



Summary

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Commercial | Multi-Engine | Instrument | AGI/IGI

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EXECUTIVE SUMMARY

Overview

Due to technology gains and the proliferation of low-cost, readily available, and easy to fly multi-rotor model aircraft, the FAA was forced to expand its views on the rules for model aircraft operations. These views have been presented in the "Interpretation of the Special Rule for Model Aircraft" [Docket No. FAA-2014-0396]. The following text formulates my summary of this document. You are encouraged to read the document yourself and draw your own conclusions.

Summary

For the first time, the FAA "flexing its authoritative muscle" upon the modeling community by stating that it has the right to use its enforcement capabilities on modelers that threaten the safety of the NAS. The level of attention and posturing by the FAA is disturbing to the modeling community as AC91.57 together with education safety guidelines published by the AMA have worked very well for a very long time.

The 2007 Policy Statement is just that - a policy statement, not a regulation. However, the NTSB Board has upheld the FAA's position that sUAV's are indeed aircraft and subject to FAA's enforcement should the operator pose a safety risk to the NAS.

Good luck enforcing sUAV incursions. They are unregistered and difficult to trace to the end-user. Moreover, FAA has issued a statement to encourage local law enforcement to do the work of the FAA Safety Inspectors.

FAA reaffirms its position that the model aircraft are indeed aircraft and are subject to enforcement actions under Part 91 of the FARs.

FAA states that they are prohibited from promulgating any rule or regulation regarding model aircraft that are flown under the 5 statutory recreational/hobby flight criteria but leaves the possibility of enforcement open to any situation that might endanger the safety of the NAS. If not flown to the criteria of model aircraft for recreational purposes, they are so deemed as unmanned aircraft and are subject to all existing FAA regulations.

FAA states that future rule making could have an effect on model aircraft; leaving the door wide open for them to propose special rules and regulations on model aircraft activity especially the rules governing airspace use. The rule making prohibition against model aircraft is one that must be evaluated on a rule-by-rule basis.

FPV activities are prohibited as they violate the VLOS criteria.

Flights of model aircraft that are in furtherance of a business, or incidental to a person's business, would not be a hobby or recreation flight. Such operations do not qualify as a hobby or recreation flight because of the nexus between the operator's business and the operation of the aircraft.

FAA further asserts that model aircraft are to be operated in accordance with community-based set of safety guidelines and within the programming of a nationwide community-based organization, i.e. the AMA.

This justifies their relationship with the AMA.

There is a 55lb limit on model aircraft. Anything over 55lbs has to be "certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization."

You have to give way to manned aircraft.

You have to notify the airport operator or control tower when operating within 5 miles of an airport. The FAA would consider flying model aircraft over the objections of FAA air traffic or airport operators to be endangering the safety of the NAS.

If a model aircraft is operated consistently with the terms of section 336(a) and (c), then it would not be subject to future FAA regulations regarding model aircraft. However, Congress also recognized the potential for such operations to endanger other aircraft and systems of the NAS. Therefore, it specifically stated that "[n]othing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system." P.L. 112-95, section 336(b). Rules relating to operations in areas covered by TFRs and NOTAMs found in §§ 91.137 through 91.145. The FAA would expect that model aircraft operations comply with restrictions on airspace when established under these rules.

Modelers have no knowledge as to how to obtain nor interpret TFRs and/or NOTAMs. I have yet to find a modeler that consulted valid forms acknowledged by the FAA in order to obtain and interpret this kind of information prior to flying their models.
