

TO: MAPPS Member Firms

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RE: **CALL TO ACTION** - Notice of Proposed Rulemaking (NPRM) issued by the Federal Aviation Administration (FAA) concerning Operation and Certification of Small Unmanned Aircraft Systems (UAS)

DATE: February 18, 2015

On Sunday, February 15, 2015, the FAA [published](#) a Notice of Proposed Rulemaking (NPRM) under the authority described in the FAA Modernization and Reform Act of 2012 (FMRA) (Public Law 112-95). Section 332 of Public Law 112-95 directs the Secretary of Transportation to “develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.”

SUMMARY

The FAA is proposing to amend its regulations to adopt specific [rules](#) in order to allow the operation of small unmanned aircraft systems (UAS) in the national airspace system (NAS). These changes would address the operation of UAS, certification of their operators, registration, and display of registration markings. The proposed rule would also find that airworthiness certification is not required for small UAS operations that would be subject to the proposed rule. Due to the size of a small unmanned aircraft, the FAA envisions considerable potential business and non-business applications, particularly in areas that are hard to reach for a manned aircraft.

The following are examples of possible small UAS operations that could be conducted under the proposed framework:

- Crop monitoring/inspection;
- Research and development;
- Educational/academic uses;
- Power-line/pipeline inspection in hilly or mountainous terrain;
- Antenna inspections;
- Aiding certain rescue operations such as locating snow avalanche victims;
- Bridge inspections;
- Aerial photography; and
- Wildlife nesting area evaluations.

The FAA is charged with prescribing regulations that the agency finds necessary for safety in air commerce and national security. The model-aircraft component of the rulemaking incorporates the statutory mandate that preserves the FAA’s authority to pursue enforcement “against persons operating model aircraft who endanger the safety of the national airspace system.”

The rulemaking proposes operating requirements to allow small UAS to operate for non-hobby or non-recreational purposes.

Specifically, the FAA is proposing to [add a new part](#) 107 to Title 14 Code of Federal Regulations (14 CFR) to allow for routine civil operation of small UAS in the NAS and to provide safety rules for those operations. Highlights include:

- A small UAS consists of a small unmanned aircraft (which, as defined by statute, is an unmanned aircraft weighing less than 55 pounds) and equipment necessary for the safe and efficient operation of that aircraft.
- The FAA has accommodated non-recreational small UAS use through various mechanisms, such as special airworthiness certificates, exemptions (Sec. 333), and certificates of waiver or authorization (COA). The proposed rule would be the next phase of integrating small UAS into the NAS.
- Based upon the FAA's experience with the certification, exemption, and COA process, the agency has developed the framework proposed in the rule to enable certain small UAS operations to commence upon adoption of the final rule and accommodate technologies as they evolve and mature. This proposed framework would allow small UAS operations for many different non-recreational purposes, such as the ones discussed previously, without requiring airworthiness certification, exemption, or a COA.
- To mitigate risk, the proposed rule would limit small UAS to daylight-only operations, confined areas of operation, and visual-line-of-sight operations.
- The proposed rule also addresses aircraft registration and marking, NAS operations, operator certification, visual observer requirements, and operational limits in order to maintain the safety of the NAS and ensure that they do not pose a threat to national security.

Under the proposed rule, the person who manipulates the flight controls of a small UAS would be defined as an "operator." A small UAS operator would be required to be at least 17 years old and pass an aeronautical knowledge test and obtain an unmanned aircraft operator certificate with a small UAS rating from the FAA before operating a small UAS. In order to maintain his or her operator certification, the operator would be required to pass recurrent knowledge tests every 24 months subsequent to the initial knowledge test. These tests would be created by the FAA and administered by FAA-approved knowledge testing centers. Although a specific distant vision acuity standard is not being proposed, this proposed rule would require the operator to keep the small unmanned aircraft close enough to the control station to be capable of seeing that aircraft through his or her unaided (except for glasses or contact lenses) visual line of sight. The operator would also be required to actually maintain visual line of sight of the small unmanned aircraft if a visual observer is not used.

A summary of the major provisions of the proposed rule is attached hereto.

ANALYSIS

MAPPS member firms that are interested in operating small UAS have been patiently waiting for issuance of the proposed rules. Since these rules will allow small UAS operations for commercial purposes without requiring airworthiness certification, exemption, or a COA, it is imperative that MAPPS members provide written comments to the FAA, which will be published in the public docket and considered by the agency during preparation of the final rules.

CALL TO ACTION

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in the NPRM. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data.

Any MAPPS member firms that are interested in providing comments to the NPRM are encouraged to submit their written comments to the FAA before 60 days after the date of publication in the Federal Register. Reference docket number FAA – 2015 – 0150 and submit comments as outlined [here](#).

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning the proposed rulemaking. Before acting on the proposal, the FAA will consider all comments it receives on or before the closing date for comments.