

Administrator of the Federal Aviation Administration shall permit the use of, and may issue guidance regarding, the use of public actively tethered unmanned aircraft systems that are—

(A) operated at an altitude of less than 150 feet above ground level;

(B) operated—

(i) within class G airspace; or

(ii) at or below the ceiling depicted on the Federal Aviation Administration's published UAS facility maps for class B, C, D, or E surface area airspace;

(C) not flown directly over non-participating persons;

(D) operated within visual line of sight of the operator; and

(E) operated in a manner that does not interfere with and gives way to any other aircraft.

(2) REQUIREMENTS.—Public actively tethered unmanned aircraft systems may be operated—

(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and

(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

(3) SAFETY STANDARDS.—Public actively tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.

(Added Pub. L. 115-254, div. B, title III, §346(a), Oct. 5, 2018, 132 Stat. 3294.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

PRIOR PROVISIONS

Provisions similar to those in subsecs. (a) and (b) of this section were contained in section 334(a) and (c) of

Pub. L. 112-95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §346(b)(2), Oct. 5, 2018, 132 Stat. 3295. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE

Pub. L. 115-254, div. B, title III, §368, Oct. 5, 2018, 132 Stat. 3310, provided that: "Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public unmanned aircraft systems in order to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities."

§ 44807. Special authority for certain unmanned aircraft systems

(a) IN GENERAL.—Notwithstanding any other requirement of this chapter, the Secretary of Transportation shall use a risk-based approach to determine if certain unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 44802 or the guidance required by section 44806.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, operation over people, and operation within or beyond the visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.

(d) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, 2023.

(Added Pub. L. 115-254, div. B, title III, §347(a), Oct. 5, 2018, 132 Stat. 3296.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 333 of Pub. L. 112-95, which was set

out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §347(b)(2), Oct. 5, 2018, 132 Stat. 3296. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out under section 44802 of this title.

§ 44808. Carriage of property by small unmanned aircraft systems for compensation or hire

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator of the Federal Aviation Administration shall update existing regulations to authorize the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

(b) CONTENTS.—Any rulemaking conducted under subsection (a) shall provide for the following:

(1) Use performance-based requirements.

(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

(4) Include requirements for the safe operation of small unmanned aircraft systems that, at a minimum, address—

(A) airworthiness of small unmanned aircraft systems;

(B) qualifications for operators and the type and nature of the operations;

(C) operating specifications governing the type and nature of the unmanned aircraft system air carrier operations; and

(D) the views of State, local, and tribal officials related to potential impacts of the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the communities to be served.

(5) SMALL UAS.—The Secretary may amend part 298 of title 14, Code of Federal Regulations, to update existing regulations to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such authority shall only require—

(A) registration with the Department of Transportation;

(B) authorization from the Federal Aviation Administration to conduct operations; and

(C) compliance with chapters 401, 411, and 417.

(6) AVAILABILITY OF CURRENT CERTIFICATION PROCESSES.—Pending completion of the rulemaking required in subsection (a) of this section, a person may seek an air carrier operating certificate and certificate of public convenience and necessity, or an exemption from such certificate, using existing processes.

(Added Pub. L. 115-254, div. B, title III, §348(a), Oct. 5, 2018, 132 Stat. 3297.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

§ 44809. Exception for limited recreational operations of unmanned aircraft

(a) IN GENERAL.—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

(1) The aircraft is flown strictly for recreational purposes.

(2) The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

(3) The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

(6) In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

(7) The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

(8) The aircraft is registered and marked in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

(b) OTHER OPERATIONS.—Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.

(c) OPERATIONS AT FIXED SITES.—

(1) OPERATING PROCEDURE REQUIRED.—Persons operating unmanned aircraft under subsection (a) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization conducting a sanctioned event within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.