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February 13, 2016

Honorable Representative Jeremiah T. O'Grady

Re: Opposition/Amendment to HB7511

Dear Representative O'Grady,

I write today with respect to HB7511 relating to unmanned aerial system (UAS) or model aircraft regulations. Passage of this bill would grant exclusive authority to the state of Rhode Island to regulate UAS. As written, state regulations may conflict with federal regulations in the operation of UAS in the National Air Space (NAS) resulting in substantial safety issues.

My name is Andrew Argenio and I am a lifelong resident of Rhode Island. 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.

The AMA has 188,000 members, 2,450 flying clubs in the United States 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 in R.I. located in Cranston, West Greenwich, Tiverton, Exeter, Richmond and Charlestown. Other flying locations exist at public parks, schools, colleges, ponds, and private property where safe and responsible flying of R/C model aircraft has been permitted for many decades without incidents.

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

1-8-1. Exclusive Aerial Regulations:

FAA Opposition to State sUAS/Drone Regulations -

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.

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)*”.

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)*”.

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

The AMA requires that its members operate their model aircraft in accordance with AMA's National Model Aircraft Safety Code rules, Federal Aviation Administration UAS regulations and State or local UAS laws. AMA continues to work in a collaborative effort with the FAA to evolve AMA safety standards to meet or exceed FAA requirements for safe operations of UAS/model aircraft in the NAS. AMA recognizes FAA's exclusive sovereignty to regulate and control all flight operations in the NAS and would oppose state regulations dealing with any operational requirements or limitations in conflict with FAA regulations.

Congresses Opposition to State UAS/drone Regulations for AMA Members –

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 UAS/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.

On February 11, 2016, H.R. 4441 (Reauthorization of FMRA) – the Aircraft Innovation Reform and Reauthorization Act ("AIRR Act") passed out of the House Transportation and Infrastructure Committee. Chapter 455 Sec 45507 reaffirms the *Special rule for model aircraft* as written in PL 112-95 Sec. (c) 336. AIRR is expected to be heard by full House in February.

Limited Rhode Island State Regulation of UAS:

The AMA supports and recognizes the authority of the state of Rhode Island, to the exclusion of municipalities, to make laws pertaining to the flying of UAS from or on "public" property, and to provide laws for "privacy protection safeguards" from UAS equipped with image and data capturing sensors.

AMA also support state laws for UAS when operated by government agencies (policy, fire, public safety/emergency etc.) as well as agency rules for aerial surveillance with respect to warrants and the types of data that can be collected, the duration time of sensing, retaining, disseminating and deleting that data. In addition, AMA supports state drone laws requiring public agencies to keep and publish records of the agencies use of drones.

HB7511 Amendment Consideration:

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 HB7511 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 or AIRR Act of 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 and amendments to HB7511. 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,



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