

Remote Control Aerial Photography Association



Is Accountability the Key to Progress?

By Patrick Egan

Another year passes with little gain here in the U.S. Recent public disclosures from the FAA and lack of public comment from airspace stakeholders, suggest that the U.S. airspace integration effort has by-in-large stalled. The statement should not be taken lightly or can it be laid at any one group's feet. Safe to say that we are witnessing a climate wherein uncharacteristic notions can and are being freely aired without trepidation. Most notable were the comments made last year by the new FAA Administrator, and the subsequent reiteration at TAAC, which serve to reinforce that the effort may very well be in dire need of a restart. Many have come to realize that without some substantial changes to the integration effort, we will continue on a very slow road with little or nothing to show. One can point to the obvious and adverse effects that the retirement cycles and administrative changes are having on this process. However, beyond that we cannot discount the questions being raised about the appearance of nothing more than a long tail of excuses, punctuated with just as long periods of inaction. Those who still subscribe to aspirations of a cooperative and inclusive airspace integration effort are wondering where things went wrong? The rest, are left trying to make sense of what can only be gingerly termed as a "regulatory leadership vacuum." In any event, crawl, walk, run has in reality only manifested itself into a withering on the vine for many would be law-abiding user. Meanwhile, thousands of other users from all segments still years on are openly violating current FAA policy. (I don't want to cast aspersions on the "policy", but will say at the time of writing this I continue to wait on an inquiry as to a "how" the mechanics work for FAA policy changes like the one from Feb 13, 2007.

If it truly works as suggested in the 2007 policy clarification, there may very well be light at the end of the tunnel after all. If the issue is safety, how does this reality fit in? Where is the data that supports the safety concern? Second, if these small aircraft constitute such a safety concern, where is the enforcement? We can only wonder as to how the Congress will react when there is a mishap and it comes out that the FAA not only 'knew' what was transpiring, but moreover did little to enforce its own policy?

This hardly constitutes a sound plan and following this trend for the next 5 to 10 years is inconceivable. Isn't it time to apply what we've learned from what has turned out in many peoples opinion to be an ongoing mistake?

For the last several years we've been riding the rails of "bring us different proposals and when we get the right one we'll know it!" I can hardly be the only one who finds this notion entirely unacceptable! This could very easily be construed as an affront to those who in good faith have put in countless hours towards our common goal. Is that notion to suppose or suggest that we as a community are to find our own regulatory solution? If so, we have. And I will take this opportunity to reiterate one of those cogent ideas as follows. We, RCAPA would offer that our Proposed Guidelines (or some other community based standard), be used as a baseline for immediate implementation in whole or part. They (RCAPA Proposed Guidelines), are immediately implementable and would provide effective guidance for the hundreds of operations that transpire daily in the NAS. An MOU could be entered into with a third party (i.e. NASA) who could then objectively collect data for the certain allowed segments.

Thus filling the 'data' gap that now exists. Furthermore, I will offer the following possible solutions as suggestions for the regulator and would-be legal users.

For the community...

- 1) Approach the effort with less of a business plan based integration solution. Crafting and tailoring regulation around the existing systems and operations only serve to limit objective consideration for safety and operational concepts.
- 2) Same from the advocacy groups. The only business plan that should be employed is one that emphasizes solutions on the level of a holistic global integration effort. The community would be better served by an advocacy effort that provides a platform for use.
- 3) Global community cooperation. One voice for industry (civil, military, business) needs to come forward with a unified agenda. Existing group strong points need to be exploited, and responsibilities need to be delegated to those that have the skill set to handle the task(s).

For the regulator...

The process suffers from a glaring aviation double standard. If we are to be treated as aviation/aviators, then it should be very simple to let out guidance that is strait forward and conforms to existing regulation; is there a need to reinvent the wheel? If the FAA wants to really do what they can to help the community get to market, here are some possible suggestions to help reach that common goal.

- 1) Accept the reality that the small systems need to go first, and support/facilitate their integration. Decide or accept that you are ready to certify tens of thousands of aircraft systems, pilots and maintenance records that will come with classifying sUAS as aircraft. The third leg of the regulatory chair is enforcement. Policy that is unenforceable makes for poor regulation.
- 2) Fill the void of operational experience that currently exists on the regulatory side of the integration effort. Statements and policy make it very apparent that the effort lacks even rudimentary operational UAS experience. The regulators need to contract or request and use data that comes from real world operations, even those that may be outside the FARS. If a company or group has no experience in the field, it amounts to a waste of taxpayer money and everyone's time.
- 3) Give people the information they need to participate in an informed manner. Define standards for "sense and avoid!" Put it in writing and publicize it, a clear direction for certification is needed. How are we to get there from here with no idea what is required?
- 4) Determine an attainable "dataset" and implement a capture mechanism. This may not be necessary if the FAA determines that UAS are aircraft, as one already exists in the GAATA survey.
- 5) Define "Equivalent level of safety." What level of safety do sUAS have to conform to? Will it be a weight, speed or kinetic energy formula? If the outcome is one in where UAS prove to be safer (fatalities), will GA have to conform to these levels?

This community has to decide that we will no longer accept moving targets. The aphorism of the past, have run well beyond the freshness date and all efforts henceforth have to stress an elevated level of "accountability" by the FAA.

What is needed for UAS airspace integration is an equivalent level of leadership shown during the development and rule making process for LSA (Light Sport Aircraft) regulations. Possibly an external monitor can help increase both the accountability of the project and the credibility of the results? All of us as stakeholders must work towards a broader concept of engagement.