



Bob Brown
President

February 4, 2016

Gary Fitch
Executive Vice President

Honorable Representative Joseph S. Almeida

Re: Opposition to HB7334

Keith Sessions
Chief Financial Officer

Dear Representative Almeida,

Andrew Argenio
District I V.P.
CT, ME, MA, NH, RI, VT

I write today with respect to HB7334. Passage of this bill may dramatically impair the operation of model-aircraft/drones by those of us who have been flying as members of the Academy of Model Aeronautics (AMA) in Rhode Island responsibly and safely for decades. My name is Andrew Argenio and I am a lifelong resident of Rhode Island. I serve as an AMA national executive board member and district vice president representing AMA members and clubs in the New England aeromodelling community.

Eric Williams
District II V.P.
NJ, NY, Europe

Mark Radcliff
District III V.P.
OH, PA, WV

The AMA has 188,000 members, 2,450 flying clubs and an 80-year history of recognized excellence of safe model aircraft flying. We have five AMA clubs and nine chartered and insured flying sites located in Cranston, West Greenwich, Tiverton, Exeter, Richmond and Charlestown, Rhode Island. Other flying locations exist at public parks, schools, colleges, ponds, private property and less than 2 miles from airports where flying of R/C model aircraft has been permitted for many year without incidents.

Jay March
District IV V.P.
DE, DC, MD, NC, VA

Kris Dixon
District V V.P.
AL, FL, GA, MS, PR, SC,
TN, VI

The following opposition expressed in this letter not only represents that from AMA Rhode Island members, but opposition that the FAA and Congress when States create laws directed at operations of sUAS/drones in the National Air Space. AMA members seek the exemption status provided to them in Public-Law 112-95 (c) Sec. 336.

Randy Cameron
District VI V.P.
KY, IL, IN, MO

1-8-2. Exclusive State sUAS/Drone Regulations:

FAA Opposition to State sUAS/Drone Regulations -

Tim Jesky
District VII V.P.
IA, MI, MN, WI

Please refer to the attached document titled “*State and Local Regulation of UAS*” from the FAA Office of Chief Council published December 17, 2015. This FAA document essentially informs state legislators that the FAA views its authority to regulate UAS/drone safety and operations in the National Air Space (NAS) as pervasive and exclusive.

Mark Johnston
District VIII V.P.
AR, LA, NM, OK, TX

The Federal Aviation Act of 1958 allows federal courts to invoke the doctrine of implied preemption to invalidate state aviation laws, even complimentary or parallel state regulations are impermissible. See “*Morales v. Trans World Airlines, Inc., 504 U.S. 374, 386-87 (1992)*”.

Jim Tiller
District IX V.P.
CO, KS, NE, ND, SD, WY

A consistent regulatory system for UAS/drone operations in the NAS, rather than a ‘patchwork quilt’ of differing state regulations, ensures the highest level of safety for all aviation operations. See “*Montalvo v. Spirit Airlines, 508 F.3d 464 (9th Cir. 2007), and French v. Pan Am Express, Inc., 869 F.2d 1 (1st Cir. 1989); see also Arizona v. U.S., 567 U.S., 132 S. Ct. 2492, 2502 (2012)*”.

Lawrence Tougas
District X V.P.
AZ, CA, GU, HI, NV, UT

AMA Opposition to State UAS/Drone Regulations for AMA Members -

Chuck Bower
District XI V.P.
AK, ID, MT, OR, WA

The FAA considers AMA operators/pilots to have an exemplary safety record and as a result, Congress in 2012’s Federal Modernization & Reform Act (FMRA) passed

Public-Law 112-95 Sec. (c) 336 for sUAS/model-aircraft recreational operations. This law exempted AMA's community based organization from further FAA regulations, allowing AMA to continue to create safety programming for its members. Congress's 2016 reauthorization of the FMRA is scheduled for public review on February 4, 2016.

1-8-3. State sUAS/Drone Registration law for all Unmanned Aircraft or Drones, UAS I.D. Marking and \$15 Registration fee/UAS:

FAA Opposition to State sUAS/Drone 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.

The attached FAA document also 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 Opposition to State sUAS/Drone Registration for AMA Members -

AMA member's identification information is registered with the AMA and as of February 19, 2016 AMA members will all be registered with the FAA and have FAA registration markings on all their sUAS/drones.

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:

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

The attached FAA 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.

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

AMA members have operated sUAS/Drones 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 25 years participated in the URI Balloon Festival performing UAS/model aircraft airshows.

Rhode Island Schools Opposition to State Laws prohibiting operation of sUAS/Drones 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 and the FAA provided in their exemption criteria for model aircraft by either amending HB-7334 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 Modernization and Reform Act of 2012-2016”* or with a statement similar to *“Federal Preemption - If federal law preempts any provision of this bill, that provision shall not apply”*.

Thank you for considering our opposition to HB7334. I would be pleased to meet with you to further explain our organization and its community-based safety programming or answer any further questions you may have.

Sincerely,



Andrew Argenio
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