

## ALERTS

### Aviation Law Alert - FAA Convenes Aviation Rulemaking Committee To Consider Performance Standards, Requirements For Certain Unmanned Aircraft Systems

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The Federal Aviation Administration (FAA) has convened an Aviation Rulemaking Committee to consider and provide recommendations on a regulatory plan to allow certain unmanned aircraft systems (UAS) to operate and fly over people who are not involved in a particular UAS flight mission.

The committee, which is comprised of members of the aviation community, industry representatives, manufacturers, researchers, and academics, is meeting throughout the month of March to develop performance-based standards for classifying certain UAS (previously described as micro UAS weighing less than 4.4 pounds) to allow for such flights to occur throughout regulated airspace in the United States. The committee has been tasked to consider issues such as “current and past research on human injury thresholds, hazard and risk assessment methodologies, and acceptable levels of risk to persons not directly participating in the operation.”

In addition to developing performance-based standards (rather than focusing solely on weight and speed) for classification and operation of certain UAS, in connection with flying over people not affiliated with the UAS operator, the committee is considering manufacturer compliance with any new regulations that are promulgated as well as proposing specific operational provisions to be followed by certain UAS operators. As soon as the FAA receives the committee’s report and recommendations, which are due by April 1, it will proceed with drafting a rulemaking proposal.

In commenting on the establishment of the new committee, U.S. Transportation Secretary Anthony Foxx said “the Department continues to be bullish on new technology...We recognize the significant industry interest in expanding commercial access to the National Airspace System. The short deadline reinforces our commitment to a flexible regulatory approach that can accommodate innovation while maintaining today’s high levels of safety.”

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