

# SIMON AND COMPANY

INCORPORATED

*Intergovernmental Relations and Federal Affairs*

1660 L Street, NW • Suite 501 • Washington, D.C. 20036

(202) 659-2229 • Fax (202) 659-5234 • email: len.simon@simoncompany.com

**TO: Eric Engelbart**

**FROM: Len Simon  
Brandon Key**

**SUBJECT: Federal UAS Rules and Legislation**

**DATE: September 14, 2016**

---

Following up on our conversations, here is some background information on federal regulation of drones.

## **FAA Small UAS Rule**

On August 29, 2016, the first operational rules from the Federal Aviation Administration (FAA) for routine commercial use of small unmanned aircraft systems (UAS or “drones”) went into effect. The following table shows what UAS operators can and can’t do under current regulations. For more, click on [“Getting Started” with the FAA Small UAS Rule \(Part 107\)](#).

	<b><u>Fly for Fun</u></b>	<b><u>Fly for Work</u></b>
<b>Pilot Requirements</b>	No pilot requirements	Must have Remote Pilot Airman Certificate Must be 16 years old Must pass TSA vetting
<b>Aircraft Requirements</b>	Must be registered if over 0.55 lbs.	Must be less than 55 lbs. Must be registered if over 0.55 lbs. (online) Must undergo pre-flight check to ensure UAS is in condition for safe operation
<b>Location Requirements</b>	5 miles from airports without prior notification to airport and air traffic control	Class G airspace*
<b>Operating Rules</b>	Must ALWAYS yield right of way to manned aircraft Must keep the aircraft in sight (visual line-of-sight) UAS must be under 55 lbs. Must follow community-based safety guidelines Must notify airport and air traffic control tower before flying within 5 miles of an airport	Must keep the aircraft in sight (visual line-of-sight)* Must fly under 400 feet* Must fly during the day* Must fly at or below 100 mph* Must yield right of way to manned aircraft* Must NOT fly over people* Must NOT fly from a moving vehicle*
<b>Example Applications</b>	Educational or recreational flying only	Flying for commercial use (e.g. providing aerial surveying or photography services) Flying incidental to a business (e.g. doing roof inspections or real estate photography)
<b>Legal or Regulatory Basis</b>	Public Law 112-95, Section 336 – <i>Special Rule for Model Aircraft</i> FAA Interpretation of the Special Rule for Model Aircraft	Title 14 of the Code of Federal Regulation (14 CFR) Part 107

\*These rules are subject to [waiver](#).

On June 21, 2016, the U.S. Department of Transportation and FAA finalized the Small UAS Rule, also known as “Part 107.” It offers safety regulations for unmanned aircraft drones weighing less than 55 pounds that are conducting non-hobbyist operations. The rule’s provisions are designed to minimize risks to other aircraft and people and property on the ground. The regulations require pilots to keep an unmanned aircraft within visual line of sight. Operations are allowed during daylight and during twilight if the drone has anti-collision lights. The new regulations also address height and speed restrictions and other operational limits, such as prohibiting flights over unprotected people on the ground who aren’t directly participating in the UAS operation. For more information, we have collected the following links, for your use:

- (1) [FAA Unmanned Aircraft Systems \(UAS\) Landing Page](#) – with up-to-date information on the topic from FAA
- (2) [6/21/16 FAA Summary of Small Unmanned Aircraft Rule \(Part 107\)](#)
- (3) [6/21/16 FAA Press Release: DOT and FAA Finalize Rules for Small Unmanned Aircraft Systems](#)
- (4) [6/21/16 White House Fact Sheet: Enabling a New Generation of Aviation Technology](#)
- (5) [8/29/16 FAA Press Release: New FAA Rules for Small Unmanned Aircraft Systems Go Into Effect](#)

### **FAA Extension, Safety, and Security Act**

On April 19, 2016, the U.S. Senate passed its version of the *FAA Extension, Safety, and Security Act of 2016* (H.R. 636) by a vote of 95-3, which included language (Section 2152) that would have provided broad federal preemption of state and local authorities over the regulation of future commercial drone use. For the text, click on [4/19/16 Engrossed Senate Amendment to H.R. 636](#).

On July 6, 2016, House and Senate leaders of each chamber’s respective aviation committee announced an agreement on an FAA Extension, which rescinded the Senate-backed provision (Section 2152) that would have preempted state and local authority over drone regulation. The agreement, which ultimately was approved in both chambers and became law the following week on July 15, extended spending authority for the FAA through September 30, 2017. It includes several provisions related to drones under the heading, “Subtitle B--UAS Safety.” For more, click on [7/6/16 House and Senate Leaders’ Joint Statement on FAA Extension Agreement, Summary of the FAA Extension Agreement \(PDF\)](#), or [Text of FAA Extension, Safety, and Security Act of 2016](#).

We hope this is helpful as you and colleagues explore San Leandro’s approach to drone issues. Please let us know if we can be helpful on this in any further way.

We look forward to talking with you soon.