

Working with the FAA and ARC Recommendations
Frequently Asked Questions
(Updated – 7/24/2009)

What is the status of the ARC?

The ARC was created by an FAA order to develop recommendations on the use of small Unmanned Aircraft Systems (sUAS). The committee completed its work in March 2009, the report dated April 1, 2009, was released in early May. With the submittal of the recommendations, the ARC was decommissioned.

How was the AMA involved in the ARC?

The AMA was invited by the FAA and participated as a member of the committee. Rich Hanson in his role as AMA's Government and Regulatory Affairs representative served on the committee on AMA's behalf.

Why wasn't I informed about what the ARC was doing?

General information regarding the ARC and AMA's involvement was frequently published in the President's Column in *Model Aviation* and presented in membership meetings on an ongoing basis. However, the rules of engagement for the ARC required that the specific details of the ARC's work not be discussed until completed and released by the FAA. The ARC's recommendations were completed in March 2009, and the report was released by the FAA in early May.

What part of the ARC recommendations concern me as an AMA member?

Subpart A of the report comprises the bulk of the recommendations concerning model aviation, and Section 2 specifically addresses model operations conducted in accordance with an FAA accepted set of safety guidelines, i.e. AMA.

Will the details of the ARC deliberations be made public?

The ARC's report and recommendations have been released and are accessible through the FAA web site at www.FAA.gov/uas. The working documents and minutes of the committee are not being posted; however, they may be FOIable by request.

Is the ARC report a set of final rules?

No. The ARC issued a set of *recommendations* to the FAA based on the deliberations which covered nearly a year. The FAA will use this and other input to develop proposed regulation which will be released for public comment in 2010.

What is AMA doing to address the ARC report?

AMA has in place a workgroup charged with compiling and formatting AMA's current model aviation safety guidelines and formulating these guidelines into a comprehensive document for submittal to the FAA for consideration as an acceptable means of compliance. To date this group has made excellent progress in identifying the issues, collecting data, conducting risk analysis, and developing an outline for the end product.

How does the ARC report impact me as a member of the AMA?

The ARC report is a set of recommendations which have no effect on members at this time. Moreover, the FAA's intent is to regulate model aviation by exempting it from regulation and pointing to an accepted and approved set of community-based safety guidelines established to govern the operation of model aircraft in the future. The AMA is working to develop its set of guidelines for FAA approval.

I am an AMA member but don't fly at an AMA field will I still be able to fly?

Yes. You would be covered under the FAA accepted safety guidelines once approved. See Section 2 of the ARC recommendations, "Model Aircraft Operated in Accordance with FAA Accepted Standards".

If I am not an AMA member will I be able to fly my turbine jet at 200 mph in my backyard? (Updated 5/28/09)

If the ARC recommendations are adopted as presented, this practice would be prohibited unless you are participating within and in compliance with an FAA approved safety program.

If the ARC recommendations are adopted as presented, how will the new SFAR impact AMA members who participate in Radio Control Pylon Racing? (Added 5/28/09)

The primary ARC recommendations submitted do not specifically propose restricting RC racing activity. However, one possible corollary restriction is the 400' altitude limit in Section 3 which applies to modelers not participating in an FAA approved safety program. Nevertheless, most RC racing occurs below 400' AGL. Section 3 also prohibits the non participating modeler from flying "at an airspeed that would cause the aircraft to inadvertently leave the prescribed maneuvering area". This is pretty subjective; however, an occurrence where a model airplane participating in a race inadvertently ventures outside the intended maneuvering area could be viewed as prima facie evidence that it was going too fast. This would most likely come into play should an incident occur due to the model's inadvertent departure from the maneuvering area. (race course).

AMA's goal is to ensure modelers are able to continue to enjoy and participate in the hobby much the same as they have in the past, including Radio Control Pylon Racing. As such, AMA intends to formulate its current model aviation safety guidelines into a comprehensive document for submittal to the FAA for consideration and approval. That having been said, AMA will continue to institute and enforce sensible and judicious guidelines governing the radio controlled racing activities operated within its safety program.

I noticed that Control Line (CL) and Free Flight (FF) are not specifically mentioned in the ARC recommendations. What affect will the new regulations have on the Control Line and Free Flight modeling activities? (Added 6/4/09)

We anticipate the new regulations will by-in-large have little to no affect on the CL and FF modeling activities. CL and FF are unique in that CL airplanes are tethered to the ground and neither CL nor FF model airplanes are able to dynamically navigate the airspace. As such, these activities pretty much fell outside the scope of the Aviation Rulemaking Committee.

This by no means diminishes the importance of these activities as an integral part of the aeromodeling community. The legacy aspects of these activities are categorically recognized and

the tremendous contributions to the development of the hobby imparted by both Free Flight and Control Line modeling cannot be overstated. AMA will continue to provide support and guidelines for these activities as it has in the past. The current CL and FF safety guidelines will be included in AMA's comprehensive document in much the same form and format as they exist today and will be submitted as part of AMA's community-based safety guidelines for review and approval by the FAA.

Section 3 of the ARC recommendations would seem to create a situation where modelers wishing to have more latitude in their modeling activity are encourage to join a community-based organization such as the AMA, why is AMA opposed to this two-path approach and the limitations outlined in Section 3? (Added 7/24/09)

AMA opposes Section 3 impart because we feel many of the restrictions are onerous and unrealistic. More importantly, however, AMA is opposed to the two path/dual standard approach this creates. We feel this approach is totally unmanageable and has the potential for impacting our members by default. This would almost certainly be the case at locations where both AMA members and non AMA members fly, and it is foreseeable that other land use authorities could impose the stricter guidelines found in Section 3 with thoughts that this would be a more conservative safer approach.

AMA would prefer to see a single set of guidelines managed by a community-based organization that establishes the standards for all of model aviation. AMA is actively developing a comprehensive set of model aviation guidelines from its current safety standards for submittal to the FAA and hopefully acceptance and approval before the sUAS SFAR becomes a reality in 2011.

This may sound to some like the Academy is trying to force all modelers to join the AMA. Certainly AMA believes there is strength in numbers and the health and welfare of the hobby undoubtedly depends upon the presence of a strong national organization that can speak for and advocate the interests of the aeromodeling community. But, forcing modelers to join the AMA is by no means the intent of the Academy's approach to the sUAS rulemaking. AMA's sole aim is to work through this issue that has been somewhat forced upon us, and achieve an end result that allows the modelers to continue to enjoy the hobby in much the same way as they have in the past.

I have searched the FAA website <http://www.faa.gov/> and the only hit regarding model aircraft operation is AC 91-57 dated June 9, 1981. There seems to be a discrepancy between AC 91-57 which encourages modelers to, "*not fly model aircraft higher than 400 feet above the surface.*" and the AMA 2009 Safety Code which says, "*I will not fly my model aircraft higher than approximately 400 feet above ground level, when within three (3) miles of an airport without notifying the airport operator.* Why does the AMA Safety Code differ from the FAA Advisory Circular? (Added 7/24/09)

Though there is some variation between the language in the FAA Advisory Circular and the AMA Safety Code, AMA believes its guidelines meet the intent of the Advisory Circular.

When published in 1981, AC 91-57 presented a very general policy statement regarding model airplane operations and a philosophy that model aviation should operate safely and cooperatively within its communities. The Advisory Circular is not regulatory and the conception of the AC did not go through the rigor and public scrutiny required of a rulemaking process, and by nature the AC allows for situational awareness and personal judgment.

In February of 2007, the FAA did publish a clarification of AC 91-57 in the Federal Register. This posting was made to clarify the intent and application of AC 91-57. It states that the Advisory Circular only applies to model aircraft flown for recreational purposes and not to commercial/public use unmanned aircraft systems (UAS).

There is a difference between the language in the current FAA Advisory Circular and AMA's implementation of this guideline in the AMA Safety code. AMA believes the only significant risk posed to the manned aviation community by aeromodeling is when model aircraft are flown in close proximity to airports. As such, the AMA Safety Code advises modelers to remain at or below 400' AGL when within 3 miles of an airport. AMA believes this meets the intent of the Advisory Circular in creating a means by which model airplanes can operate in a safe and cooperative manner without imposing an undue restriction on the modeling community. Moreover, model aviation's impeccable safety record over the past 28 years has proven this to be the case.

AMA's experience has shown that the risk posed by model aviation diminishes significantly at distances greater than 3 miles and any remaining risk can be mitigated almost entirely by proper safety training and the modeler's ability to see and avoid the manned aircraft when a conflict exists. This has been AMA's position since the AC was published in June, 1981, and this is AMA's position going forward.

That having been said, there are some unique aeromodeling activities such as thermal soaring and Free Flight where additional risks do exist due to the nature of the operations. In these incidences AMA is considering additional means for mitigating the risks while essentially allowing the modelers to continue to enjoy these activities. We will work directly with the modelers, the Special Interest Groups and the FAA in developing these procedures. Once the concepts are developed and put forward for consideration more information will be made available through the AMA web site.

Though there are as yet no guarantees, AMA is confident we will be able to work through these issues, resolve any remaining concerns and ultimately provide a safe and effective program that allows the modelers to continue to enjoy the hobby in much the same way as they have in the past.

I have some suggestions for the rules committee where do I send them?

The ARC has been disbanded. However, the AMA has created a working group that is charged with developing the safety guidelines. Currently there is a link on the AMA Web site for submitting comments and suggestions. See... <http://www.modelaircraft.org/news/ama-faa.aspx>

How will the AMA membership be kept informed of the workgroup's progress and will I have an opportunity to comment on the final document before it is submitted to the FAA?
(Added 7/24/09)

The initial organizational effort of the workgroup is being handled internal to the committee; however, as the document nears completion, the workgroup will vet aspects of the work product through AMA's Special Interest Groups and segments of the modeling community. AMA has set up a dedicated discussion forum on the AMA Web site where ideas can be presented and deliberate, and we have also created a "Twitter" site where you can receive updates on the progress of the Safety Guidelines Workgroup and the rule making process. In addition, we are considering creating an "Opt-in" survey element that can be engaged in examining new ideas and concepts as they are brought to the table. This component may be particularly useful once the safety guideline document is submitted to the FAA and we begin conferring on specific aspects of AMA's safety program.

Ultimately, the committee's work product must be approved by the AMA Executive Council. The workgroup's aim is to have a final draft completed by the end of September and placed on the EC agenda for approval at the October 31st Council meeting. The final draft of the MA Safety Guideline will be posted on the AMA Web site for review and comments submitted to members of the Executive Council for consideration.

To join and monitor the AMA Safety Guidelines discussion forum go to:
<http://www.modelaircraft.org>

And, to follow the process on Twitter go to:
<http://twitter.com/amagov>

I always fly above 400 feet within 3 miles of an airport. Can I continue to do that?

No. You shouldn't be doing this now. This is a violation of the AMA Safety Code and is contrary to FAA Advisory Circular 91-57, issued in 1981.

Has the FAA adopted the ARC recommendations?

No. 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 (unlikely).

How will the FAA develop rules?

FAA will consider the ARC recommendations in completing its work, which includes drafting regulatory language, conducting a safety assessment, and performing an extensive intra and interagency review. Once this is completed, the proposed regulation will be published and presented for public comment.

The proposed regulation will be released in the Federal Register as a Notice of Proposed Rulemaking (NPRM) sometime during the 2nd quarter of 2010. The NPRM will provide for a period of written public

comment during which AMA and its members *must* stand up and be counted. The federal rulemaking process responds to numbers of concerns expressed by those who are impacted by the proposed rules.

Will we as AMA members get to vote on the proposed rules?

Individuals will not be able to “vote” on the proposed rules per se; however, as an individual modeler impacted by regulation you have the right to comment during the NPRM process. AMA will keep members apprised of the open public comment period and develop “talking points” or ideas to be considered when submitting comments about the proposed rules. Please recognize that there is a need to remain civil throughout the process.

When will the new sUAS rules take effect?

Depending upon the results of the NPRM process, a new Special Federal Aviation Regulation (SFAR) addressing sUAS and model aviation could be enacted sometime in 2011.