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AMA President's Perspective *Model Aviation June 2009*

Our collective voices may be needed to help guide the direction of model aviation in the future.

If you've been following this column during the last year or so, you'll recall that I've written about the FAA's Aviation Rulemaking Committee (ARC) that was created by Executive Order of the FAA acting administrator in April 2008. The purpose of this ARC, as established in order number 1110.150, was to draft recommendations for the FAA to consider in developing a regulatory basis for the operation of small unmanned aircraft systems (sUAS) in the National Airspace System (NAS).

By definition, radio-controlled model airplanes are considered "aircraft" and the FAA has included model aviation in its effort to create new enabling regulation for sUAS. The ARC comprised roughly 20 members from throughout the sUAS community including representatives of the military, several commercial entities, the U.S. Department of Defense, the U.S. Department of Justice, and FAA Air Traffic.

Associations with seats at the table included the Aircraft Owners and Pilots Association, the Airline Pilots Association, the Radio Control Aerial Photography Association (RCAPA), the Association for Unmanned Vehicle Systems International, the International Association of Chiefs of Police, and the Helicopter Association International. The AMA was also extended an invitation to participate.

By accepting the invitation to be part of the ARC, AMA agreed to abide by the FAA's Rules of Engagement (ROE) established to govern the process. One of the rules was that members of the committee would not speak publicly about the specifics of the ARC's work until after the process was complete. This put AMA in the difficult position of weighing our members' right to know against honoring the agreement made at the first committee meeting in May 2008. Ultimately, we felt it was important that model aviation be represented on the ARC and agreed to the stipulation. We've honored that commitment throughout the process.

The ARC completed its work in late March 2009, and sent its recommendations to the FAA hierarchy for review. As I am writing this in April, the FAA is still reviewing the material and the recommendations have not been released to the public. I anticipate the information will be released and the ARC members will be free to discuss the recommendations by the time this issue of *MA* reaches you.

In accepting the FAA's invitation to participate on the ARC, AMA believed our main role would be to separate model aviation and its activities from that of the commercial and public use sUAS operators, which was the focal point of the Executive Order. In fact the only specific reference to model aircraft in the order was Item 4, Section (c). This section charged the ARC with establishing, "the regulatory basis allowing small UAS to operate in the National Airspace System for compensation or hire, and *clarify the definition of a model aircraft.*"

As the process evolved, the scope of the ARC expanded beyond the specifics of the Executive Order. At the first meeting, Bruce Tarbert, ARC co-chairperson from the FAA Unmanned Aircraft Program Office, cautioned all participants not to bring personal agendas to the table. This turned out to be easier said than done, especially for those who represented companies with a vested interest in the commercial sUAS market.

Another component of the ROE stipulated that the ARC recommendations would be consensus based and any single dissenting vote from a member on the committee would table a proposal. This stipulation *should* have created a level playing field for a diverse group of people with differing viewpoints and in some instances competing interests.

This did not turn out to be the case. Early in the proceedings it proved to be nearly impossible for the group to come to consensus on many of the issues. The consensus approach was abandoned and the "go-no go" standard was dropped in favor of majority rule. This shift in the ROE clearly put the AMA and model aviation at a disadvantage.

It quickly became clear that the intent of the ARC was to do more than merely clarify the definition of a model aircraft. The undertaking shifted to recommending federal regulation to govern model aviation. In short, a workgroup, led by AMA but composed mostly of individuals with virtually no aeromodeling interest or experience, began formulating guidelines for model aviation and its integration into the NAS.

Given the change to a majority rule standard, this became problematic as the recommendations moved forward to the full ARC. Other than our AMA representative, Rich Hanson, and two other members of the ARC, Fred Marks and Patrick Egan, none of the members of the ARC had any modeling experience. And though Fred and Patrick certainly understand model aviation and generally supported AMA's position, neither served on the committee to represent model aviation interests.

Fred was invited by the FAA to assist in addressing the sUAS radio spectrum concerns and Patrick represented RCAPA. As the ARC's work concluded, there were many lingering areas of concern for model aviation. Given the makeup of the committee and the change in the ROE, there was little AMA could do to influence the outcome.

There were many instances where the ARC was unable to come to a consensus on specific sUAS issues, many more on the commercial/public-use side than on the recreational side. Each member with a dissenting viewpoint was given the opportunity to provide comments, and AMA submitted our views and rationales regarding specific recommendations that pose a detrimental

impact to model aviation. These comments were included in the final document and listed along with the ARC's recommendations as "Alternative Viewpoints and Rationales."

Now that the ARC's final document has been sent for review, the next step in the rulemaking process is about to begin. The FAA has the latitude to accept the ARC's recommendations in total, accept a portion of the recommendations, or put aside the recommendations altogether and start over. The latter is fairly unlikely.

During this period, AMA will work directly with the FAA to try to find reasonable solutions to our remaining concerns. When the FAA completes its work, which includes drafting regulatory language, conducting a safety assessment, and performing an extensive intra-agency and interagency review, it will create a final set of proposed regulations.

These proposed regulations will be released for a period of public comment known as a Notice of Proposed Rulemaking (NPRM). The current timeline targets the second quarter of 2010 for the NPRM process; however, this may be slightly optimistic. It is unlikely that there will be an sUAS Special Federal Aviation Regulation (SFAR) in place much before the first half of 2011.

I want to be clear that while it appears there will be some changes to the way model aircraft can operate in the future, for most of us the changes will be negligible. The most likely change will be codifying some of the current guidelines in AC 91-57. This FAA Advisory Circular has guided model aircraft operations in the NAS since 1981. Some of the guidelines, that until now have been recommendations, may become regulation.

AMA represents the full spectrum of aeromodeling activities and we're committed to advocating for all of our members. We feel strongly that some of the recommendations sent to the FAA from the ARC are unrealistic, unnecessary, and impose an unjustifiably detrimental impact on the modeling community. As mentioned previously, AMA will continue to work directly with the FAA to address these concerns.

The FAA has stated numerous times that it is not its intention to diminish the aeromodeling activity and seeks to regulate model aviation by exempting it from regulation and pointing to a community-based set of safety standards such as those established and administered by the AMA. It is recognized that the FAA has an obligation to ensure the safety of all those who operate within the NAS. AMA acknowledges this obligation and supports the FAA's effort toward this goal.

We feel that model aviation has an impeccable safety record dating back to the 1930s and modelers should be allowed to continue to enjoy their hobby as unencumbered as possible in the future. Aeromodeling must not suffer unjustified consequences as a result of the FAA's effort to draft regulations enabling the operations of the commercial sUAS industry.

Depending on how the final FAA document addresses model aircraft, we may ask our members to voice their concerns during the NPRM process. As was the case during the FCC frequency

reallocation in the early 1990s, it may become necessary to alert our elected representatives to our distress.

By working together we can make a difference and have a positive effect on the final outcome of these proposed regulations. As I wrote in an earlier column, the value of associations such as the AMA is its strength in numbers. Our collective voices may be needed to help guide the direction of model aviation in the future. *MA*

See you next time.

A handwritten signature in cursive script that reads "DAVE". The signature is written in black ink and is underlined with a single horizontal stroke.

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