

# FAA Releases Fact Sheet on Scope of Federal Authority over UAS

December 18, 2015

Yesterday, the Office of the Chief Counsel for the Federal Aviation Administration (FAA) released a Fact Sheet regarding the scope of federal authority to regulate unmanned aircraft systems (UAS). The FAA indicated in a cover letter that the Fact Sheet “is intended to serve as a guide for state and local governments as they respond to the increased use of UAS in the national airspace.” The Fact Sheet describes “well-established legal principles” regarding federal regulation of the operation or flight of aircraft and explains that “[s]tate and local regulations affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework pertaining to control of the airspace, flight management and efficiency, air traffic control, aviation safety, navigational facilities, and the regulation of aircraft noise at its source.”

The Fact Sheet discusses the FAA’s statutory authority to regulate both airspace and aircraft generally and UAS specifically. The Fact Sheet summarizes the actions the FAA has taken with respect to UAS regulation, including its small UAS rulemaking proceeding and its recent action on UAS registration. The Fact Sheet notes that “[b]ecause federal registration is the exclusive means for registering UAS for purposes of operating an aircraft in navigable airspace, no state or local government may impose an additional registration requirement on the operation of UAS in navigable airspace without first obtaining FAA approval.”

Noting that “[s]ubstantial air safety issues are raised when state or local governments attempt to regulate the operation or flight of aircraft,” the Fact Sheet also provides examples of state and local laws for which preemption is a concern and consultation with the FAA is recommended, as well as examples of laws that the FAA describes

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## Practice Areas

Telecom, Media & Technology  
Uncrewed Aircraft Systems (UAS)

as being within state and local police power.