Compliance and Enforcement

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Safety is Our Mission

• The FAA has the responsibility to maintain the safety of the NAS and people and property on the ground.
• We have a plan for safe and incremental integration.
• We are making progress to achieve that goal.
FAA Jurisdiction

• General authority to promote safe flight of civil aircraft in air commerce.
  – 49 USC 44701

• Authority to prescribe air traffic regulations to protect aircraft and people and property on the ground.
  – 49 USC 40103(b)

• Regulatory authority from the ground up.
  – Existing rules allow aircraft operations below 500’ (14 CFR 91.119).
FAA Jurisdiction

• Definition of “Aircraft” –
  – 49 U.S.C. § 40102(a)(6) defines an “aircraft” as “any contrivance invented, used, or designed to navigate or fly in the air.”
  – 14 C.F.R. § 1.1 defines an “aircraft” as “a device that is used or intended to be used for flight in the air.”
Public Aircraft Operations

• Public Aircraft Operation
    • Advisory Circular 00-1.1A (Feb. 12, 2014).
  – No compensation for the operation.
  – Certificate of Waiver or Authorization (COA).
Model Aircraft

• Model Aircraft (P.L. 112-95, Sec. 336)
  – Defines “model aircraft” and establishes operational rules for modelers to follow.

• Not subject to future FAA rulemakings.
  – Do not need to follow the Small UAS rule.
  – May be subject to general rules applicable to all aircraft such as airspace rules.
  – Must register if .55 lbs. or heavier.

• Congress affirmed FAA’s authority to enforce against unsafe operations.
UAS Enforcement

• Compliance Through Education.
  – “Know Before You Fly” campaign.
    www.knowbeforeyoufly.org
  – B4UFLY Smartphone App
  – UAS Integration Office webpage. www.faa.gov/uas/
    • FAQs
    • Law Enforcement Resources
    • Regulations and Policies
UAS Enforcement

• FAA Compliance Philosophy.
  • FAA safety system largely based on, and depends on, voluntary compliance with regulations.
  • Based on Safety Management System construct.
  • Goal is to use the most effective means to return to compliance and prevent recurrence.
  • FAA Order 8000.373.
UAS Enforcement

• Law Enforcement Guidance
  – The greatest challenge in the enforcement of Federal law and regulations in cases of unsafe or unauthorized UAS operations is the identification of the operator.
  – On January 8, 2015, the FAA issued “Law Enforcement Guidance For Suspected Unauthorized UAS Operations”, providing law enforcement organizations ways to help the FAA investigate unauthorized/unsafe use of UAS.
  – http://www.faa.gov/uas/law_enforcement
UAS Enforcement

• Order 2150.3B CHG 6
  – Effort to improve compliance through a scheme of education and progressive enforcement.
  – Civil Penalties – statutory maximums set by Congress
    • $1,100
    • $11,000
    • $27,500
UAS Enforcement

- **Order 2150.3B CHG 6**
  - 1st time, inadvertent, low risk but compliance cannot be gained through education = admin action
  - Medium risk = min/mod civil penalty
  - High risk = max civil penalty
  - Repeated/Intentional = maximum civil penalty
  - Deliberate/egregious violations by certificate holder, regardless of whether exercising privileges of certificate, certificate action may be appropriate
State & Local Legislation

• Federal Preemption
  • Doctrine adopted by the U.S. Supreme Court holding that certain matters are of such a national, as opposed to local, character that federal laws pre-empt or take precedence over state laws. As such, a state may not pass a law inconsistent with the federal law.
State & Local Legislation

• Many states and local governments legislating UAS.

• Wide spectrum of bills – from restricting UAS flights to facilitating operations.
  – Reflects the spectrum of opinion of UAS.

• We work with states and localities when requested to provide guidance.
State & Local Legislation

• Federal Framework for Aviation
  – Federal law establishes a single and comprehensive system for regulating aviation in the US.
  – The U.S. has exclusive sovereignty over the airspace, which includes “airspace above the minimum altitudes of flight prescribed by regulations … including airspace needed to ensure safety in the takeoff and landing of aircraft.”

• This framework is designed is to ensure the safety of aircraft and the efficient use of airspace.
State & Local Legislation

- Examples of laws where consultation with FAA is recommended:
  - Restrictions on overflight, flight altitude, flight paths, operations; any regulation of the navigable airspace, including rules on how close a UAS may operate from a manned aircraft, time-of-day restrictions, weather condition minimums.
  - Limitations on operating UAS within the city limits, within the airspace above the city, or within certain distances of landmarks.
  - Required equipment or training for UAS operators related to aviation safety such as ‘geo-fencing.’
State & Local Legislation

• Laws likely within state and local police powers:
  – Laws traditionally related to a state or local government’s authorities are generally not preempted by Federal law, such as land use planning and zoning, health, safety, advertising, general welfare of the inhabitants.
Thank You

Information: www.faa.gov/UAS