

Thank you for inquiring about the authorizations required for operation of an Unmanned Aircraft System (UAS) within the State of North Carolina. We at the NCDOT – Division of Aviation very much appreciate individuals and organizations that take the time and care to make sure they understand the regulatory requirements and comply with them. It is our goal to make sure that UAS operations are conducted within the state in a safe and responsible manner to enable the benefits of UAS technology to be realized by all parties involved while protecting the safety and privacy of our citizens and visitors to the State of North Carolina. I commend you on reaching out to make sure your operations will comply with applicable regulations in NC. It is conscientious people like yourself who will make this technology successful and generate a positive reputation for your organization and for NC in the eyes of the general public.

The Federal Aviation Administration (FAA) has exclusive authority over the use of airspace in the United States, including authority over use of airspace by UAS. For any operations that are to occur within the state of North Carolina, the NC Department of Transportation (NCDOT) Division of Aviation has been given authority to implement and manage regulatory processes that pertain the State of North Carolina's laws concerning UAS operations.

With that background, the following is a brief explanation of what you will need to do if you would like to operate a UAS within the State of NC for any purpose other than purely recreational use.

A. For Public Agencies:

If you are a Public Agency – that is, you are or represent a governmental organization within the state, the following apply. Public agencies include any agency, department or office of the state or any political subdivision of the state, including county, city, local governments and their subdivisions. Public agencies also include all public educational institutions.

1. To comply with Federal Regulations you must:

- a) Receive an airspace authorization in the form of a Public Certificate of Authorization or Waiver (Public COA) from the FAA. Public COAs are issued by the FAA on a case-by-case basis and consider the processes, procedures and operator qualifications you propose to use in your UAS operations, the particular models of UAS you are asking to operate and technical details related to the UAS model(s) you are using, and the operational parameters for the types of operations you wish to conduct under the requested exemption including the flight operation locations and altitudes. Public COAs can be obtained for both small and large areas, however they are location and aircraft specific. For example, a Public Agency can apply for a jurisdictional COA, which would provide authorization for operations within a defined set of jurisdictional boundaries. However these types of broad area Public COAs require additional information on how the agency proposes to control the area during a particular UAS operation to ensure safety of persons and property on the ground under which the UAS will be operating.
 - More information on the FAA's Public COA Process can be found here: http://www.faa.gov/uas/public_operations/
 - Only the FAA can issue Public COAs. The State of NC cannot issue a Public COA.
 - For Public Agencies within the State of NC, the NCDOT – Division of Aviation can provide resources to help prepare and submit your COA application and go through the process. If you are interested in this type of assistance, please contact us at uas@ncdot.gov and include "COA Application Assistance" in the subject line of the email.
- b) Before the FAA grants an agency access to COA Online – the FAA's Online Application process for Public COA applications - the public agency wishing to obtain a COA (the proponent) will be asked to provide the FAA with a "declaration letter" from the city, county, or state attorney's office assuring the FAA that the proponent is recognized as a political subdivision of the government of the State under Title 49 of the United States Code (USC) section (§) 40102(a)(41)(c) or (d) and that the proponent will operate its unmanned aircraft in accordance with 49 USC. § 40125(b) (not for commercial purposes). An agency's accountable executive cannot self-certify their agency is a "public" agency.

2. To comply with North Carolina Regulations (for operations that occur within the boundaries of NC):

- a) You must obtain permission from the owner, easement holder, or lessee of a piece of property to use that piece of property as a launch and/or recovery site. See NCGS § 15A-300.2. Regulation of launch and recovery sites.

- b) North Carolina UAS Knowledge Test:
- Per § 63-95 of the NCGS, the Division of Aviation is developing a Knowledge Test, which will have to be passed by **any** operator of UAS within the state, including both public (governmental) and commercial operators, prior to conducting UAS operations in the state.
 - **However**, since this test has not yet been implemented, for Public Operators, an exception to this requirement must be granted in the form of an exception from the State CIO's office as described in c) below.
- c) Obtain approval from the North Carolina State CIO's office for permission to procure or operate a UAS or to procure contracted UAS flight services with a commercial provider.
- This requirement is outlined in the NC Session Law 2014-100, Section 7.16 (g) and states:
 - "Until December 31, 2015, no State or local governmental entity or officer may procure or operate an unmanned aircraft system or disclose personal information about any person acquired through the operation of an unmanned aircraft system unless the State CIO approves an exception specifically granting disclosure, use, or purchase."
 - Contact information for the State CIO's office:

State Chief Information Officer
State of North Carolina
Office of Information Technology Services
PO Box 17209
Raleigh, NC 27619-7209
(919) 754-6100
 - If you are a Public Agency in NC and are interested in obtaining an exception from the State CIO's office for the procurement or operation of a UAS or UAS flight services, the NCDOT – Division of Aviation can help you. If you would like assistance with this, please contact us at uas@ncdot.gov and include "Assistance with CIO exception for UAS" in the subject line.

B. For Private Citizens / Commercial Organizations:

If you are not a Public Agency as described above and you wish to conduct UAS operations for any purpose other than pure recreation, under FAA regulations and NC regulations you are subject to the regulatory provisions for Commercial UAS Operations. For you, the following apply.

1. To comply with **Federal** Regulations you must:
 - a) Receive an exemption to particular FARs from the FAA for commercial operations of a UAS - a Section 333 exemption. Section 333 exemptions are issued by the FAA on a case-by-case basis and consider the particular FARs you are asking to be exempted from, the processes, procedures and operator qualifications you propose to use to ensure an equivalent level of operational safety should you be granted the exemption(s), the particular models of UAS you are asking to operate and technical details related to the UAS model(s) you are using, and the operational parameters for the types of operations you wish to conduct under the requested exemption – location, altitudes, type of mission or application (e.g. infrastructure inspection or agricultural inspection).
 - More information on the FAA's Section 333 Exemption Process can be found here: http://www.faa.gov/uas/legislative_programs/section_333
 - Only the FAA can issue a Section 333 Exemption. The State of NC cannot issue Section 333 Exemptions.
 - b) Once you have obtained your Section 333 Exemption from the FAA, you must obtain an Airspace Authorization from the FAA. For this, you have 2 options:
 - You can operate under the FAA's "blanket COA" for Section 333 exemption holders. The blanket COA for Section 333 Exemption holders provides access to airspace with specific limitations related to distance from airports, maximum operational altitudes, etc. If you plan to operate under this airspace authorization, make sure and familiarize yourself with the details of the blanket COA for Section 333 Exemption holders, the restrictions and how they apply to the specific areas in which you intend to operate.
 - A link to information about the blanket COA for Section 333 holders is provided here: <http://www.faa.gov/news/updates/?newsId=82245>



- If you wish to operate outside of the "blanket COA" parameters, for example if you need to fly above 200 ft AGL, you will need to apply for a "Civil COA" from the FAA. The Civil COA application will specify the particular location and altitudes at which you intend to fly. If you choose to go this route, once you receive the Civil COA grant from the FAA, you will be able to fly at the locations and altitudes specified in the Civil COA in addition to being able to fly within the parameters of the blanket COA.
 - If you choose to apply for a Civil COA, you can go to the following link to do so: <https://oeaaa.faa.gov/oeaaa/external/uas/portal.jsp>
 - Please note: Only the FAA can issue Airspace Authorizations. The State of NC cannot issue Airspace Authorizations.
2. To comply with **North Carolina** Regulations (for operations that occur within the boundaries of NC):
- a) You must obtain permission from the owner, easement holder, or lessee of a piece of property to use that piece of property as a launch and/or recovery site. See NCGS § 15A-300.2. Regulation of launch and recovery sites.
 - b) North Carolina UAS Knowledge Test and Commercial UAS Operators Permit:
 - Per § 63-95 of the NCGS, the Division of Aviation is developing a Knowledge Test, which will have to be passed by **any** operator of UAS within the state prior to conducting UAS operations in the state.
 - Further, the Division of Aviation is developing a permitting process for operators wishing to operate UAS within the state.
 - **However**, since this test has not yet been implemented, nor has the permitting process been rolled out, per Session Law 2014-100 Section 34.30(i), those who have obtained the necessary authorizations from the FAA for commercial operations of UAS are allowed to conduct UAS operations within the state provided that they register with the state and pass the knowledge test within 60 days of the knowledge test being implemented and rolled out and that they obtain a permit from NCDOT Division of Aviation within 60 days of the permitting process being implemented.
 - Therefore, for right now, prior to the implementation of the NC Knowledge Test and Permitting process, once you have all the required authorizations from the the FAA, you are allowed to operate within the parameters of those FAA authorizations within the boundaries of NC.
 - c) Several Commercial Operators have asked whether the NC State CIO - reference Section 7.16(e) - applies to commercial operators. The short answer is no - that provision applies only to agencies of the state or political subdivisions of the state. A public agency, such as an element of the NCDOT or a county sheriff's office would have to obtain CIO approval prior to purchasing or operating a UAS, including contracting for UAS operations services with a commercial provider. However for private entities doing commercial operations, an approval by the CIOs office is not required.

Hopefully the information above helps answer your questions and gives you a better idea of where the state of NC stands in the regulatory process and what you as a prospective UAS operator in the state will need to do to comply with federal and state regulations related to the operation of UAS. If you have any other questions or concerns, please let us know by sending an email to uas@ncdot.gov. We are happy to assist.

Further, if you would like to provide us with your contact information (email and office phone) as well any Section 333 exemption number and/or COA reference number you intend to operate under, we will put that information on file and will keep you informed with notifications about when the NC UAS Knowledge Test and/or NC Commercial UAS Operations Permitting process are rolled out.

Regards,

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