

19 October 2017

Mr. Ali Bahrami
Associate Administrator for Aviation Safety
Federal Aviation Administration
800 Independence
Avenue, S.W. Washington,
D.C. 20591

Dear Mr. Bahrami:

The Performance-based Operations Aviation Rulemaking Committee (PARC) is pleased to submit the following report of the Pilot-Controller Phraseology Systems Integration Workgroup (PCPSI), who established a subgroup to address the inequities of the use of phraseology pertaining to clearances relative to Obstacle Departure Procedures (ODP) and Standard Instrument Departures (SIDs). The report is on the following pages.

During the course of discussion, 3 suggestions were brought forward highlighting a path forward. They were:

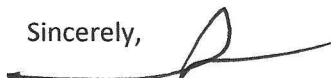
1. ATO and AFS should continue their collaboration and discussions related to this issue to assure clear and concise guidance is provided to pilots regarding their roles and responsibilities as they relate to ODPs, DVAs and radar vectors issued under 5-6-3
2. ATO and AFS should continue their collaboration and discussions related to facility understanding and adherence to DVAs and radar vectors issued under 5-6-3
3. Determine if "Climb Via" clearances should be applied to Graphic ODPs

The PARC SG supports all three of the above suggestions. A unique aspect of the PCPSI is that this workgroup has a broad membership, to include representatives from the ATO. Relative to issues that apply to both Pilots as well as the Air Traffic Controllers, having both organizations sitting at the table is invaluable. PCPSI is a unique body in this regard.

It should be noted that during discussions the PCPSI brought forward the idea of establishing a SRMP to make specific determination relative to level of safety and risk. It was the opinion of the PARC Steering Group that we should first communicate the issues with the FAA and determine if an SRMP is the best course of action. Should that eventually become the best course of action, then the PARC will support as necessary.

The PARC appreciates your support of our activities and invites you to join us in a discussion at any time, at your convenience. Please call me if you have any questions or would like to set up a discussion.

Sincerely,



Captain Mark Bradley
Chairman, PARC

19 October, 2017

Issue Background

During earlier discussions related to Climb Via Phraseology within the PCPSI workgroup, it was determined there is widespread confusion for both pilots and controllers as to when an Obstacle Departure Procedure (ODP) would apply, along with obstacle clearance responsibilities for pilots. Diverse Vector Areas (DVA) have also generated similar concerns and questions.

A subsequent review of ASAP and ATSAP reports confirmed the confusion, and the ATSAP team issued a bulletin on the subject. There is an apparent disconnect in guidance to pilots in the Aeronautical Information Manual (AIM) and the guidance to air traffic controllers in JO 7110.65.

ODP Sub-Workgroup

This topic has been discussed at numerous PCPSI meetings and previously briefed to the PARC STEERING Group. An ODP Sub Group was established to devote the required attention needed to fully understand the issues and current guidance to put forth recommendations.

The subgroup has conducted numerous telecoms that have led to open dialogue and welcome transparency between ATO and AFS representatives. Through these meetings between industry and multiple organizations within the FAA, challenges and problematic issues can be identified and highlighted for solutions.

Background: Departure considerations

The issue is most common when a pilot is assigned a RNAV off-the-ground Standard Instrument Departure (SID) or conventional SID, and is subsequently given a heading to fly off the ground from the local controller that is not part of the procedure (effectively cancelling the SID). However, it is also common for a facility to assign a heading off the ground with no initial SID. By taking the crew off the procedure with the vector heading, the tower has now invoked Federal Aviation Regulation (FAR) 91.175 (f) (3), which states for Part 135 and 121 departure operations:

“...no pilot may takeoff under IFR from a civil airport having published obstacle departure procedures (ODPs) under part 97 of this chapter for the takeoff runway to be used, unless the pilot uses such ODPs or an alternative procedure or route assigned by air traffic control.” Although optional for Part 91 operators, it is good operating practice to use ODPs.

Assuming a penetration of the 40:1 plane by an obstacle for the departure runway, there are four ways to comply with all engine obstacle clearance with this regulation:

1. Use the SID – obstacle clearance is ensured by the procedure and pilot is responsible for compliance, including adherence to climb gradients.
2. Use an ODP– obstacle clearance is the responsibility of the pilot and must be complied with to ensure obstacle compliance
3. Use of a DVA- obstacle clearance is ensured procedurally though ATC assigned headings within the DVA.
4. ATC may invoke JO 7110.65 section 5-6-3 Vectors below Minimum Vectoring Altitude when prominent obstacles are displayed on the video map. Obstacle clearance is the responsibility of the air traffic controller. ATC has responsibility for obstacle clearance unless a DVA is published.

If a facility issues a heading off the runway that is not part of a procedure, there are no readily available resources for the pilot to know if that heading was issued under 5-6-3, a DVA, or with an intention that the pilot could fly the ODP and then the heading. However, under current guidance the pilot can fly an ODP without informing ATC (except for a Visual Climb Over Airport (VCOA) ODP which requires ATC notification). This can create a contradiction in pilot/controller expectations for airports with complex ODPs that require a routing and holding pattern in busy airspace. Additionally, it is legal for ATC to issue a Graphic ODP, however current ATC policy is to issue a "climb and maintain" clearance rather than "climb via", creating confusion as to whether the altitude constraints are cancelled. ATC cannot cancel restrictions on an ODP nor can they vector a pilot off an ODP once they are on the procedure.

During discussions, a number of suggestions to resolve confusion were brought forward. Three suggestions are noted below.

1. ATO and AFS should continue their collaboration and discussions related to this issue to assure clear and concise guidance is provided to pilots regarding their roles and responsibilities as they relate to ODPs, DVAs and radar vectors issued under 5-6-3
2. ATO and AFS should continue their collaboration and discussions related to facility understanding and adherence to DVAs and radar vectors issued under 5-6-3
3. Determine if "Climb Via" clearances should be applied to Graphic ODPs