

Editorial Notes

REFERENCES IN TEXT

Section 2202 of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (b)(7), is section 2202 of Pub. L. 114-190, which is set out in a note under section 44802 of this title.

AMENDMENTS

2024—Pub. L. 118-63, §903(1), substituted “Small unmanned” for “Small Unmanned” in section catchline. Catchline was editorially conformed to the style used in this title.

Subsec. (a)(2). Pub. L. 118-63, §903(2), substituted “operation of a small” for “operation of small”.

Subsecs. (c) to (e). Pub. L. 118-63, §903(6), redesignated subsecs. (e) to (g) as (c) to (e), respectively.

Subsec. (f). Pub. L. 118-63, §903(6), redesignated subsec. (h) as (f). Former subsec. (f) redesignated (d).

Pub. L. 118-63, §903(3), substituted “subsection (f)” for “subsection (h)”.

Subsec. (g). Pub. L. 118-63, §903(6), redesignated subsec. (i) as (g). Former subsec. (g) redesignated (e).

Subsec. (g)(3). Pub. L. 118-63, §903(4), substituted “subsection (f)” for “subsection (h)”.

Subsec. (h). Pub. L. 118-63, §903(6), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (f).

Subsec. (i). Pub. L. 118-63, §903(6), redesignated subsec. (i) as (g).

Subsec. (i)(1). Pub. L. 118-63, §903(5), substituted “subsection (f)” for “subsection (h)”.

Subsec. (j). Pub. L. 118-63, §903(6), redesignated subsec. (j) as (h).

Statutory Notes and Related Subsidiaries

UNMANNED AIRCRAFT SYSTEMS RESEARCH FACILITY

Pub. L. 115-254, div. B, title III, §345(b), Oct. 5, 2018, 132 Stat. 3293, provided that: “The Center of Excellence for Unmanned Aircraft Systems shall establish an unmanned aircraft systems research facility to study appropriate safety standards for unmanned aircraft systems and to validate such standards, as directed by the Administrator of the Federal Aviation Administration, consistent with section 44805 of title 49, United States Code, as added by this section.”

§ 44806. Public unmanned aircraft systems and public safety use of tethered unmanned aircraft systems

(a) **GUIDANCE.**—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

(1) to streamline and expedite the process for the issuance of a certificate of authorization or a certificate of waiver;

(2) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

(3) to provide guidance on a public agency’s responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

(b) **AGREEMENTS WITH GOVERNMENT AGENCIES.**—

(1) **IN GENERAL.**—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

(2) **CONTENTS.**—An agreement under paragraph (1) shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate an unmanned aircraft weighing 4.4 pounds or less if that unmanned aircraft is operated—

(i) within or beyond the visual line of sight of the operator;

(ii) less than 400 feet above the ground;

(iii) during daylight conditions;

(iv) within Class G airspace; and

(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

(c) **PUBLIC SAFETY USE OF ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEMS.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall permit, and may issue guidance regarding, the use of actively tethered unmanned aircraft systems by a public safety organization for such systems that are—

(A) operated—

(i) at or below an altitude of 150 feet above ground level within class B, C, D, E, or G airspace, but not at a greater altitude than the ceiling depicted on the UAS Facility Maps published by the Federal Aviation Administration, where applicable;

(ii) within zero-grid airspaces as depicted on such UAS Facility Maps, only if operated in life-saving or emergency situations and with prior notification to the Administration in a manner determined by the Administrator; or

(iii) above 150 feet above ground level within class B, C, D, E, or G airspace only with prior authorization from the Administrator;

(B) not flown directly over non-participating persons;

(C) operated within visual line of sight of the operator; and

(D) operated in a manner that does not interfere with and gives way to any other aircraft.

(2) **REQUIREMENTS.**—Public actively tethered unmanned aircraft systems may be operated—

(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and

(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

(3) SAFETY STANDARDS.—Actively tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.

(e) DEFINITION.—In this section, the term “public safety organization” means an entity that primarily engages in activities related to the safety and well-being of the general public, including law enforcement, fire departments, emergency medical services, and other organizations that protect and serve the public in matters of safety and security.

(Added Pub. L. 115-254, div. B, title III, §346(a), Oct. 5, 2018, 132 Stat. 3294; amended Pub. L. 118-63, title IX, §926(a), May 16, 2024, 138 Stat. 1360.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in subssecs. (a) and (b) of this section were contained in section 334(a) and (c) of Pub. L. 112-95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §346(b)(2), Oct. 5, 2018, 132 Stat. 3295. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out under section 44802 of this title.

AMENDMENTS

2024—Pub. L. 118-63, §926(a)(1), inserted “and public safety use of tethered unmanned aircraft systems” after “systems” in section catchline.

Subsec. (c). Pub. L. 118-63, §926(a)(2)(A), inserted “Safety Use of” after “Public” in heading. Text quoted in directory language of amendment was editorially conformed to the style of the heading.

Subsec. (c)(1). Pub. L. 118-63, §926(a)(2)(B)(i), in introductory provisions, substituted “The” for “Not later than 180 days after the date of enactment of this Act, the”, “permit” for “permit the use of”, struck out “public” before “actively tethered”, and inserted “by a public safety organization for such systems” after “unmanned aircraft systems”.

Subsec. (c)(1)(A). Pub. L. 118-63, §926(a)(2)(B)(ii), added subpar. (A) and struck out former subpar. (A) which read as follows: “operated at an altitude of less than 150 feet above ground level;”.

Subsec. (c)(1)(B) to (E). Pub. L. 118-63, §926(a)(2)(B)(iii), (iv), redesignated subpars. (C) to (E) as (B) to (D), respectively, and struck out former subpar. (B) which read as follows: “operated—

“(i) within class G airspace; or
“(ii) at or below the ceiling depicted on the Federal Aviation Administration’s published UAS facility maps for class B, C, D, or E surface area airspace;”.
Subsec. (c)(3). Pub. L. 118-63, §926(a)(2)(C), substituted “Actively” for “Public actively”.
Subsec. (e). Pub. L. 118-63, §926(a)(3), added subsec. (e).

Statutory Notes and Related Subsidiaries

PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE

Pub. L. 115-254, div. B, title III, §368, Oct. 5, 2018, 132 Stat. 3310, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public unmanned aircraft systems in order to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities.”

§ 44807. Special authority for certain unmanned aircraft systems

(a) IN GENERAL.—Notwithstanding any other requirement of this chapter or chapter 447, the Administrator of the Federal Aviation Administration shall use a risk-based approach to determine how unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 44802 or the guidance required by section 44806.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Administrator shall determine, at a minimum—

(1) how such unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, operation over people, and operation within or beyond the visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

(c) REQUIREMENTS FOR SAFE OPERATION.—

(1) IN GENERAL.—In carrying out this section, the Administrator shall establish requirements, or a process to accept proposed requirements, for the safe and efficient operation of unmanned aircraft systems in the national airspace system, including operations related to testing and evaluation of proprietary systems.

(2) EXPEDITED EXEMPTIONS AND APPROVALS.—The Administrator shall, taking into account the statutory mandate to ensure safe and efficient use of the national airspace system, issue approvals—

(A) to enable low-risk beyond visual line of sight operations, including, at a minimum, package delivery operations, extended visual line of sight operations, or shielded operations within 100 feet of the ground or a structure; or

(B) that are aligned with Administration exemptions or approvals that enable beyond