

# CLIENT ALERT

## New Decade, New Drone Rules: FAA Announces Proposed Rule for Remote ID

January 3, 2020

The FAA recently released a Notice of Proposed Rulemaking for Remote Identification of Unmanned Aircraft Systems. The long-awaited rule will require almost all unmanned aircraft systems (“drones”) flying in U.S. airspace to transmit certain identifying information to other aircraft and to people on the ground. Remote ID is an important step in building a robust air traffic system for UAS. The identity and location information will promote safety by providing increased situational awareness for manned and unmanned aircraft and quick access to crucial data for law enforcement and public safety officials. Because implementation of Remote ID is essential to enabling complex drone operations, such as operations beyond visual line of sight (BVLOS), industry stakeholders should carefully review the proposed rule ([available here](#)) and consider commenting on the new requirements. Comments to the proposed rule are due to the FAA by March 2, 2020.

### Scope of the Rule

The rule requires UAS operators to transmit remote identification messages to a third party service provider known as a Remote ID Service Supplier (“Remote ID USS”), either over broadcast (“standard remote ID”) or internet transmission (“limited remote ID”). It has far-reaching effects on the drone industry, imposing new requirements for drone owners, operators and manufacturers, and creating the new Remote ID USS role.

All *owners* of drones subject to current FAA registration requirements will be required to register each of their drones individually, with the manufacturer, model, and serial number of each drone. This is a departure from existing registration rules, which allow recreational drone owners to register multiple aircraft under a single registration. *Operators* flying drones that need to be registered with the FAA must comply with the Remote ID transmission requirements. Only drones weighing less than 0.55 pounds, certain amateur-built drones, and U.S. government drones will be exempt from transmitting identifying data. Drone *manufacturers* will be required to design or produce drones in accordance with the performance requirements of one of two types of Remote ID transmission: standard Remote ID or limited Remote ID. FAA-selected Remote ID USS will be responsible for receiving and storing remote identification messages and for sharing real-time identification data with the FAA upon request.

### Transmitting Identifying Data

UAS operators will need to meet the rule’s transmission requirements in one of three ways:

1. Standard remote ID: A drone equipped with standard remote ID is capable of transmitting identity and location information via internet connection to a Remote ID USS and via direct broadcast from the drone.
2. Limited remote ID: A drone equipped with limited remote ID is capable of internet transmission but not direct broadcast. Operators flying limited remote ID drones are not permitted to fly more than 400 feet from the control station, which effectively prohibits BVLOS operations.

3. Flying under limitations for exempt drones: While the FAA envisions that the vast majority of commercially available drones will fall into either the standard or limited remote ID category, drones under 0.55 pounds and certain amateur drones will not be required to have remote ID capability. Drones that are exempt from transmitting remote ID messages are prohibited from operating BVLOS, and they may only be operated within an FAA-approved flying field.

### **Privacy Concerns**

Remote ID messages will contain the identity of the drone, the location and altitude of the drone and the control station, a time mark, and an indication of the drone's emergency status. The drone's identity will consist of either the serial number assigned by the manufacturer or a randomly generated alphanumeric code assigned on a per-flight basis, known as a session ID. Session IDs are designed to provide additional privacy to drone operators who do not want their drone serial number, which is linked to the owner's identity in the FAA registry, to be accessible to the public. Industry stakeholders have voiced concern that the government and the general public will have unbridled access to flight and identifying data. Although the session ID alternative gives a nod to these privacy concerns, it may not go far enough to assuage concerns over the dissemination of identity and location information.

### **Next Steps**

The new rules will go into effect for drone owners and operators three years after a final rule is issued, while drone manufacturers will have only two years after a final issuance to comply with the new design requirements.

### **Stay Tuned**

Remote ID is the linchpin for future FAA rulemaking on expanded complex drone operations. Once the final rule is in place, the FAA will move forward with additional rulemakings aimed at easing restrictions on complex operations, including nighttime operations and operations over people. Previous discussions of the draft and advanced notices for these rules can be found [here](#) and [here](#).

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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