



Chapter 736 Newsletter for October 2018

Widesweeping UAS Provisions in New FAA Law

The FAA Reauthorization Act of 2018 includes key provisions that are aimed at increasing safety and awareness within the recreational drone community, gives law enforcement virtual carte blanche to react immediately to any perceived drone threat, and lays the foundations for mandatory drone registration and identification and the development of the domestic drone package delivery industry.

It immediately repeals the Section 336 exemption for model aircraft (Public Law 112-95, Special Rule for Model Aircraft), which allowed recreational drone operators to fly without obtaining an operators certificate. Under the act, recreational operators will now need to take an online tutorial to be developed by the FAA within six months and continue to register their aircraft and adhere to the current restrictions on recreational operations—flights during daylight only, no higher than 400 agl, and not beyond visual line of sight, among others.

The law specifically prohibits the FAA from requiring recreational operators to hold an airman’s certificate, a valid medical, complete formal flight training, fly only in pre-designated areas or uncontrolled airspace, or require airworthiness certificates on UASs in this category. It also grants all law enforcement authorities wide latitude when determining when it is appropriate to seize, disable, or destroy a drone; encourages the development of counter UAS technologies and their nationwide deployment; outlaws weaponizing a drone and provides criminal penalties for same and any other unsafe operations including near airports or natural disasters including wildfires; and gives the FAA a pathway to its long-sought mandate to establish a drone remote detection and identification requirement. Specifically, the act requires the FAA to create a pilot program that uses available remote detection and identification technologies for safety oversight “including enforcement actions” against non-compliant operators.

It also directs the FAA, the Federal Communications Commission (FCC), and others to report on whether UAS operations should be permitted to use previously recommended L-band and C-band frequencies for operations within or outside the UAS traffic management (UTM) system and requires the FAA to create and post to its website a public database of UAS registrations, waiver of authorizations, and location and description of public operations. Significantly, the act also directs the FAA, within one year, to develop a small UAS air carrier certificate, certification process, and classification—a precursor to the roll-out of regular drone package delivery service.

AVIATION GROUPS URGE FAA FOR CLEAR, CONSISTENT RAMP SPACE CHARTING

The heads of five major general aviation groups, including AOPA, sent a letter to FAA Acting Administrator Daniel Elwell asking the agency to standardize the labeling of airport ramp space and ensure that airport diagrams are clearly and accurately marked so pilots are better informed about available parking options.

The letter stated, “We believe it will be very helpful to pilots to ensure that transient parking ramps are outlined on the Airport Diagram and have consistency with respect to standardized parking definitions and airport signage informing pilots of where these transient ramps are located.”

Many ramp areas, especially transient ramps, are often not identified on airport diagrams or not identified clearly. Many pilots and even airport staff are unaware of alternatives to fixed-base-operator-managed ramp space.

AOPA President Mark Baker said, “FBO fees and charges as well as ramp space charting are the two biggest areas that need some sunshine. It is totally unacceptable to be able to hide or make it difficult for pilots to know what they are paying for or where they can park at a public-use airport and not be charged for services or fees that were never requested or used. It’s just not right for the consumer, a pilot in this case, and we need to fix it.

“Many of these ramps were paid for in part by federal fuel taxes administered through the FAA’s Airport Improvement Program, and we didn’t spend that money only to keep them a secret.”

At an April meeting of the FAA’s Aeronautical Charting Forum, the group adopted an AOPA proposal that included standardizing labels for different types of ramps. That recommendation is currently before the FAA.

For more than a year and a half, AOPA has been investigating and fighting egregious and often unknown FBO fees that restrict airport access. AOPA believes that publicizing transient parking locations provides pilots with an alternative so they are not forced to pay for services at some FBO-controlled ramps that they don’t need or never requested.

Baker said, “Most FBOs do a great job and we need them and want them to be successful. At the same time, we simply want transparency and fairness and I am pleased that other groups are joining this movement. We want to grow this great industry and ensure that all pilots are not surprised by fees and charges and can make informed decisions and have knowledge about and access to ramp areas that they paid for through their federal fuel taxes.”

The letter was signed by the heads of AOPA, the Experimental Aircraft Association, the General Aviation Manufacturers Association, Helicopter Association International, and the National Business Aviation Association.

In early October, Signature Flight Support **published** some fees at most U.S. locations for pilots of piston aircraft. AOPA will continue to push Signature and other major FBO chains to publish fees for all aircraft, especially at airports that receive federal funding.

FAA RELAUNCHES ADS-B REBATE

The FAA on Oct. 12 reopened the \$500 rebate program to support Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipage. The program that had ended in September 2017 will now close Oct. 11, 2019. The agency is making \$4.9 million available under the new rebate program, which will help to fund 9,792 new ADS-B Out installations.

Beginning Jan. 2, 2020, aircraft flying in airspace where a transponder is necessary today will be required to be equipped with compliant ADS-B Out technology.

In a statement provided to AOPA prior to release, FAA Acting Administrator Daniel Elwell said, “The ADS-B mandate is not going away. We are about 15 months from the January 1, 2020 deadline and now is the time for aircraft owners to equip.”

The previous rebate program, which ran from Sept. 19, 2016, to Sept. 18, 2017, issued more than 10,000 rebate payments.

A number of avionics manufacturers have recently released **lower cost products** that meet compliance regulations. The Appareo Stratus ESG and Garmin GTX 335 transponders are both \$2,995 plus installation, and the Garmin GDL 82 universal access transceiver—which works in conjunction with an existing transponder—is \$1,795 plus installation. uAvionix has promised lower cost products that replace aircraft navigation lights, including the skyBeacon, a UAT priced at \$1,849 plus installation, which is eligible for installation on certified aircraft as well as experimental and light sport aircraft.

As before, there are five steps aircraft owners should follow to meet the mandate and receive the \$500 rebate. First, purchase the equipment and schedule installation. Second, get a Rebate Reservation Code by reserving a position online. Third, install the equipment. Fourth, conduct the required equipment performance validation flight and get an Incentive Code. Fifth, claim the \$500 rebate online using the Rebate Reservation Code and Incentive Code.

A number of aircraft owners have seen issues with the performance validation flight requirement of the original rebate program, and AOPA recommends a number of steps to minimize the odds of failing the validation flight.

As with the earlier rebate program, the FAA reports that the new rebate program is available only to those who have not yet equipped their aircraft. Full rebate rules are available on the FAA website.

Next Meeting

Our next meeting will be held in the Spring of 2019. Have a nice winter