

January 16, 2017

Dear New Hampshire Legislators,

The Academy of Model Aeronautics (AMA) is writing in opposition to proposed House Bill 97-FN relating to the operation of unmanned aircraft systems (UAS/drones).

AMA is a nationwide, community-based organization of nearly 200,000 model aviation enthusiasts, with many members living in New Hampshire. For more than eight decades, AMA has successfully managed the recreational UAS community by providing robust safety guidelines and training programs. All AMA members follow this strict safety program and have the benefit of a \$2.5 million-dollar liability insurance policy that comes with membership. AMA members know where and how to fly responsibly and have a strong safety record.

In seeking to restrict where and how drones and model aircraft can fly in New Hampshire, proposed HB 97-FN attempts to regulate airspace, which is the sovereign authority of the U.S. government.

Indeed, last December the Federal Aviation Administration (FAA) released a fact sheet for state and local governments that asserts the FAA's authority over the airspace and underscores the importance of consistent federal regulations.

“Congress has vested the FAA with authority to regulate the areas of airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise at its source,” the FAA's office of chief counsel wrote. “Substantial air safety issues are raised when state or local governments attempt to regulate the operation or flight of aircraft.”

In regards to Identification on drones mentioned in HB 97-FN, there is already an existing federal registration system for drones and model aircraft in place managed by the FAA. The FAA further states in the aforementioned December 2015 fact sheet, “Because Federal registration is the exclusive means for registering UAS for purposes of operating an aircraft in navigable airspace, no state or local government may impose an additional registration requirement on the operation of UAS in navigable airspace without first obtaining FAA approval.” Even excluding FAA preemption regarding UAS registration, the identification requirement in HB 97-FN is unrealistic. Labeling hobby UAS with the owner's name, address, and telephone number in a picas size of 12, would in itself, be impossible.

Not only is HB 97-FN potentially counter to federal authority, it is unnecessary and duplicative. There are already existing federal regulations that are in place to protect against flying near critical infrastructures. States looking to label specific locations as “critical infrastructure” should do so through the proper channel laid out in H.R. 636 section 2209. In this section, Congress requires the FAA to establish procedures for designation of critical infrastructures. The AMA agrees that there are specific areas which could pose extraordinary security risks or concerns, but these areas should be designated at the federal level to ensure uniformity.

AMA also has concerns regarding the privacy provisions of HB 97-FN. Invasion of privacy on any level is a very real and serious concern. However, this bill appears to only place restrictions

on drones, and not on any other vehicle or means. By stating the following, “an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (2) Is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.”, it appears as though HB 97-FN looks to regulate drone operations, and that the invasion of privacy concerns are only a pretense to these regulations.

We share New Hampshire’s goal to keep our skies safe, yet we believe proposed House Bill 97-FN runs afoul of federal authority and creates unnecessary and duplicative laws for hobbyists who already follow community-based safety guidelines. While perhaps well-intended, this bill could be a hindrance for business, education, and the existing community of responsible UAS enthusiasts. We hope you strongly consider voting against the proposed bill.

Respectfully,

Academy of Model Aeronautics