

CANADIAN AVIATION REGULATIONS PART IX EXEMPTION FOR MAAC

What members need to know:

On June 1st, the new Part IX of the Canadian Aviation Regulations (CARs) which governs the use of remotely piloted aircraft systems (RPAS) in Canada comes into effect.

MAAC members will be exempt from ALL provisions of the new CARs Part IX, subject to the 15 conditions stipulated in the exemption. These conditions are separated into:

- Association Requirements for MAAC (1 through 5)
- Individual MAAC Member Requirements (6 through 15)

Below we have provided specific information/guidance relating to each condition listed in the exemption.

MAAC Association Requirements:

- 1) ***MAAC shall review and, if required, update its rules, procedures, and safety guidelines annually to ensure they reflect the most current safety practices and information.***

NOTE: MAAC already does this as part of the association's annual business. No changes to current procedure required.

- 2) ***MAAC shall maintain a list of all active members, their respective membership numbers, postal codes, the approximate number of models they intend to have airworthy for the year in question, and, shall provide this information to the Minister on an annual basis.***

NOTE: MAAC will continue to protect and follow applicable laws in relation to the privacy of its members. A process will be established to allow the organization to provide a representative number of aircraft being operated by the association.

- 3) ***Prior to sanctioning a field in Class C, D, E, F, or any other type of restricted airspace, MAAC shall obtain an authorization through a written agreement from the appropriate controlling agency or user agency for the area. The agreement shall include operational boundaries, maximum altitudes, and communication protocols to facilitate the safe operation of RPAS at the field.***

NOTES:

- At the time this exemption was issued, there are 58 clubs that currently operate in controlled airspace.

- Part of the process for flying site approval already includes confirmation of the airspace class and location in relation to airports.
 - Zone Directors and applicable committees/advisory groups will be working with those clubs identified as operating within controlled airspace to ensure compliance.
 - It is important that ALL members know what airspace they are operating in and assistance / tools are being put in place to aid members and clubs in making that determination.
 - Do not fly at non-sanctioned flying sites until you are certain of the airspace you intend to operate in.
- 4) ***Prior to sanctioning a field which is within 3NM of an aerodrome, outside of controlled airspace and listed in the Canadian Flight Supplement (CFS) or the Canadian Water Aerodrome Supplement (CWAS), MAAC shall establish procedures to ensure that RPAS do not conflict with or pose a hazard to other aircraft in the vicinity.***

NOTES:

- Again, this is not a new requirement as it is already part of the process for flying site approval.
 - The changes are in setting the 3NM (5.55km) proximity as well as specifying **only** “aerodromes listed in the Canadian Flight Supplements or the Canadian Water Aerodrome Supplement”. As such, this condition does apply to abandoned, restricted or private flying “locations”.
 - Zone Directors and applicable committees/advisory groups will be working with clubs to ensure compliance.
 - Again, do not fly at non-sanctioned flying sites until you are certain of the airspace you intend to operate in and the proximity to any aerodromes/water aerodromes listed in the applicable documents (CFS/CWAS). See individual MAAC member responsibilities point #14.
- 5) ***MAAC shall keep a list of incidents and accidents between MAAC operated RPAS and other aircraft or persons on the ground that are not members of the association to which this exemption applies. MAAC shall provide this list to the Minister upon request.***

NOTE: These refer to accidents involving manned aircraft or spectators/persons etc., that are not associated with MAAC and are records that are already maintained for insurance purposes.

Individual Member Requirements:

- 6) ***The member of MAAC shall not operate a RPAS unless the pilot or a visual observer has the aircraft in visual line-of-sight at all times during flight.***

NOTE: Essentially a statement of how MAAC members should operate and is already a part of MAAC operational rules/guidelines.

- 7) ***The member of MAAC operating a RPAS shall give way to power-driven heavier-than-air aircraft, airships, gliders and balloons at all times.***

NOTE: Essentially a statement of how MAAC members should operate and is already a part of MAAC operational rules/guidelines.

- 8) ***The member of MAAC operating a RPAS shall be in good standing with the association, namely have paid all dues and be following all MAAC rules.***

NOTES:

- Members are considered in “good standing” when:
 - i. You are flying according to the MAAC Safety Code and applicable guidelines for the type of flying you are participating in.
 - ii. Your appropriate dues payment is up to date.
 - iii. During any time that a member does not have a valid membership or does not follow the MAAC safety code and/or applicable guidelines, that member is in breach of this exemption and is subject to all the rules in Part IX of the CARs, including potential penalties.

- 9) ***The member of MAAC operating a RPAS shall adhere to the most current version of the applicable MAAC rules, procedures, and safety guidelines.***

NOTES:

- Essentially a statement of how MAAC members should operate and is already a part of MAAC operational rules/guidelines.
- As there are many MAAC guidelines for various hobby disciplines, only the guidelines applicable to your type of flying are relevant. For instance, if you fly “Large Models” then those guidelines (MSD09) must be adhered to as well as the basic Aircraft guidelines (MSD03 and MSD06).

10) ***The member of MAAC shall not operate a RPAS unless the member has successfully demonstrated to a person delegated by MAAC in accordance with MAAC's rules, procedures, and safety guidelines that the member has sufficient knowledge and experience to control the RPAS in a safe and competent manner unless in the case where the member is under the direct supervision of a qualified MAAC instructor.***

NOTES:

- Again, this is a statement of fact on how members and clubs should have been operating.
- This **is not** a requirement that all members must adhere to the MAAC "Wings Program". The wings program is a general aid/example that individuals or clubs may, or may not, use to ensure pilots have necessary skills to operate their aircraft safely and competently.
- Clubs and individual members are responsible to ensure pilot proficiency to a standard necessary to comply with this condition, as it relates to the variables of what types of aircraft they fly and any other unique circumstances.
- As per the MAAC safety codes and guidelines, clubs and individual members are responsible to decide who is competent to instruct and who is qualified to be delegated pilot proficiency determination responsibilities.

11) ***The member of MAAC operating a RPAS shall mark their aircraft with their MAAC member number in a way that the owner can be identified.***

NOTES:

- It is already a requirement for members to have their Name, MAAC# and the MAAC "800#" on, or within, their aircraft. Please ensure ongoing compliance with any new aircraft acquired.
- This condition provides the equivalent requirement to the CARs Part IX registration and marking requirements.

12) ***The member of MAAC operating a RPAS in Class C, D, E, F, or any other type of restricted airspace shall take-off, launch, land, or recover from a field sanctioned by MAAC or, in the case where the field is not sanctioned by MAAC, the member of MAAC shall obtain, prior to entering the airspace, an authorization from the appropriate controlling agency or user agency.***

NOTES:

- This exemption, in addition to extending the privilege for a MAAC club to operate within controlled airspace or within 3 NM (5.55km) of a CFS recognized aerodrome, maintains a pathway for the privilege to be extended to the individual member outside of a sanctioned club/field.

- Although, MAAC resources are available to assist, it is the responsibility of the individual member to know what type of airspace they are intending to fly in and meet any necessary requirement related to these conditions.

13) ***The member of MAAC operating a RPAS in Class C, D, E, F, or in any type of restricted airspace shall adhere to all the conditions that are detailed in the agreement with the controlling agency or user agency for the area.***

NOTES:

- This condition binds the member to any applicable agreement with any controlling agency.
- This should already be common practice for any clubs or members operating in controlled or restricted airspace.

14) ***The member of MAAC operating a RPAS within 3NM of an aerodrome outside of controlled airspace and identified in the Canadian Flight Supplement (CFS) or the Canadian Water Aerodrome Supplement (CWAS) shall, take-off, launch, land, or recover from either:***

- ***a field sanctioned by MAAC; or***
- ***a field which is not sanctioned by MAAC and establish procedures to ensure that remotely piloted aircraft systems do not conflict with or pose a hazard to other aircraft in the vicinity.***

NOTES:

- As with condition 12 above, this exemption, in addition to extending the privilege for a MAAC club to operate within controlled airspace or within 3 NM (5.55km) of a CFS recognized aerodrome, maintains a pathway for the privilege to be extended to the individual member outside of a sanctioned club/field.
- Although, MAAC resources are available to assist, it is the responsibility of the individual member to know what type of airspace you are intending to fly in and meet any necessary requirement related to these conditions.

15) ***The member of MAAC shall not operate a RPAS in such a reckless or negligent manner as to endanger or be likely to endanger aviation safety or the safety of any person.***

NOTES:

- This final condition states the historical foundation of MAAC's exemplary safety record and is the basis upon which the exemption was granted.
- Protect yourselves and your fellow MAAC members by exercising your due diligence as your individual actions, or lack thereof, will be under examination in the event of an accident.

VALIDITY

This exemption is in effect until the earliest of the following:

- (a) the date on which any of the conditions set out in this exemption is breached; or,*
- (b) the date on which this exemption is cancelled, in writing, by the Minister, where he is of the opinion it is no longer in the public interest or is likely to adversely affect aviation safety.*

NOTES:

- **Subsection “(a)”** – No, this DOES NOT mean that any single condition breach voids this exemption for all MAAC members. It is the legal standard wording used by Transport Canada and means that during any breaches of the conditions of this exemption, those directly involved in the breach are not covered by the exemption and are instead subject to rules, and any subsequent legal jeopardy, related to the new Part IX of the CARs.
- **Subsection “(b)”** – All exemptions remain the direct responsibility of the Minister and subject to his privilege. This exemption is only as permanent as our continued responsible use dictates. By ensuring all members comply with the MAAC safety code and guidelines, and the conditions of the exemption, we will ensure we do not give the Minister cause to cancel the exemption.

Final NOTES:

- Clubs and members need to review and understand your responsibilities under the MAAC safety code and guidelines on a regular basis. It is your legal responsibility to know them.
- All members and clubs should have a copy of the exemption, paper or electronic, readily accessible whenever they are operating.
- Clubs and members need to know what type of airspace they are operating in and their proximity to land and water aerodromes. MAAC has resources to assist clubs and individual members – if in doubt CHECK IT OUT. Ignorance of the rules will not be a valid reason for not following them.
- Finally, members need to speak up whenever they see individuals operating outside the MAAC safety code and guidelines. It's everyone's responsibility to help educate others, protect our privileges and maintain our seven (7) decade culture of safety so we can all enjoy aeromodelling for decades to come.