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FAA UAS Regulation Expands as FAA Implements First Drone-Specific Airspace Restrictions

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Common sense might tell you that it's a bad idea to operate an unmanned aircraft system (UAS) over U.S. military bases. Either way, it will soon be illegal to fly a drone over a military facility. Effective April 14, 2017, the Federal Aviation Administration (FAA) will restrict drone flights up to 400 feet within the lateral boundaries of 133 identified military facilities.

Violators may find themselves subject to both civil and criminal penalties. But naturally, as with almost any law, there are some exceptions. If there is a strong need to operate a drone over or near a military facility, and that need doesn't undermine national security interest, an operator may obtain a temporary permit. These permits are considered on an individual basis and operators must coordinate with the individual facility.

The FAA will enforce this new regulation pursuant to 14 C.F.R. § 99.7, entitled "Special Security Instructions." Although these "Special Security Instructions" have long been on the books and applicable to all aircraft (which is broadly defined as "a device that is used or intended to be used for flight in the air"), the FAA has historically refrained from regulating drone operations. In fact, this marks the first time that the agency has instituted airspace restrictions that specifically apply to unmanned aircraft.

This new restriction is a further indication of the FAA's increasing presence in UAS oversight and enforcement. Additionally, the FAA is currently considering requests from federal agencies for other restrictions pursuant to 14 C.F.R. § 99.7. The FAA and Department of Transportation are also actively evaluating options to implement Section 2209 of the FAA Extension, Safety, and Security Act of 2016, which directs the Secretary of Transportation to establish a process to restrict UAS operations over critical infrastructure and other facilities.

So if you are planning to operate a UAS over what you suspect to be the next Hawkins National Laboratory, you might want to check the list first (or [this handy interactive map](#)). And, if you find that said facility is not even listed, then flying a drone over it is still probably a bad idea.

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