

AUTONOMOUS VEHICLES: Public Comments Close on Proposed FAA Rule Governing Remote Identification of Unmanned Aircraft Systems

The Federal Aviation Administration closed public comments in March 2020 on a newly proposed rule aimed at integrating unmanned aircraft systems (“UAS”) such as drones to United States airspace, specifically low-altitude air traffic. (See [FAA Docket ID FAA-2019-1100](#).) The FAA cites this proposal for Remote Identification (“Remote ID”) of UAS as an incremental phase towards the eventual goal of comprehensive UAS traffic management. The proposed rule has now progressed to the comment disposition phase of rulemaking before finalization and implementation of the rule. It could easily be a year or more before this proposal is implemented.

According to the FAA, Remote ID is “the ability of an unmanned aircraft in flight to provide certain identification and location information that people on the ground and other airspace users can receive.” (84 Fed. Reg. 250 (Dec. 31, 2019), at 72439.) The proposal outlines three levels of remote identification: Standard, Limited, and UAS without Remote ID. These categories are akin to licenses that govern an operator’s ability to operate a UAS freely, with Standard being the least restrictive and UAS without Remote ID being the most restrictive. A notable impact of this proposal is that it requires the individual registration of each aircraft under a unique registration number. This departs from the existing “option to allow multiple recreational unmanned aircraft to register under a single registration number” (*id.* at 72442), and it could inadvertently impact those who create UAS out of spare parts for a hobby.

The proposal considers a consumer’s privacy interests, as the FAA does envision collaboration with law enforcement agencies. (*Id.* at 72470.) It allows the use of what it terms a Session ID: “A [S]ession ID would be a randomly-generated alphanumeric code that is used only for one flight. UAS operators would have the option to use a Session ID to identify the UAS instead of the serial number, to provide a greater level of privacy.” (*Id.* at 72442.) The proposal also prescribes procedural requirements for the establishment of flying zones, described as “FAA-recognized identification areas.” These locations must be set up by a community-based organization (“CBO”), and allow the operation of UAS that are not equipped with Remote ID. The requirements governing the establishment and maintenance of these locations are stringent.

The above provisions are just a glimpse of the robust proposal, and the provisions may be altered to take into consideration recent public comments.

Insight

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