



**Academy Model Aeronautics**

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**Proposed sUAS/drone Regulations  
and New Hampshire's House Bill 97  
Schedule Hearing January 19, 2017**

Dear AMA New Hampshire Officers and Members,

There seems to be some questions on how we address proposed sUAS/drone regulations (laws, ordinances and resolutions) from federal, state and local levels of government. AMA district vice presidents along with AMA's government affairs staff utilizes multiple means of identifying sUAS/drone legislation that might be problematic for AMA clubs and members.

Federal and State legislative bills are easy to identify and track on websites like LegiScan at <https://legiscan.com/>. Local ordinances and resolutions are much more difficult to identify because there are more than 19,000 cities and towns that have limited content on their government websites.

For local governments, AMA and district VPs rely more on AMA members who live in the cities or towns to identify and inform their district AVPs and VPs of any UAS/drone ordinances or resolutions proposals. The district VPs will coordinate their efforts with AMA's Government Affairs staff.

If you have read the monthly district column in Model Aviation magazine, you know that AMA members and I continue to identify, track, compose letters of opposition to law makers, and testify opposition to onerous UAS/drone legislation at state and local legislative hearings. The talking points and reasons for opposition are determined from a collaborative effort by AMA members, the district vice president and AMA's Government Affairs staff (Chad Budreau and Tyler Dobbs), and on occasion with the cooperation and assistance of the FAA.

For those not familiar with AMA's efforts in New Hampshire, the AMA and I have successfully worked together with local AMA members to oppose in written letters to lawmakers and at hearings New Hampshire's HB602, HB-644, and SB-459 in 2015 and 2016.

The steps often taken to oppose onerous UAS/drone legislation follows:

1. Identify and track sUAS/drone legislation status. (AMA staff, District VP and Local AMA members)
2. Create talking points and rationale for opposing specific items within the proposed legislation. This may rely on federal preemption, illegal regulations, and/or methods to mitigate the probability of risks or hazards resulting from the operation of UAS.
3. Draft a one or two-page letter of opposition to the UAS legislation.
4. Identify AMA clubs and members within the State or Local community affected by the UAS/drone legislation.
5. Provide AMA members with talking points and the sample letter along with State or City Council member's contact information. AMA HQ may also create an "easy button" for the state or local members to sign and send letters of opposition with AMA's advocacy software.
6. Attempt to engage other stakeholders in the opposition effort. This might come from educators, attorneys, politicians or associations like AUVSI who support UAS/drone use and operational benefits for the community.

7. AMA district VP or AVPs should solicit AMA members who would be willing/able to attend any hearings to oppose the legislation by submitting written opposition, showing support by just attending, and/or testifying their opposition. Its advised that only several members testify with each one discussing different reasons for opposition usually for no more than 5 minutes each.
8. For legislation that is contradictory to constitutional civil liberties, federal, state or local law, subject to federal preemption etc.; have the AMA seek FAA legal comment or participation from FAA legal counsel or the regional Boston Flight Standards District Office (FSDO).

During the AMA EXPO West, I had the opportunity to speak with the FAA senior attorney who is the UAS team lead for enforcement policy and outreach. He has offered to connect me with one of his regional FAA UAS attorneys who may be able to help us with addressing local lawmakers and city attorneys when legislation conflicts with federal regulations. There currently are states and cities within our district that have proposed or passed UAS legislation requiring a remote pilot to register their sUAS with the city and/or operate their UAS within limited altitudes or locations that are inconsistent with sUAS federal law.

**In terms of the recent New Hampshire proposed legislation the initial comments on the legislation from the AMA Government Affairs staff and I follow:**

### **New Hampshire House Bill 97:**

**Under Definitions-V:** “Drone” means a powered, aerial vehicle, excluding a geosynchronous satellite, that: (a) Does not carry a human operator; (b) Uses aerodynamic forces to provide vehicle lift; Can fly autonomously or be piloted remotely; and (d) May be expendable or recoverable.

[Under this definition even a rubber band powered balsa airplane would be regulated.](#)

**Under III (2):** Is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

[This definition of “reasonable expectation of privacy” could be an issue since it would seem all individuals in a public place at ground level would be observable from other individuals in the same public place except for persons in enclosed lavatories or such.](#)

**Under IV (a):** No person shall: Operate a drone within a horizontal distance of 500 feet or a vertical distance of 400 feet from critical infrastructure without the written consent of the critical infrastructure;

[We agree that UAS operations should not occur near critical infrastructures, but governments should use the proper path through the FAA \(H.R. 636 section 2209\) for determining these critical infrastructures.](#)

**Under VIII:** No person shall operate a drone at a height of less than 250 feet over privately- owned real property unless the person has the consent of its owner.

[Congress has vested the FAA with the authority to regulates the airspace, not cities and states.](#)

**Under 422-D:5:** Each owner of a drone shall identify the drone with the owner’s name, address and telephone number in permanent ink in a font size not less than 12 picas.

[12 picas in an unrealistic size for labeling UAS. MOST UAS are not large enough for this request. Also, the FAA clearly states that “no state or local government may impose an additional registration requirement on the operation of UAS in navigable airspace without first obtaining FAA approval.” This](#)

could be considered an additional registration. The bill could simply say that “all UAS must meet FAA requirements in regards to registration.”

Please open the attached documents of HB 97 and a listing of the contact emails and telephone numbers of New Hampshire HB 97 sponsors and committee members. We need to draft letters of opposition from the opposition statements provided to the bill sections outlined above. I will have a copy of a sample opposition letter, once it is written for this proposed legislation, sent to AMA New Hampshire members. We may either ask members to send their own letters to the representatives or I may have the AMA create an “easy button” for responding depending on the time available.

I am also asking New Hampshire AMA district AVP’s and any NH members, who can attend the public hearing to either support or testify opposition to the bill to the EDA committee in Concord on Thursday January 19, to contact me. Testimony from constituents who vote in the state of NH has much more weight with the NH representatives than any opposition coming from the AMA or others who are not residents of NH.

Thank you to all AMA members willing to help oppose sections of New Hampshire House Bill 97.

Andy Argenio  
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**New Hampshire Executive Departments and Administration on 1/19/2017 at 1:30 PM in LOB Room 306, Public Hearing - 01/19/2017 01:30 PM LOB 306**