

## FAA GUIDANCE REGARDING THE OPERATION OF SMALL UNMANNED AIRCRAFT SYSTEMS OR DRONES

On August 30, 2016, the Federal Aviation Administration (FAA) enacted new regulations that govern the Operation and Certification of Small Unmanned Aircraft Systems (UAS, also commonly referred to as “drones.”) These regulations have been a source of some confusion for those in the educational community who are unsure whether faculty or students are required to comply with FAA regulations in their use of UAS. This *Briefing* summarizes the guidance that has been released by the FAA to date.

### FAA REGULATIONS PART 107

The regulations add a new part 107 to FAA regulations to allow for routine civil operation of UAS in the National Airspace System. These regulations add certain operational limitations to the use of UAS, including weight limits, limits on time of day, distance from operator, visibility and speed of UAS flight and other requirements. The regulations also provide that a person operating a small UAS must either hold a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who holds one. To qualify for a remote pilot certificate, a person must be at least 16 years old and be vetted by the Transportation Security Administration (TSA). The person must also demonstrate aeronautical knowledge by either passing a test or holding a pilot certificate, completing a flight review in the last 24 months and completing a small UAS online training course. More details on these requirements can be found at the FAA website at: [https://www.faa.gov/uas/getting\\_started/fly\\_for\\_work\\_business/becoming\\_a\\_pilot/](https://www.faa.gov/uas/getting_started/fly_for_work_business/becoming_a_pilot/)

However, in light of the guidance outlined below, many educational institutions may not find it necessary to do so.

### MEMORANDUM ON EDUCATIONAL USE OF UAS

On May 4, 2016, the FAA released a Memorandum entitled, “Educational Use of Unmanned Aircraft Systems (UAS).” The Memorandum references section 336 of the FAA Modernization and Reform Act of 2012 (FMRA), which prohibits the FAA from regulating the use of “model aircraft,” so long as the aircraft is:

- flown strictly for hobby or recreational use;
- operated in accordance within a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- no more than 55 pounds, unless otherwise certified by a community-based organization;
- operated so as not to interfere with and give way to manned aircraft, and
- flown with prior notice by the operator to the airport operator and the air traffic control tower when flown within five (5) miles of an airport.

Under section 336, a “model aircraft” is defined as an unmanned aircraft that is capable of sustained flight in the atmosphere, flown within the visual line of sight of the operator and flown for hobby or recreational purposes.

With section 336 as a reference point, the FAA issued the following clarifications on educational use of UAS:

1. A person may operate an unmanned aircraft for hobby or recreation in accordance with section 336 of the FMRA at educational institutions and community sponsored events (including demonstrations at schools, scout meetings, science clubs, etc.) provided the person is (1) not compensated, or (2) any compensation received is neither directly nor incidentally related to that person’s operation of the aircraft at such events
2. A student may conduct model aircraft operations in accordance with section 336 of the FMRA in furtherance of his or her aviation-related education at an accredited educational institution.
3. Faculty teaching aviation-related courses at accredited educational institutions may assist students who are operating a model aircraft under section 336 and in connection with a course that requires such operations, provided the student maintains operational control of the aircraft such that the faculty member’s manipulation of the controls is incidental to the student’s. The FAA uses the example of the faculty member stepping in to regain control in the event the student begins to lose control.

Uses that do not comply with the three clarifications above must still comply with the new FAA regulations on UAS.

## RESOURCES

The May 4, 2016 FAA Memorandum may be found at:

[http://www.faa.gov/uas/resources/uas\\_regulations\\_policy/media/interpretation-educational-use-of-uas.pdf](http://www.faa.gov/uas/resources/uas_regulations_policy/media/interpretation-educational-use-of-uas.pdf)

The new FAA regulations can be found at:

[http://www.faa.gov/uas/media/RIN\\_2120-AJ60\\_Clean\\_Signed.pdf](http://www.faa.gov/uas/media/RIN_2120-AJ60_Clean_Signed.pdf)

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