

FAA Proposes New UAS (Drone) Identification Rules

January 02, 2020 | Alert |

VIEWPOINT TOPICS

- Technology, Communications & Media

RELATED PRACTICES

- Technology, Communications & Media

RELATED INDUSTRIES

- Artificial Intelligence

When you think about small Unmanned Aircraft Systems (“UAS,” commonly referred to as “drones”), you may wonder: Who’s flying that? Should they be there? And how can anyone be sure that they will not interfere with other aircraft? These issues are a constant challenge for both the Federal Aviation Administration (“FAA”) and law enforcement, given the range of possible negligent or unlawful operations, illegal activity, and threats to public safety that could arise. It is critical to know who owns and operates the UAS to confirm whether the operation is legitimate or may pose a risk to other aircraft or public safety, but it can be difficult to determine the identity and operator of an aircraft located hundreds of feet (or more) away from its pilot. Additionally, the FAA cannot fully integrate UAS into the national airspace and allow operations in all classes of airspace without the ability to track their locations and operators.

The FAA’s release this week of a [set of proposed rules](#) for the remote identification for UAS is the next step in the process of solving these conundrums. And the proceeding on whether to adopt these proposed rules offers an opportunity to weigh in and influence the final requirements.

For several years, the FAA has been considering the issues of remote identification requirements for UAS. This has involved carefully maneuvering around the interests of manufacturers, operators, hobbyists, and law enforcement. After an aborted attempt at developing regulations in late 2016, the FAA has finally released its proposed regulations. Adoption of a remote ID rule will allow the FAA to move further in integrating UAS into the national airspace, including in controlled airspace and over people, as well as when operated and controlled from a long distance.

The FAA’s proposal involves three pieces: *first*, mandating that nearly all UAS operated and sold in the United States must support remote ID; *second*, supporting a network of service providers that will collect real-time flight information on UAS and share it with the FAA as needed; and *third*, technical specifications for manufacturers’ compliance with the remote ID rules, which would be developed by third-party standards-setting organizations. Federal government and very small (less than 0.55 pound) UAS would be exempt from the remote ID requirements, and amateur-built and UAS manufactured prior to the compliance date would be permitted to fly without remote ID only in certain locations.

UAS subject to remote ID would be permitted to comply with the requirements by transmitting their serial number, location, and altitude so that the information can be accessed remotely. One way they’ll be permitted to do this is by transmitting the required information over the Internet to a remote ID service provider, which will then make the information available. The other would be by broadcasting their information from the UAS itself in a format that could be read by devices on the ground (the FAA contemplates that these broadcasts would be done using unlicensed spectrum as regulated by the Federal Communications Commission). All UAS subject to the rule would need to include the Internet-based remote ID capabilities, and aircraft that wish to fly more than 400 feet from their pilots, or in certain areas, also would need the broadcast capability.

The FAA envisions a gradual implementation of its proposed rules. Two years after adoption, all UAS sold in the United States subject to the rule would be required to include the necessary capabilities, and all UAS operating in the United States subject to the rule would be required to comply three years after adoption.

The FAA has opened a [comment period](#) in which interested parties can respond to the proposed rules. While it runs until March 2, 2020, more than 400 comments have already been filed. UAS manufacturers, those seeking to be Remote ID Service Suppliers, and commercial and recreational operators all will be affected by the rule changes and may wish to comment on the policies being set.

Authors

More Viewpoints

FAA Announces Draft Proposals for the UAS (Drone) Industry

January 17, 2019 | Alert

[Read more](#)