



ASSOCIATION OF
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APLU-AAU Initial Analysis of Part 107

On June 21, 2016, the Federal Aviation Administration (FAA) issued their final Small Unmanned Aircraft (sUAS) Rule. The final rule, referred to as Part 107, establishes rules for the operation of sUAS in the National Air Space, relieving sUAS operators from the previous system of waivers and exemptions.

Generally, Part 107 regulates sUAS (55lbs or less) operations up to 400 feet above ground level, traveling at up to 100 miles per hour. The sUAS must remain within visual line-of-sight of the remote pilot in command and the person manipulating the flight controls, or the visual observer. However, the rule does allow for the remote pilot in command to pass-off to another remote pilot in command in a daisy-chain fashion. Further, sUAS may not fly directly over people not participating in the operation and flights are limited to daylight or civil twilight operations. Operators may fly sUAS in Class G airspace without prior approval. A number of the restrictions in Part 107 are waivable and the FAA will attempt to review and adjudicate waiver applications within 90 days.

Individuals must obtain a remote pilot certificate before operating a sUAS. To qualify, an individual must pass an aeronautical knowledge exam at an FAA approved testing center or hold a Part 61 pilot certificate, complete a flight review within the last 24 months and complete the FAA's sUAS online training course. Individuals must also pass a background check by the Transportation Security Administration and be at least 16 years old. No aeronautical experience or medical certificate is required.

Current Section 333 exemptions are excluded from Part 107 and exemption holders can choose to continue operating under their waiver or to conduct operations under Part 107. Similarly, those with Certificates of Authorization (COAs) can continue to operate under their COA or they can operate under Part 107. For those with pending Section 333 exemption requests, if the request is covered in the new Part 107 rule, then the request will be closed out. If the exemption request is not covered by Part 107 but is waivable under Part 107, then the FAA will convert the exemption request into a waiver request and process it as such. Finally, if the exemption request is not covered by Part 107 and not waivable, the Section 333 exemption request will proceed.

Part 107 will not apply to air carrier operations, international operations, government aircraft operations, or sUAS operations conducted inside an enclosed structure. Part 107 will be effective on August 29, 2016. A summary from the FAA is attached.

Over the last few years, APLU and AAU have advocated to ensure the final rule addresses university research concerns. As you will see in the attached side-by-side analysis, the FAA did not allow for beyond visual line of sight operations, one of our main requests. However, the daisy-chain allowance may be helpful. The FAA did address APLU and AAU's requests to create a micro UAS class, provide for the optional use of a visual observer, and address student UAS operators.

We have heard from campus UAS experts that the new regulatory framework will allow for greater flexibility for researchers, but also raises a number of new challenges for universities, particularly in the areas of safety, privacy, and liability. The pilot certification requirements outlined in the final rule represents a fairly low barrier

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for entry and it is very likely that faculty who want to operate sUAS will be able to receive their remote pilot in command certification. Once a user receives this certification, they are free to operate a sUAS, within the Part 107 operational limitations. This is in contrast to the previous process where operators needed to provide additional information regarding purpose, type of aircraft or flight plan to the FAA.

According to one campus expert, universities likely will want to develop rules and regulations to ensure faculty and student safely operate sUAS, perhaps going further than the limitations outlined by Part 107. However, schools are still interpreting the final rule, and the implementation process will take time. Some challenges will not be identifiable until further along in the process.

As your institution works to implement Part 107, we encourage you to share your reactions to the rule. If your institution has additional feedback, analysis, or comments on Part 107, please contact Carina Marquez-Oberhoffner (cmarquez@aplu.org) or Jennifer Poulakidas (jpoulakidas@aplu.org) with APLU or Jessica Sebeok (jessica.sebeok@aau.edu) or Toby Smith (toby_smith@aau.edu) with AAU.