

UNMANNED AIRCRAFT SYSTEMS- WHO'S DOING WHAT?

*Allison I. Fultz
Kaplan Kirsch & Rockwell LLP
Washington, DC*

FMRA - 2012

FAA Modernization and Reform Act of 2012, Pub. L. 112-95, Feb. 14, 2012

- Safely accelerate integration of UAS into the National Airspace System
- Establish test ranges to develop UAS technology
- Case-by-case approval of public and commercial operations
- Sec. 336 – Special Rule for Model Aircraft

CATEGORIZATION BY USE



- NOT categorized by characteristics of craft
- UAS operations authorized on case-by-case basis
- Safety = ostensible governing criterion
- 3 non-military categories, differing degrees of scrutiny:
 - Model
 - Public use – governmental function
 - Civil use – commercial, educational

CATEGORIZATION BY USE

Authorization needed to fly:

- Model aircraft – none
- Public UAS - COA
- Civil UAS – Section 333 exemption + COA
 - Blanket COA OR
 - Individual COA



CATEGORIZATION BY USE

Hobby or recreation	Not hobby or recreation
Flying a model aircraft at the local model aircraft club.	Receiving money for demonstrating aerobatics with a model aircraft.
Taking photographs with a model aircraft for personal use.	A realtor using a model aircraft to photograph a property that he is trying to sell and using the photos in the property's real estate listing. A person photographing a property or event and selling the photos to someone else.
Using a model aircraft to move a box from point to point without any kind of compensation.	Delivering packages to people for a fee.
Viewing a field to determine whether crops need water when they are grown for personal enjoyment.	Determining whether crops need to be watered that are grown as part of commercial farming operation.

THE AIRPORT ANGLE



- Is UAS operation an aeronautical activity?
 - Arguably not
- Many UAS users actively seek to locate at airports

Photo credit: Greg Walker

THE AIRPORT ANGLE

Accommodating UAS users, promoting UAS use:

- Considerable latitude to control activities on airport property through rules, regulations and minimum standards
- Enter into agreements with COA/Section 333 exemption holders
 - Operational parameters
 - Adequate insurance and indemnification
 - Copies of FAA authorizations

LOCAL GOVERNMENT ROLE

- Most UAS activity is everywhere BUT at airports
- Municipalities have dual role
 - Using UAS for governmental function – i.e., police
 - Regulating UAS to protect citizens
- Law enforcement
 - Law Enforcement Guidance to Unauthorized UAS Operations

WHAT'S AHEAD

- Rule on registration of all sUAS, including model aircraft
- Final rule on commercial use of sUAS – within year
- Continuing technological development and refinement
- Development of rules for larger vehicles
- Check FAA website for updates: <http://www.faa.gov/uas/>

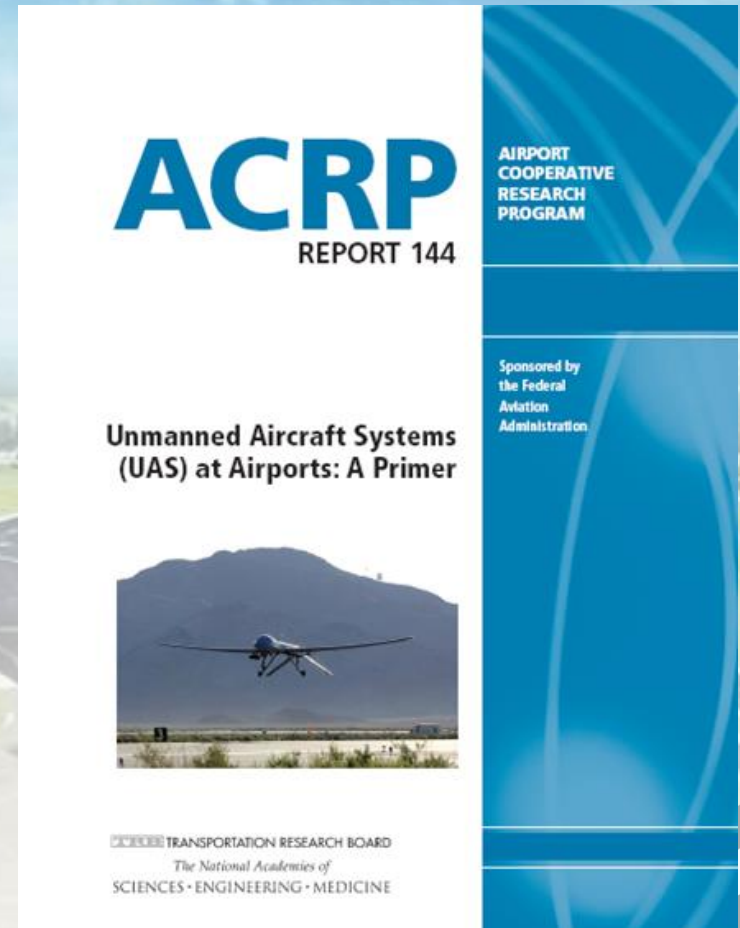
RESOURCES

ACRP Report 144 – Unmanned Aircraft Systems (UAS) at Airports: A Primer (2015)

Proposed Rule: Operation and Certification of Small Unmanned Aircraft Systems, 80 Fed. Reg. 9544 (Feb. 23, 2015)

Non-binding guidance documents:

- AC 91-57A (Sept. 2, 2015) – Model Aircraft Operating Standards
- Interim Operational Approval Guidance 08-01, Unmanned Aircraft Systems Operations in the U.S. National Airspace System, March 13, 2008
- Policy notice, Unmanned Aircraft Operations in the National Airspace System, 72 Fed Reg 6689 (Feb. 13, 2007)



QUESTIONS?

Allison I. Fultz

Kaplan Kirsch & Rockwell LLP

Washington, DC

(202) 955-5600

afultz@kaplankirsch.com

www.kaplankirsch.com