

Risk Tip: No Fifty Shades of Grey Here

Busting Myths about the FAA and Unmanned Aircraft

Myth #1: The FAA doesn't control airspace below 400 feet

Fact—The FAA is responsible for the safety of U.S. airspace from the ground up. This misperception may originate with the idea that manned aircraft generally must stay at least 500 feet above the ground.

Myth #2: Commercial UAS flights are OK if I'm over private property and stay below 400 feet.

Fact—The FAA published a [Federal Register notice](#) in 2007 that clarified the agency's policy: You may not fly a UAS for commercial purposes by claiming that you're operating according to the Model Aircraft guidelines (below 400 feet, 3 miles from an airport, away from populated areas.)

Commercial operations are only authorized on a case-by-case basis.

(See http://www.faa.gov/uas/legislative_programs/section_333/media/Trudeau_Douglas-11138.pdf.)

Myth #3: Commercial UAS operations are a "gray area" in FAA regulations.

Fact—There are no shades of gray in FAA regulations. Anyone who wants to fly an aircraft—manned or unmanned—in U.S. airspace needs some level of FAA approval. Private sector (civil) users can obtain an experimental airworthiness certificate to conduct research and development, training and flight demonstrations. Commercial UAS operations are limited and require the operator to have certified aircraft and pilots, as well as operating approval. Public entities (federal, state and local governments, and public universities) may apply for a Certificate of Waiver or Authorization (COA).

The FAA reviews and approves UAS operations over densely-populated areas on a case-by-case basis.

Flying model aircraft solely for hobby or recreational reasons does not require FAA approval. However, hobbyists are advised to operate their aircraft in accordance with the agency's model aircraft guidelines (see Advisory Circular 91-57). In the FAA Modernization and Reform Act of 2012 (Public Law 112-95, Sec 336), Congress exempted model aircraft from new rules or regulations provided the aircraft are operated "in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization."

The FAA and the Academy of Model Aeronautics recently signed a first-ever agreement that formalizes a working relationship and establishes a partnership for advancing safe model UAS operations. This agreement also lays the ground work for enacting the model aircraft provisions of Public Law 112-95, Sec 336. Modelers operating under the provisions of P.L. 112-95, Sec 336 must comply with the safety guidelines of a nationwide community-based organization.

Myth #4: There are too many commercial UAS operations for the FAA to stop.

Fact—The FAA has to prioritize its safety responsibilities, but the agency is monitoring UAS operations closely. Many times, the FAA learns about suspected commercial UAS operations via a complaint from the public or other businesses. The agency occasionally discovers such operations through the news media or postings on internet sites. When the FAA discovers apparent unauthorized UAS operations, the agency has a number of enforcement tools available to address these operations, including a verbal warning, a warning letter, and an order to stop the operation.

Myth #5: Commercial UAS operations will be OK after September 30, 2015.

Fact—In the 2012 FAA reauthorization legislation, Congress told the FAA to come up with a plan for "safe integration" of UAS by September 30, 2015. Safe integration will be incremental. The agency is still developing regulations, policies and

standards that will cover a wide variety of UAS users, and expects to publish a proposed rule for small UAS – under about 55 pounds – later this year. That proposed rule will likely include provisions for commercial operations.

Myth #6: The FAA is lagging behind other countries in approving commercial drones.

Fact – This comparison is flawed. The United States has the busiest, most complex airspace in the world, including many general aviation aircraft that we must consider when planning UAS integration, because those same airplanes and small UAS may occupy the same airspace.

Myth #7: The FAA predicts as many as 30,000 drones by 2030.

Fact—That figure is outdated. It was an estimate in the FAA’s 2011 Aerospace Forecast. Since then, the agency has refined its prediction to focus on the area of greatest expected growth. The FAA currently estimates as many as 7,500 small commercial UAS may be in use by 2018, assuming the necessary regulations are in place. The number may be updated when the agency publishes the proposed rule on small UAS later this year.

Developing all the rules and standards we need is a very complex task, and we want to make sure we get it right the first time. We want to strike the right balance of requirements for UAS to help foster growth in an emerging industry with a wide range of potential uses, but also keep all airspace users and people on the ground safe.