

## Tethered UAS Information / Part 107 vs Public Operations

Part 107 applies to a sUAS operator who uses that equipment *unless* they fit into that small subset of the community who are qualified public aircraft operators doing qualified governmental function missions. That group could use it in a limited way as a tethered public aircraft in accordance with Title 49 U.S.C. §44806.

- To qualify as a public aircraft operation, the government entity must qualify under the statutory definitions in 49 U.S.C. 40102(a)(41)(C),(D), or (F) in order to meet the requirements of a Public Aircraft Operation. (49 U.S.C. 40102(a)(41) (See also Advisory Circular 00-1.1B [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1034871](https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1034871)).
- The operation must constitute a governmental function as defined by law. (49 U.S.C. 40125 (a)(2)).
- The aircraft used for the operation **is required to be registered** which can be done at [https://www.faa.gov/uas/getting\\_started/register\\_drone/](https://www.faa.gov/uas/getting_started/register_drone/) (49 USC 44101-44103)(14 CFR 48.15).
- The aircraft is to be operated at an altitude of less than 150 feet above ground level (AGL). Please note that AGL is the height measured from the ground. (49 USC 44806 (c)(1)(A)).
- The aircraft is not to be operated directly over non-participating persons (anyone not involved with the operation of the UAS); the aircraft is being operated within visual line of sight of the operator; and the aircraft is to be operated in a manner that does not interfere with and gives way to other aircraft. The take-off weight of the aircraft (not including the tethered line but including payload) must weigh 4.4 pounds or less. (49 USC 44806 (c)(1)(C) – (E)) (49 USC 44801 (1)(A)).
- The aircraft is to be operated within class G airspace or, at or below the ceiling depicted on the FAA's published UAS facility maps in controlled airspace for class B, C, D, or E surface area airspace. Operations in special use airspace—for example, prohibited areas, restricted areas, and warning areas where certain limitations are imposed on aircraft operations or where activities are confined—require further coordination with the FAA. Please contact the FAA regarding operations in special use airspace. (49 USC 44806 (c)(1)(B)).
- The actively tethered UAS must be physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the UAS and is unlikely to be separated from the UAS. (49 USC 44801(1)(B)).

Volunteer fire departments, for example, do not meet the definition of a public aircraft (they are not political subdivisions of a State, US Territory, or the District of Columbia, for example). The governmental function limitation for public aircraft also means the drone wouldn't be able to be used as a *public active tethered* drone for public relations demonstration purposes, for example, since PR demos are not considered a governmental function. Compensation from FEMA, for example, also nullifies public aircraft status, fyi, making it a civil operation, which means it's 14 CFR Part 107.

The reality is that most entities who want to use this UAS, must operate it under 14 CFR Part 107, since it meets the definition of a UAS and the presence of a tether has no bearing on what it is and how it operates per 14 CFR Part 107.