

## UAS – A Regulatory Profile

The market for Unmanned Aircraft Systems (UAS) has seen considerable growth within the commercial sector in the past few years. The significant growth is evident since the Federal Aviation Administration (FAA) started granting exemptions to companies for operations under Part 107. Part 107 regulations allow for small drones that are less than 55 pounds, to fly for work or business under its guidelines. While the introduction of UAS into the National Airspace System (NAS) has opened up numerous possibilities, it has brought operational challenges, including safe integration into the NAS<sup>1</sup>.

As seen in the below infographic<sup>2</sup> UAS are regulated for safety of flight, people & property on ground at a federal level by FAA and at a state and local level by its respective state and local jurisdictions, with the caveat that no state or local UAS registration law may relieve a UAS owner or operator from complying with the Federal UAS registration requirements. In 2020 alone, there have been at least 8 states that have enacted 11 pieces of legislation related to UAS operations, UAS restrictions on flight paths, operational bans and law enforcement operations<sup>3</sup>.

### All UAS MUST be Federally Registered Under FAA in Order to Operate

**FEDERAL**

#### FAA

Authority to regulate the below:

- Areas of airspace use
- Airspace Efficiency
- Safety
- Aircraft noise at its source
- Airspace management
- Air traffic control
- Navigational facilities

**MUNICIPAL**

#### STATE AND LOCAL LAWS FOR WHICH *CONSULTATION* WITH THE FAA IS RECOMMENDED

- Operational UAS restrictions on flight altitude and flight paths
- Any regulation of the navigable airspace
- Operational bans
- Mandating equipment or training for UAS related to aviation safety

#### STATE AND LOCAL LAWS WITHIN STATE AND LOCAL GOVERNMENT POLICE POWER

Laws traditionally related to state and local police power including

- land use
- privacy
- law enforcement operations
- zoning
- trespassing

<sup>1</sup> FAA Aerospace Forecast, Fiscal Years 2020 – 2040 ([https://www.faa.gov/data\\_research/aviation/aerospace\\_forecasts/media/FY2020-40\\_faa\\_aerospace\\_forecast.pdf](https://www.faa.gov/data_research/aviation/aerospace_forecasts/media/FY2020-40_faa_aerospace_forecast.pdf))

<sup>2</sup> Compiled from FAA State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet ([https://www.faa.gov/uas/resources/policy\\_library/media/UAS\\_Fact\\_Sheet\\_Final.pdf](https://www.faa.gov/uas/resources/policy_library/media/UAS_Fact_Sheet_Final.pdf))

<sup>3</sup> NCSL Current Unmanned Aircraft State Law Landscape (<https://www.ncsl.org/research/transportation/current-unmanned-aircraft-state-law-landscape.aspx>)