

June 21, 2016

## Transportation Update

### FAA Releases Small UAS Final Rule (Part 107)

On June 21, the Federal Aviation Administration (FAA) finalized its long-awaited Small Unmanned Aircraft System (UAS) rule for routine commercial use of UAS (Part 107) and integration of UAS into the national airspace. The FAA expects the rule to be published in the Federal Register in five to seven days. The rule will be effective 60 days from the date of publication which will be the end of August.

The FAA's rule is risk-based, designed to enable the commercial use of UAS while minimizing the risk to manned aircraft and people and property on the ground. The final rule applies to UAS weighing less than 55 pounds, flying at an altitude of 400 feet or less. This is a hundred foot decrease from the 500 feet originally offered in the NPRM. According to the FAA, the 400 feet maximum altitude was designed to provide a buffer between normal manned traffic and the operation of UAS. The maximum speed remains 87 knots or 100 miles per hour. This rule is designed for daylight only operations although there are accommodations for civil twilight (30 min before sunset or sunrise) with appropriate anti-collision lighting. The rule requires the pilot keep the UAS within visual line-of-sight (VLOS). The final rule decreased the minimum age to fly a UAS from 17 to 16 years old.

The final rule continues to allow commercial UAS to fly over people who are participating in the operation, however prohibits flights over those not involved in the operation of the UAS. The rule also prohibits operations from a moving vehicle, careless or reckless operations and carriage of hazardous materials. The rule requires an accident or incident to be reported in which property loss is greater than \$500. Under the rule, a pilot will need authorization to enter Class B, C, or D airspace.

The rule establishes a system to obtain a remote pilot certificate with a small UAS rating. The rule also provides a process for current Section 333 exemption holders to operate under the new rules. The FAA will offer waivers for some of the general restrictions in the rule, if the operator shows the flight can be carried out safely under a waiver. These waivers include: operations from a moving vehicle or aircraft, daylight operations, visual line-of-sight, requirements for a visual observer, operations of a number of UAS, operations near aircraft, operations over people, operating limitations for ground speed, and operating limitations for altitude, minimum visibility, and distance from cloud. The FAA is currently putting in place a waiver process, including an application and issuance of the waivers.

More information is available in the [FAA press release](#), [fact sheet](#), and [rule](#).

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