

Unmanned Aircraft Systems

Legal Environment for UAS Operation

Presented to: NTIA 2015 UAS Privacy
Multistakeholder Meeting

By: Dean Griffith, FAA
Anne Bechdolt, DOT

Date: August 3, 2015



Federal Aviation
Administration



Aviation Safety is FAA's Priority

- **The FAA has the responsibility to maintain the safety of the NAS and people and property on the ground.**
- **We have a plan for safe and staged integration.**
- **We are making progress to achieve that goal.**



What Are Unmanned Aircraft ?

- **Unmanned Aircraft** - “An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.”
- **Unmanned Aircraft System** - “An unmanned aircraft and associated elements . . . that are required for the pilot in command to operate safely and efficiently in the National Airspace System.”
- **Sec. 331, P.L. 112-95, Feb. 14, 2012**



FAA Jurisdiction

- **Definition of “Aircraft” –**
 - 49 U.S.C. § 40102(a)(6) defines an “aircraft” as “any contrivance invented, used, or designed to navigate or fly in the air.”
 - 14 C.F.R. § 1.1 defines an “aircraft” as “a device that is used or intended to be used for flight in the air.”



FAA Jurisdiction

- **General authority to promote safe flight of civil aircraft in air commerce.**
 - 49 U.S.C. § 44701
- **Authority to prescribe air traffic regulations to protect aircraft and people and property on the ground.**
 - 49 U.S.C. § 40103(b)
- **Regulatory authority from the ground up.**
 - Existing rules allow aircraft operations below 500' (14 C.F.R. § 91.119).



Civil Aircraft Operations Requirements

- **Certificated Aircraft (49 U.S.C. § 44711)**
 - Standard Airworthiness Certificate (TC/PC)
 - Special Airworthiness Certificate
 - Restricted
 - Experimental
 - 14 C.F.R. parts 21-39
- **Certificated Pilot (49 U.S.C. § 44711)**
 - 14 C.F.R. part 61.
- **Registered Aircraft (49 U.S.C. § 44101)**



Current Ways to Operate UAS

- **Public Aircraft Operation + COA**
- **Certificated Aircraft + COA**
 - May need exemption.
- **Section 333 Determination + Exemption + COA**
- **Model Aircraft – Section 336**

Sections 333 and 336 created by the 2012 FAA Modernization and Reform Act (P.L. 112-95)



“Section 333” Operations

- **Operators must adhere to conditions in the exemption and COA, including:**
 - Daytime operations only.
 - Must stay 500’ from non-participants.
 - Must have permission from the property owner or someone with authority to grant access.
 - No higher than 400’ above ground level.
 - Most below 200’.
 - Within line of sight of the operator.
 - COAs require issuance of NOTAM.
 - Aircraft registered and marked.



Model Aircraft – Sec. 336

- **Key Characteristics.**
 - Hobby or recreational.
 - Visual line of sight of the operator.
 - Within Community Based Organization safety guidelines and programming.
 - Give way to manned aircraft.
 - Notify airports and air traffic control towers w/in 5 mi.
- **Do not need FAA authorization.**
- **Not subject to future FAA rulemakings.**
 - May be subject to general rules applicable to all aircraft such as airspace rules.



Summary of Current Operations

- **Public aircraft**
 - Wide range of government entities currently flying diverse kinds of operations.
- **Civil aircraft**
 - FAA authorized Arctic operations.
 - Limited commercial operations authorized under “333” process. More than 1,000 to date.
- **Model aircraft**
- **Test Sites**
 - All 6 test sites operating.



Proposed Small UAS Rule

- **Will open the door to non-recreational operations.**
 - Including commercial, research, educational use.
- **Highlights of Proposed Requirements:**
 - UA less than 55 pounds.
 - Within line of sight of operator.
 - Maximum 500' above ground level.
 - Daytime.
 - Not over people.
 - Pilot certificate – Knowledge test.
 - Aircraft registered and marked.
- **FAA is reviewing public comments.**



Contacts/Resources

- **Dean Griffith**, Office of the Chief Counsel,
FAA: dean.griffith@faa.gov
- **Anne Bechdolt**, Office of the General Counsel,
DOT: anne.bechdolt@dot.gov
- **www.faa.gov/uas**
- **Small UAS NPRM**
 - 80 Fed. Reg. 9544 (Feb. 23, 2015)
 - Docket No. FAA-2015-0150 (www.regulations.gov)

