

FAA, DOT Release Three Key UAS Documents Outlining Integration of Unmanned Aircraft Systems into U.S. Airspace

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On November 7, 2013, the Federal Aviation Administration (FAA) and U.S. Department of Transportation (DOT) released three key documents outlining the integration of Unmanned Aircraft Systems (UAS) into U.S. airspace: (1) DOT's UAS Comprehensive Plan, (2) the FAA's final privacy policy for UAS test sites, and (3) the FAA's first annual Roadmap outlining FAA UAS integration plans. Congress required that the FAA and DOT issue the Roadmap and Comprehensive Plan under the 2012 FAA Reauthorization Act and specified a series of deadlines that the FAA and DOT must meet to ensure timely UAS integration into U.S. airspace.

DOT Comprehensive Plan

DOT's Comprehensive Plan details an interagency approach to safely accelerate UAS integration into U.S. airspace. Specifically, the report highlights UAS national goals and objectives, the integration of civil UAS in the FAA Roadmap, UAS research and development, and interagency research collaboration. The Comprehensive Plan was sent to Congress in November 2013 as required under the 2012 FAA Reauthorization Act, though the original deadline set by Congress for the submission was November 2012.

Final FAA Privacy Policy for UAS Test Sites

The FAA issued a "Final FAA Privacy Policy for UAS Test Sites" to address privacy concerns associated with data collected at future UAS test sites. The policy requires that test site operators comply with federal, state, and local privacy laws as well as develop a publicly available privacy plan and a written plan for data use and retention. Operators must also annually review and allow public input regarding their privacy policies. These privacy requirements may pose challenges to test site operators, since the FAA declined to mandate specific requirements for privacy plans, instead leaving selectees to determine how to both formulate their policies in compliance with existing state and local privacy laws as well as appropriately integrate the privacy preferences of local stakeholders at each test site.

FAA Roadmap

The FAA Roadmap, titled “Integration of Civil Unmanned Aircraft Systems in the National Airspace System (NAS) Roadmap,” provides an overview of the technologies, procedures, and regulations that will be required with UAS expansion. The report also discusses challenges to UAS expansion, standards for testing, research and development, and training, among other topics.

The FAA forecasts that up to 7,500 small UAS—defined as unmanned aircraft weighing less than 55 pounds—could be integrated into the NAS within the next five years, assuming proper regulations are in place. Under the 2012 FAA Reauthorization Act, the FAA must publish a final rule integrating small UAS into U.S. airspace no later than 18 months after the date that the Comprehensive Plan was sent to Congress. In the Roadmap, the FAA states that it expects the small UAS Notice of Proposed Rulemaking (NPRM) to be released in early 2014, and mentions that the proposed rule has already undergone a risk assessment by the FAA through its Safety Management System Process.

FAA Administrator Michael Huerta discussed the Roadmap at a UAS forum on the day of the Roadmap's release. He explained that the FAA will select six test sites to study best practices, policies, and procedures for UAS integration and also to provide data that will help the FAA formulate future UAS policy. Thus far, the FAA has received 25 test site proposals representing 26 states, and will make its final awards later this year. Administrator Huerta did not comment on the timing of the small UAS NPRM.