



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • FAX (301) 695-2375
www.aopa.org

**Statement of Mark Baker
President**

Aircraft Owners and Pilots Association

To The

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
AVIATION SUBCOMMITTEE
U.S. HOUSE OF REPRESENTATIVES**

Concerning

Unmanned Aircraft Systems in the National Airspace System

December 10, 2014

Chairman LoBiondo, Ranking Member Larsen, members of the Subcommittee, on behalf of the nearly 350,000 members of the Aircraft Owners and Pilots Association (AOPA), I am pleased to provide our views for this important hearing on “Unmanned Aircraft Systems.” Since 1939, AOPA has protected the freedom to fly for thousands of pilots, aircraft owners and aviation enthusiasts. AOPA is the world’s largest aviation member association and its mission is to effectively represent the interests of its members as aircraft owners and pilots concerning the economy, safety, utility, and popularity of flight in general aviation (GA) aircraft.

AOPA is asking the Subcommittee to reinforce the need for the Federal Aviation Administration (FAA) to expedite the small commercial UAS rule. AOPA also recommends that the FAA take steps to address and preclude harmful and negligent operations by recreational users of UAS technology. The safety of our skies should be a top priority and that is why AOPA supports regulations to govern use of the technology and define possible enforcement actions.

To integrate small commercial UAS into the National Airspace System (NAS), the FAA must implement rules and procedures that ensure UAS are operated safely and compatibly with other NAS users. As a general policy, commercial UAS should:

- Be certified with a standard airworthiness certificate or FAA approval
- Be flown by an FAA approved pilot/operator
- Be flown in compliance with current operating rules and airspace requirements

AOPA has been concerned about the impact of UAS operations on GA. Our biggest concerns are safety and the possibility that the FAA would implement special use airspace for exclusive use by UAS, limiting general aviation access to the NAS.

AOPA has been involved in this issue since 1991, when the FAA tasked an Aviation Rulemaking Advisory Committee (ARAC) with developing UAS guidance. While the FAA had a goal of publishing a Notice of Proposed Rulemaking in 1992, this never occurred.

In 2004, AOPA asked the FAA to create a working group under the auspices of the RTCA industry-government advisory group with the goal of developing consensus standards for small UAS operations (UAS that weigh 55 pounds or less). AOPA actively participated on this and the FAA accepted the resulting consensus standards in 2007, but has yet to release a proposed rule.

Additionally, AOPA is concerned with the rising number of reports from our member pilots and the media detailing unsafe drone activity near airports and aircraft. It is clear that many of the people flying UAS have little or no knowledge of the rules under which other airspace users operate. It is also clear from online videos that operators are flying near airports, in the clouds, and in congested airspace. Since the beginning of the year, the FAA has received pilot and air traffic controller reports describing 193 UAS

encounters. UAS operations are of two primary types: 1. Recreational operations flown by hobbyists and 2. Commercial operations flown in support of a business interest. The problem is compounded by the two primary types of UAS operations: (1) recreational operations flown by hobbyists and (2) commercial operations flown in support of a business interest.

Radio-controlled model aircraft have been around for decades and most radio-controlled aircraft hobbyists have been flying small aircraft safely and responsibly in accordance with FAA guidelines (Advisory Circular 91-57) and model aircraft industry best practices.

With the proliferation of low-cost, multi-rotor aircraft that require little or no skill or training to operate, however, existing guidance is no longer sufficient. One reason the technology has become so significant in such a short time is because the “Go-Pro” generation has embraced these multi-rotor aircraft as the preferred platform for capturing video images from a perspective not possible just a few years ago.

The FAA advisory (AC 91-57) was drafted in 1981 and in its current form, falls short on addressing the kinds of operations that are happening today. For example, AC 91-57 does not address commercial UAS operations or line-of-sight or point-of-view (POV) operations because in 1981 commercial applications for model aircraft were almost non-existent and having images beamed back to the user to be displayed in Google glasses was science fiction.

Since lawful commercial operators are essentially grounded, current UAS operators are either breaking the rules or are recreational hobbyists. Based on numerous pilot reports many of these operators are flying in a manner that endangers pilots, planes and people on the ground, which raises a grave concern among members of the pilot community.

If reckless operations of UAS go unchecked, there will inevitably be a mid-air collision with an aircraft. AOPA would like to see the FAA get ahead of the problem and preclude potentially catastrophic accidents. At a minimum, the FAA should:

- Issue clear, definitive guidance for recreational UAS operations. Current Agency guidance contains conflicting information on reporting requirements near airports and conflicting guidance on altitude limits.
- Encourage small UAS manufacturers to include information on FAA guidance for UAS operations.
- Work cooperatively with AOPA and radio controlled aircraft associations to assist with educational outreach efforts.
- Publish guidance to pilots on how to file timely reports of reckless UAS operations.

The FAA has taken some steps to police unlawful and reckless operations. For example, in June 2014 the FAA published a Federal Register notice on its interpretation of the

statutory special rules for model aircraft in the FAA Modernization and Reform Act of 2012. The law is clear that the FAA may take enforcement action against model aircraft operators who operate their aircraft in a manner that endangers the safety of the NAS. In the notice, the FAA explains that this enforcement authority is designed to protect users of the airspace as well as people and property on the ground.

Also, the NTSB recently ruled UAS are “aircraft” and therefore are subject to FAA rules. The four board members of the NTSB overturned an earlier ruling that had dismissed a \$10,000 FAA fine against an Austrian UAS pilot, Raphael Pirker, for allegedly operating a UAS recklessly to film the University of Virginia in 2011.

Lastly, the FAA recently addressed the rise in unlawful use of drones in a public notice issued Oct. 27, 2014. The FAA updated a long-standing ban notice on airplane flights over open-air stadiums with 30,000 or more spectators by extending the prohibition to “unmanned aircraft and remote controlled aircraft.” The notice went on to say that violators could be fined and imprisoned for up to a year, the first time the agency has explicitly stated that reckless drone pilots could wind up behind bars.

While these steps are important, they are not sufficient to safely integrate UAS into the national airspace system.

UAS present a challenge because they operate unlike any other aircraft in the airspace system – by remote control. With the exception of UAS, there is not an aircraft operating in today’s NAS that has not complied with Federal Aviation Regulations (FARs) governing its certification and maintenance. And with the exception of UAS operators, there is not a pilot operating today that has not undergone some level of pilot certification training and testing. Pilots also comply with very specific FAA general operating and flight rules as outlined in the Federal Aviation Regulations (FARs), including the FAA’s important see-and-avoid mandate. These regulations provide the historical foundation of the FAA regulations governing the aviation system.

However, if the FAA doesn’t take action to address operational issues, unregulated operations will continue to proliferate. The FAA has jurisdiction and should assert its authority for the safety and operating efficiencies of the nation’s airspace.

AOPA appreciates the opportunity to provide our views on this important safety issue and looks forward to working with the members of the Subcommittee as UAS regulations are developed.