
Risk Management Perspective on Domestic Drones Part 2 of 5 - How Are Drones Categorized?

The FAA currently classifies the use of drones in the national airspace system (NAS) into three categories: Civil, Public and Model Aircraft.⁵ Each category is subject to separate permitted operation conditions and restrictions.

Civil UAS

Any private sector (non-governmental) operation of a drone for purposes other than recreation or hobby is considered a “Civil” operation.⁶ This category covers all commercial use of drones, including use by private universities and colleges. Pending the approval and implementation of the FAA’s proposed regulations introduced in February, 2015, there are only two methods of authorized Civil UAS flight: via a Section 333 Exemption or a Special Airworthiness Certificate (SAC).⁷ Generally, an SAC is granted in connection with research and development uses by private companies while Section 333 Exemptions are granted for commercial use in defined, low-risk, controlled environments.⁸ Exemptions under Section 333 are limited to the approved company’s specific use under the conditions outlined in the application. Use of a Section 333 Exemption also requires receipt of a COA.⁹

Public UAS

Drones owned and operated by government agencies and organizations, such as state, county, city government agencies or public universities, are considered “Public UAS.” Commonly requested Public UAS operation uses include law enforcement, firefighting, disaster relief, and search and rescue.¹⁰ Public UAS may operate in civil airspace only with the issuance of a COA. Public UAS COA applications are submitted online then evaluated for operational safety.¹¹ Approved COAs typically renew every two years and may include conditions

such as limiting operations to daylight hours or other conditions.¹² Normally nonemergency COA applications are reviewed within 60 days, although there are procedures in place to expedite the review of one-time time-sensitive emergency operation requests in as little as a few hours.¹³

Law enforcement organizations have a two-step process before it may operate its UAS.¹⁴ The organization must first receive a COA for training and performance evaluation (indicating proficiency in flying its UAS) then it may receive a jurisdictional COA.¹⁵

Model Aircraft

UAS used as “model aircraft” are small, unmanned aircraft (drones) operated strictly for recreational and hobby purposes. Flights in “furtherance or a business, or incidental to a person’s business” fall outside the scope of recreational or hobby flights.¹⁶ Model aircraft may be operated for recreational and hobby purposes pursuant to the rules and parameters outlined in the FAA Modernization and Reform Act of 2012 and FAA Advisory Circular 91-57 without the requirement for special authorizations or waivers.¹⁷ The safety guidelines generally require that model aircraft weigh less than 55 pounds, operate below 400 feet, remain within the operator’s line of sight, avoid operating over people or stadiums, remain clear of other aircraft, and avoid operating within five miles of an airport without prior control tower approval.¹⁸

³ See, e.g. the National Conference of State Legislatures’ map of Unmanned Aircraft State Law Landscape, updated through 12/29/2014, www.ncsl.org/research/civil-and-criminal-justice/current-uas-state-law-landscape.aspx 4 9 V.S.A. §2430(5)

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