

## COMMISSION PRESENTATION NOTES:

**My name is Andrew Argenio, I live at 3 Sheila Lane** in Smithfield, R.I. I serve as an Academy of Model Aeronautics (AMA) national executive board member and district vice president representing AMA members and clubs in the New England aeromodelling community.

**I want to thank chairperson representative Ucci and the commission** for allowing me to comment on UA regulation considerations for recreational operations in the NAS.

**For those not familiar with the AMA we have 188,000 members**, 2,450 flying clubs located on private, commercial and public property in the U.S.

AMA members are required to operate their aircraft in accordance with AMA's National Safety & Insurance Programming. We provide 2.5 million in liability coverage for members and 5 million for the property owners. We have an Advanced Flight Systems Committee that assess risks for new technologies and creates operational requirements and limitations to mitigate risks to acceptable level in order for members to utilize the technology.

**Part of our systems approach to risk mitigation** includes flying sites that can **safely accommodate larger aircraft (Size)** and in **R.I we have nine chartered and insured flying sites in rural open space farming areas** in Cranston, West Greenwich, Tiverton, Exeter, Richmond and Charlestown.

**Our Park Pilot program for smaller aircraft (2 lb. foam elec.)** and we fly them in local a parks, schools, colleges, ponds, and where safe R/C model aircraft flying has been permitted for many decades without incidents. **We would like to continue to fly at these types of public locations without seeing these locations turned into “no fly zone”.**

Since H7511 relates to State Exclusive Authority and that's also in H7334, I will just comment 7334.

### **1-8-2 The State of R.I. having exclusive authority to regulate UAS**

If that authority and legislation was going to be directed towards public property in terms of where we may be permitted to fly and when we may utilize a facility, we have no objection in conforming to State regulation for the use of a public facility rather than a local municipality.

If the legislation was directed towards operational requirements and limitations in the NAS, even if it were complementary or parallel, we would oppose it based on the doctrine of implied preemption afforded the FAA.

Experience has taught us that consistency in flight operational rules results in the highest level of safety. It isn't uncommon for our members to belong to several clubs in a state and operating in the NAS under FAA regulations for our community based organization will permit us to continue **to create safety programming that exceeds FAA requirements** for our members as Congress provided in Public-Law 112-95 Sec c 336 as part of the FMRA of 2012.

BTW in the 2016 reauthorization of 336, with regard to “Special Rule for Model Aircraft” (SRMA), the House Transportation and Infrastructure committee has retained the Special Rule for MA” and have included a STEM provision so operation for educational purposes, regardless of compensation, will be treated as a model aircraft purpose and not be subject to civil/commercial FAA regulations. The house bill number is 4441 and the equivalent to 336 number is 45507 SRMA. This is part of the Aviation Innovation Reform & Reauthorization Act. (AIRRA). This should pass the House in a few days and make its way to the senate.

**1-8-3. State Drone Registration law** for all Unmanned Aircraft or Drones, must have Identification marking and subject to a \$15 Registration:

On December 21, 2015 the FAA “*direct registration rule*” for sUAS/drones became a statutory requirement for all owners of small unmanned aircraft (UAS) weighing more than 0.55 pounds and less than 55 pounds to register with the FAA before February 19, 2016 to avoid violating a federal rule. (Show registration)

The FAA fact sheet states that *“No state or local UAS registration law may relieve a UAS owner or operator from complying with the Federal UAS registration requirements. Because Federal registration is the exclusive means for registering UAS for purposes of operating an aircraft in navigable airspace, and no state or local government may impose an additional registration requirement on the operation of UAS in navigable airspace without first obtaining FAA approval.”*

AMA would oppose state registration as written in section 1.83 on the bases that all AMA members have complied with the FAA Federal Registration Law for all unmanned aircraft. Federal law require payment of a \$5 fee periodically and a model aircraft identification marking. Most members have numerous model aircraft and an additional \$15 fee per aircraft is overly burdensome and expensive and quite unlikely to be complied with.

**1-8-4. State Areas of prohibited sUAS/Drone Operation.** – 5 mi. from T.F. Green, Quonset Point airports & Military Installation, 2 miles from other State airports, medi-vac heli emergency land zones, schools, colleges or universities:

AMA opposes 1-8-4 based on FAA preemption.

**FAA Opposition to State Laws banning sUAS/drone operation near airports and other landmarks -**

The FAA Fact Sheet for State & Local Regulations document provides a list of **state/city laws for which consultation with the FAA is advised.** This includes *“ordinances banning anyone from operating sUAS/drones within city limits, within the airspace of the city, or within certain distances of landmarks. Federal courts strictly scrutinize state and local regulation of overflight.”* See *“Skysign International, Inc. v. City and County of Honolulu, 276 F.3d 1109, 1117 (9th Cir. 2002.”*

**Congresses Opposition to State Laws prohibiting AMA members from operating sUAS/drones near airports -**

Public Law 112-95 Sec. (c) 336 allows AMA pilots to operate sUAS/drones within 5 miles of airports when the operator of the aircraft provides the airport authority or air the traffic control tower with prior notice of the operation. AMA members flying from a permanent location within 5 miles of an airport establish a mutually-agreed upon operating procedure with the airport authority. If the airport authority informs AMA pilots that conditions for operation are not permitted at the time, AMA flight operations are immediately curtailed.

**AMA Opposition to State Laws that prohibited AMA members from operating sUAS/drones near airports -**

In the United States, several hundred AMA clubs have a long history of operating safely on or within 2 to 5 miles of airports without incidents. They enjoy this privilege because the clubs and their members are recognized as worthwhile tenants providing a watchful eye, protecting and maintaining the site areas they occupy. Airport managers and security personal have frequently informed the AMA that the presence of AMA clubs in the vicinity of their airports deters those who would operate model aircraft carelessly or unlawfully near their airports.

**Rather than prohibiting operations at any public locations AMA recommends that the state identifies sensitive locations, requires permission for consideration to operate at those locations and determines whether permission will be granted to an applicant or club on a case by case bases.**

**AMA Opposition to State Laws that prohibited AMA members from operating sUAS/drones near public buildings, schools, colleges and universities -**

AMA members have operated model aircraft at events and to train and educate others to be safe and responsible pilots within 0.5 miles of public buildings, schools and colleges for years without incident. AMA members for over 28 years participated in the URI Balloon Festival performing UAS/model aircraft airshows without incident.

**Rhode Island Schools Opposition to State Laws prohibiting operation of unmanned aircraft near schools, colleges and universities. -**

UAS educational courses offered at Rhode Island schools, colleges and universities including the *University of Rhode Island and Cranston Area Career & Technical Center*, would be unable to continue student flight training, testing and research on their campus facility grounds. Engineering students at URI for the second year in a row, won

a national collegiate competition to boost the safety of U.S. airports. The students invented a drone detection and tracking system—called Eye in the Sky—to address the problem of drones colliding with aircraft after entering the no-fly zones around airports. See “*attached statement from Cranston Area Career & Technical Center*”.

**We urge you, as legislators, to allow AMA clubs and members to operate as Congress intended and the FAA provided in their exemption criteria** for model aircraft by either amending H7334 to include an AMA Model Aircraft Provision such as –

**“Nothing in this bill may be construed to apply to model aircraft as defined in section 336 (c) of the 2012 Modernization and Reform Act or the 2016 Aviation Innovation Reform & Reauthorization Act”**

**OR SIMPLY INCLUDE**

**“If federal law preempts any provision of this bill, that provision shall not apply”.**

**Thank you for considering AMA’s oppositions and amendments to H7334 and H7511.**

**This evolutionary technology continues to outpace the regulatory considerations**