This branch is the principal element of the division for direction, control, and execution of complex technical projects and is responsible for the approval of Category II/III landing minimums.

**c. Air Carrier Branch (AFS-220)**

This branch is the principal element within the Air Transportation Division (AFS-200) with respect to the development of Standard Operations Specifications and the approval of U.S. air carriers to use instrument flight procedures at foreign airports.

**d. Commuter/Air Taxi Branch (AFS-250)**

This branch is the principal element within the Air Transportation Division (AFS-200) with respect to the development of Standard Operations Specifications for commuter air carriers and air taxis.

**e. National Flight Procedures Office (NFPO) (AVN-100)**

This office is the principal element with respect to the development of national and international procedures concerning application of standards and criteria for overall accomplishment of the Flight Procedures Program and serves as the focal point to the Flight Standards Service for all matters relating to airspace and cartographic programs. This division is the focal point for

approach aids, obstruction criteria, and approach procedures. This division is responsible for the development, evaluation, and review of waiver requests and the development of recommendations for submission to the Flight Standards Service.

**f. Regional Flight Procedures Office**

Within NFPO are five Flight Procedures Development Branches and a Technical Support Branch (AVN-160). Each Flight Procedures Development Branch contains a Flight Procedures Office (FPO) located within each region. The FPO is responsible for all civil instrument procedures within the region's geographic area. In addition, the FPO is responsible for the military procedures for which the FAA, through appropriate agreements and orders, has assumed procedure development responsibilities. In most cases, these are Army and Air Force approach and departure procedures and other military procedures at civil fields.

The FPO is the focal point for establishing and maintaining Standard Instrument Approach Procedures to ensure that aircraft operations can be conducted safely and in accordance with applicable criteria and standards. Optimizing the distribution and utility of these valuable resources requires careful evaluation of SIAP needs, benefits to the public.

**707. FPO Major responsibilities**

The FPO has many responsibilities that include:

- (1) Plans and coordinates the regions requirements for instrument flight services.
- (2) Plans and coordinates the Flight Procedures and Airspace Program for the region by applying national policies, standards, and criteria.
- (3) Conducts and coordinates instrument procedure feasibility studies.
- (4) Evaluates requests for new instrument procedures and determines eligibility for approval. Coordinates eligible requests with appropriate regional organizations. If approved, provides data, supporting documentation, regional priority, and instructions for development to the appropriate AVN organization.
- (5) Determines requirements for waivers of criteria to resolve special or unique operational problems. Submits justifications and recommends options for meeting the equivalent level of safety provided by standard application of all required criteria.
- (6) Evaluates and processes industry comments on instrument procedures.
- (7) Coordinates foreign instrument procedures programs in accordance with FAA Order 8250.31, Foreign Terminal Instrument Procedures.

(8) Plans and coordinates new or relocated navigational aids.

(9) Coordinates with regional divisions and the appropriate AVN organization to specify a charting date consistent with priorities and workload, when a component of the National Airspace System (NAS) is to be commissioned, decommissioned, or altered.

(10) Coordinates the planning and development of regional F&E budget submissions and programming actions.

(11) Analyzes all obstruction evaluations to determine the effects on flight operations, landing minimums, or flight altitudes of all civil and U.S. Army instrument procedures.

(12) Evaluates regional airport and airspace cases, and performs flight safety reviews as necessary.

## **708 - 719 RESERVED**

### **Section 2. WAIVER REQUEST AND APPROVAL PROCESS.**

#### **720. GENERAL**

This section contains the policy, procedures and processes for requesting and obtaining approvals of waivers of the application of standard criteria.

Waivers are necessary because the standard criteria cannot cover each and every situation or location where instrument approach capability is required. A waiver of the application of standard criteria acknowledges this fact and accommodates special needs and situations. A waiver simply allows the substitution of non-standard criteria which provides the equivalent level of safety as would be provided by the application of standard criteria where the need for instrument procedure capability justifies such substitutions.

The use of the waiver process must be carefully disciplined to protect the integrity of standard criteria and the benefits obtained by the application of standard criteria. Accordingly, the process includes checks and balances to ensure that a waiver is necessary, that it is justified by the need for instrument capability, and the alternative application of criteria provides at least an equivalent level of safety. More importantly the annual review and analysis of waivers provides critical support to ensure timely revisions needed to ensure the standard criteria is compatible with changes in technology and operational capabilities and requirements.

A flow chart of the overall process is included as Figure 720-1.

#### Significant References and Interfaces

Processing waivers of the application of standard criteria often requires the use of a variety of reference materials and interaction with several organizations. A listing of the most commonly used

legal references, Code of Federal Regulations, internal directives and forms follows. Guidance is also provided in Policy Memoranda that are often temporary pending publication of the policy in an appropriate directive for long term use. These are not listed. Each FPO should maintain a listing of current Policy Memoranda. A listing of the organizations often involved in the process is also included.

## **721. Reference Material**

### **a. Legal References**

49 USC 1346 (305), Fostering of Air Commerce.  
49 USC 1348 (307), Airspace Control and Facilities.  
49 USC 1354 (313), Other Powers and Duties of the Administrator.  
14 CFR PART 95 IFR Altitudes.  
14 CFR PART 97 Standard Instrument Approach Procedures.

### **b. Internal FAA Procedural Guidance**

Order 1050.1 Policies and Procedures for Considering Environmental Impacts.  
Order 1380.51 Program Tracking and Reporting Subsystem  
Order 7400.2 Procedures for Handling Airspace Matters.  
Order 8200.1 United States Standard Flight Inspection Manual.  
Order 8260.3 United States Standard for Terminal Instrument Procedures

### **c. TERPS**

Order 8260.4 ILS Obstacle Risk Analysis  
Order 8260.15 US Army Terminal Instrument Procedures Service.  
Order 8260.19 Flight Procedures and Airspace.  
Order 8260.26 Establishing and Scheduling Instrument Approach Procedure

### **d. Effective Dates**

Order 8260.32 US Air Force Terminal Instrument Procedure Service.  
Order 8260.36 IFR Approval of Microwave Landing System (MLS).

### **e. Advisory Circulars**

AC 91-14D Altimeter Setting Sources.  
AC 120-28 Criteria for Approval of Category III Landing Minima.  
AC 129-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators.

### **f. Forms**

FAA Form 8000-36 PTRS Transmittal Form.  
FAA Form 8260-1 Flight Procedures Standards Waivers.  
FAA Form CRM-1 Collision Risk Model Request Form

### **g. Significant Interfaces**

Technical Programs Division, AFS-400  
Flight Procedures Standards Branch, AFS-420  
Air Transportation Division, AFS-200.  
Flight Standards District Offices (FSDO).  
Regional Air Traffic Division.

Regional Airports Division.  
Regional Environmental Network.  
Office of Aviation System Standards, AVN.  
Flight Inspection Offices (FIO).

## **722. DETERMINING THE NEED FOR A WAIVER OF APPLICATION OF STANDARD CRITERIA**

The standard criteria normally applied during the development of instrument flight procedures are based on reasonable assessments of the factors, which contribute to errors in aircraft navigation and maneuvering. The criteria are designed to assure that safe flight operations for all users result from standard application. Every effort shall be made to formulate procedures by application of the standard criteria, however, differences in terrain characteristics, the availability of navigation guidance, air traffic flows, and/or operational requirements may require the use of other criteria. In such cases, other criteria may be used to supplement or substitute for the standard application of criteria if they are fully documented and clearly provide the equivalent level of safety as would have resulted from the standard application. Procedures based on other than standard application of the criteria are not in any way inferior to those based on standard application. They are different in that they require special studies, reviews and approvals. They are approved by the Technical Programs Division, AFS-400 only after the supporting documentation is found to clearly justify the need for special treatment and demonstrate that an equivalent level of safety is provided.

The determination for the need of a waiver is generally made during the conduct of the feasibility study for the initial development or modification/revision of a procedure. The first and most critical step in making a valid determination is to verify that the standard criteria has been applied correctly. When possible, another specialist should assist in the verification process. Waivers should not be considered until the verification process is completed and evaluations of all options allowed by application of standard criteria, such as adjustments to course alignments, different descent gradients, position fixing, and variations of the missed approach have been examined. More importantly, waivers should not be considered unless the procedure provides a required instrument capability not already available. Further, the additional or improved instrument capability must be clearly in the best interest of the public by providing additional safety benefits, or more reliable air service.

After ascertaining that a procedure based on application of the standard criteria will not meet the operational requirement, an assessment should be made of all deviations required, potential alternative applications of criteria, additional navigation aids required and the equivalent level of safety provided by each alternative. The results of these assessments shall be compiled in a draft waiver request package for follow on discussions with AFS-420 and AVN. Additionally the package shall include complete information regarding the requirements for external/user group coordination. The draft waiver package will be the basis for decisions regarding the

impacts and merits of pursuing formal waiver action and will facilitate completion of formal actions when they are determined to be appropriate.

#### **723. FPO REVIEWS OF FPO WAIVER REQUESTS**

Requests for waivers and associated justifications may be initiated in either the NFPO responsible for servicing the controlling region or the FPO of the controlling region. In either case, the FPO is responsible for all flight procedure actions within its assigned geographic area. Accordingly, all waiver requests initiated by an NFPO branch will be coordinated with the appropriate FPO and submitted through AVN-160 for review.

#### **724. ANALYSIS AND COORDINATION OF NEED**

The purpose of this action is to establish a consensus regarding the optimum means of developing and publishing a non-standard procedure that will satisfy the operational requirement and be acceptable to all involved organizations, and user groups. The FPO responsible for the development of the procedure shall arrange for discussions (by meeting, telecon, or a mix) with AFS-420, AVN-200, and the servicing NFPO branch. A draft package will be prepared and transmitted to all participants so as to allow at least five working days for review prior to commencing discussions. This will allow each participant time to be fully prepared for discussions necessary to maximize productivity.

The factors involved in preparing for such discussions will vary depending on the degree of complexity or potential controversy of individual packages. Core or common factors that should be examined during each review are:

- (1) Adequate documentation that the requirement can not be satisfied by a procedure developed by application of standard criteria.
- (2) Adequate documentation that the required capability is in the best interest of the public/sponsor.
- (3) Adequate documentation that the required instrument capability is not already available at the location under consideration.
- (4) Adequate and clear documentation that the option/s provide an equivalent level of safety.
- (5) Adequate documentation that required navigational guidance can be provided by existing facilities.
- (6) Overall assessment of the probability of acceptance by the majority of FAA organizations.
- (7) Overall assessment of the probability of acceptance by the majority of external/user group organizations.

(8) Assessment of additional facilities required to support an acceptable procedure developed by application of standard criteria, and the probability and time frame for obtaining the required facilities.

(9) Assessment of facility relocations required to support an acceptable procedure developed by application of standard criteria, and the probability and time frame for relocation of the required facilities.

(10) Analysis of approval/disapproval actions of requests for similar waivers or situations.

Each participant should be prepared to identify areas of agreement, areas of disagreement, areas of concern, options for resolving disagreements and concern, and rationale for support of or opposition to each alternative. The FPO shall coordinate as necessary with all appropriate regional organizations to obtain information required to fully address all factors used in these discussions. To the extent possible, such information should be included in the initial draft package. When necessary, it will be obtained and provided during the course of the discussions. Such information may be provided later but an agreement regarding consensus will not be reached until the initiating FPO satisfies all information requirements.

The results of these discussions will be used by the FPO to identify deficiencies requiring correction and to determine if there is a reasonable expectation that a formal request will be approved.

#### **725. PREPARATION OF FORMAL REQUEST FOR A WAIVER**

Preparation of a formal request for a waiver will begin only after a determination that there is a reasonable expectation that the request will be approved. The responsible FPO shall submit all formal requests for waivers of the standard application of criteria on FAA Forms 8260-1 and ensure that they are coordinated with all appropriate organizations. Complete documentation and supporting data must accompany the waiver request so reviewing offices can conduct a complete evaluation without additional research. Additionally, FAA Form 8260-9, Standard Instrument Approach Procedure Data Record or Instrument Approach Procedure (IAPA) file shall be included. Each coordinating office shall photocopy the original form and supporting documentation in sufficient quantities to meet their organizational needs.

Detailed instructions for completing the Flight Procedure standards Waiver, FAA Form 8260-1 and examples of completed forms are contained in Section 4 of this chapter. NOTE: CURRENT REAL WORLD EXAMPLES ARE TO BE INSERTED PRIOR TO DISTRIBUTION FOR FORMAL COORDINATION.

All waiver requests involving penetrations of ILS approach or straight missed approach surfaces must be subjected to a Collision Risk Model (CRM) Study in Accordance with Order 8260.4 ILS, Obstacle Risk Analysis. The Standards Development Branch, AVN-210 performs the ILS,

Obstacle Risk Analysis based on application and interpretation of the CRM. This service is provided on an as needed-basis as requested by the appropriate FPO or the appropriate NFPO branch. The results of the Collision Risk Model Study will be summarized in Item 4, Equivalent Level of Safety Provided of FAA Form 8260-1.

**726. FLIGHT STANDARDS HEADQUARTERS WAIVER REVIEWS AND COORDINATION**

AFS-420 is the Flight standards focal point for final processing and recommendations regarding approval or disapproval. Oversight of the internal and external coordination process is included as a major responsibility. A key element of this specific responsibility is to resolve controversial issues so as to complete the coordination process in a timely and efficient manner. AFS-420 shall submit a recommendation to AFS-400 when the coordination processes has been satisfactorily completed or at the end of 90 days from the start of the coordination process when full agreement is not achieved.

In cases where the waiver is disapproved, the originating office may resubmit the request a second and final time after correcting all identified deficiencies.

Distribution of completed Waiver forms is as follows:

Servicing NFPO Branch Original.	
Servicing FPO	Copy
AVN-200	Copy
AFS-400	Copy

**727. FORMULATION ACTION**

The responsible NFPO Branch will formulate the procedure in accordance with the approved waiver and submit it to AVN-160 for review prior to final processing for publication.

**728. SPECIAL INSTRUMENT APPROACH PROCEDURES**

The responsible FPO shall coordinate with the appropriate FSDO concerning any special conditions to be imposed on the use of special authorizations. This coordination is necessary to establish adequate supervision to ensure user compliance with equivalent level of safety provisions. This coordination and any resulting agreements will be documented and retained in the FPO waiver file.

**729. CANCELLATION OF PROCEDURES WAIVERS**

Cancellation of a waiver can be initiated by the responsible FPO, NFPO, or Flight Standards. The office initiating the cancellation shall enter a signed statement in the comments section on the back of the original approved FAA Form 8260-1 (Flight Procedures Standards Waiver) to document the cancellation of waivers. The statement shall include the date and reason for the cancellation. The cancelling office shall then distribute the cancellation to the same organizations that received the original approved waiver.

### **Section 3. MANAGEMENT AND MAINTENANCE OF WAIVERS.**

#### **730. GENERAL**

Effective management of the waiver program is essential to protect the integrity of the standard application of criteria and assure timely appropriate revisions to criteria as technological improvements are implemented and procedures are developed for locations having more difficult terrain conditions and environmental considerations. Effective management involves three major phases or activities. They are Process Tracking, Annual Reviews, and Analysis and Management.

#### **731. PROCESS TRACKING**

This activity is necessary to ensure that waivers are processed through completion in a timely manner and as required by the policies set forth in this chapter, and that basic documentation is available to conduct annual reviews and perform analyses necessary for sound management of the waiver program. The tracking process is based on the use of regional OATS platforms in the form of an EXCEL spreadsheet that has been tailored to capture waiver data in a standardized format. The resulting Waiver Tracking and Status sheet provides a record of processing actions, and review actions. It is also used as a basis for statistical analyses of waivers at regional and national levels.

The spreadsheet contains the following data elements:

- a. FPO Routing Symbol.
- b. Procedure Identification (as shown on the FAA Form 8260-1).
- c. TERPS Paragraph containing the standard criteria.
- d. Date of Joint Analysis & Coordination
- e. Date of Formal Submission by FPO.
- f. Due date for NFPO branch response, completion date, and Recommended Action.
- g. Due date of AFS-420 Response, completion date, and Recommended Action.
- h. Date of AFS-400 Action.
- i. Date of Annual Review and date for next annual review.
- j. Cancellation date.

Detailed instructions and samples are included in Section 4 of this chapter.

(NOTE - SAMPLES WILL BE INCLUDED PRIOR TO FORMAL COORDINATION).

### **732. ANNUAL REVIEWS**

Each FPO shall review all approved waivers for which it is responsible at least once each calendar year. The primary purpose of this review is to determine the need for continuance of approved waivers, to identify those that are no longer needed, and to initiate appropriate cancellation actions.

The FPO shall submit a consolidated list of all approved waivers to AFS-420 each January. The list shall separate and group those waivers the FPO recommends for continuance and those recommended for cancellation. In all cases a brief statement shall be included to indicate the rationale for the recommendation. Information copies of the list shall be sent to AVN-200 and the servicing NFPO Branch.

The FPO shall also submit a copy of the Waiver Tracking Status sheet as of December 31 of each year with the lists sent to AFS-420. The Waiver Tracking Status sheet is to be provided in both hard copy and electronic format. The electronic format may be provided by disk copy or transmitted via CC-MAIL.

### **733. ANALYSIS AND MANAGEMENT**

AFS-420 will prepare or oversee the preparation of an analysis of current waivers at least once each calendar year. The listings provided by the regions shall form the basis for the analysis. The primary thrust of the analysis will be to determine the need for adjustments to the waiver process, adjustments to criteria, or the need for improvements in training or standardization. The analysis shall be completed by the last work day of March. The results of the analysis and AFS-420 plans for changes in management of the waiver process will be presented as an agenda item at the first managers meeting following completion of the analysis.

### **734. - 739 RESERVED**

#### Section 4. SUPPORTING DOCUMENTATION.

##### 740. INSTRUCTIONS FOR COMPLETION OF FAA FORM 8260-1, FLIGHT PROCEDURES STANDARDS WAIVER

This form represents the agencies official documentation of waiver actions. There is a good probability that waiver documentation will be subjected to public examination from time to time. It is imperative that all waiver forms be completed in a standardized manner as described in the following instructions.

(1) Date: Enter the date the Responsible FPO submits a formal request. The date shall be entered by month day and year (e.g. 8/31/94).

(2) Item 1: Flight Procedures Identification. Enter the city and state, official airport name and the flight procedure identification (amendment numbers are to be excluded).

(3) Item 2: Waiver Required and Applicable Standard. Identify clearly and accurately what standard is requested to be waived; e.g. "Penetrations of 20:1 and 34:1 slopes. TERPS paragraph 332." Request only one waiver of standards on each form. When a procedure is amended, reprocessing of an existing waiver is not necessary unless the reason for the amendment has a direct impact on the basis for the existing waiver.

(4) Item 3: Reason for Waiver. The reason for the waiver shall be clear, concise, and above all complete. A complete description of the reason for a waiver will include a brief description of the benefits to the public that will be provided by approval of the waiver.

(5) Item 4: Equivalent Level of Safety. This item must be completed in all cases and must clearly describe the basis for determining that an equivalent level of safety will be provided if the waiver is approved. When a Collision Risk Model Study is performed, the results will be summarized in this item. Factors such as procedures having existed for several years can not be accepted as adequate demonstration for an equivalent level of safety.

(6) Item 5: How Relocation or Additional Facilities will Affect the Waiver Requirement. Describe what specific efforts have been made to relocate existing facilities and/or obtain additional facilities. Indicate whether such actions are planned and the time frame for completion. Include the affect each planned action will have on the waiver requirement..

(7) Item 6: Coordination with User Organizations. Indicate the FAA organizations and other organizations with whom the waiver will be coordinated.

(8) Item 7: Submitted By. The FPO having responsibility for the involved procedure shall complete this item.

(9) Item 8: Regional/FPO Endorsement. The responsible FPO will complete this section in all cases. When the request is the result of actions initiated by a FPO, a statement will be included to identify the FPO and the date of the initial action.

(10) Item 9: AVN Endorsement. The National Flight Procedures Office Division AVN-100 shall coordinate internally as necessary, check the appropriate box, add appropriate comments to explain the selection of the box checked and forward the waiver and appropriate technical data to AFS-420.

(11) Item 10: AFS Action. AFS-420 will review the entire waiver package to determine the appropriate recommendation regarding approval or disapproval. The appropriate box will be checked and the rationale for the recommendation will be included in the comments with attachments as necessary for clear documentation. The completed form will then be submitted to AFS-400 for final action.

Following AFS-400 action, forms will be distributed as follows:

Servicing NFPO Branch	Original.
Servicing FPO	Copy
AVN-200	Copy
AFS-400	Copy

**741. - 799 RESERVED**

## Flight Procedures Application of Standards Waiver Form

<b>FLIGHT PROCEDURES APPLICATION OF STANDARDS WAIVER</b> U.S. Department of Transportation Federal Aviation Administration		RIS - FS 8220-7
<b>1. Flight Procedure Identification</b>		<b>Date</b>
<b>2. Waiver Required and Applicable Standard</b>		
<b>3. Reason for Waiver (Justification for nonstandard treatment)</b>		
<b>4. Equivalent Level of Safety Provided</b>		
<b>5. How Relocation or Additional Facilities Will Affect Waiver Requirement</b>		
<b>6. Coordination With User Organizations (Specify)</b>		
<b>7. Submitted By</b>		
Office Identification	Title	Signature

<b>8. REGIONAL FPB/FIFO ENDORSEMENT</b>		<input type="checkbox"/>	<b>Recommend Approval</b>
		<input type="checkbox"/>	<b>Recommend Disapproval</b>
		<input type="checkbox"/>	<b>Not Required</b>
<b>Comments/Rationale</b>			
<b>Date</b>	<b>Routing Symbol</b>	<b>Signature and Title</b>	
<b>9. AVN ENDORSEMENT</b>		<input type="checkbox"/>	<b>Recommend Approval</b>
		<input type="checkbox"/>	<b>Recommend Disapproval</b>
		<input type="checkbox"/>	<b>Not Required</b>
<b>Comments/Rationale</b>			
<b>Date</b>	<b>Routing Symbol</b>	<b>Signature and Title</b>	
<b>10. AFS ACTION</b>		<input type="checkbox"/>	<b>Approved</b>
		<input type="checkbox"/>	<b>Disapproved</b>
		<input type="checkbox"/>	<b>Not Required</b>
<b>Comments/Rationale</b>			
<b>Date</b>	<b>Routing Symbol</b>	<b>Signature and Title</b>	

CHAPTER 9. PUBLIC SERVICES (DICK WEAVER)