UAS Rulemaking – From Idea to Implementation
UAS Rulemaking – From Idea to Implementation

Finch Fulton, DOT
Lirio Liu, FAA
Nan Shellabarger, FAA

#UAS2018
FAA Rulemaking Process

Optimal Rulemaking Timeline – 36 months

Pre-Rulemaking Activities

- Prioritization
- International Considerations
- Committees (ARC/ARAC)

NPRM

Regulatory Evaluation

FAA Coordination

Executive Coordination

NPRM Issued

~3 months

~9-12 months

4.5 months

~20 months

~3-24 months

~11.5 months

4.5 months

16 month Congressional Requirement on FAA

Drivers for Pre-Rulemaking

- EO 13771 - Reducing Regulations/Cost
- EO 13609 – International Cooperation
- Congressional mandates
- NTSB Recommendations
- Petitions for Rulemaking
- Emerging Risk

Requirements for Consideration for NPRM & Regulatory Evaluation

- TRADE Agreement Act
- Regulatory Flexibility Act
- Unfunded Mandate Reform Act
- OMB Circular A-4
- Paperwork Reduction Act
- National Environmental Policy Act
- Trade Agreements Act

- EO 13132 – Federalism
- EO 13211 – Energy Supply, Distribution or Use
- Small Business Regulatory Enforcement Fairness Act
- EO 13771 – 2 for 1; Controlling Regulatory Costs
- EO 13777 – Enforcing the Regulatory Reform Agenda

Administrative Procedures Act governs regulatory process for all agencies

Executive Coordination

OST – 45 Days

OMB – 90 Days

EO 12866

Pre-Rulemaking Activities

Final Rule Issued

Comment Period

Comment Disposition

Final Rule & Regulatory Evaluation

Executive Coordination

OST – 45 Days

OMB – 90 Days

EO 12866

Final Rule Issued

Final Rule Issued

Final Rule Issued

Final Rule Issued

Final Rule Issued

Final Rule Issued
Rulemaking Governance & Prioritization

Approach

• Strategic Prioritization
  – Addresses top-down, bottom-up and emergent rulemaking needs
  – Supports workload balancing

• No “one-size-fits-all” approaches
  – Process flexibility - expand/contract in response to complexity
  – Enables parallel work streams and non-sequential approaches

• Early Engagement
  – Proactively engages industry stakeholders
  – Incorporates feedback loops early and through a longer period of policy development
Rulemaking Governance & Prioritization

Building Blocks

- **Point of Origin**
  - Top-Down: Strategic Rulemaking
  - Bottom-Up: Annual Calls
  - Emergent: Interagency & Mandates

- **Rulemaking Management Council**
  - Resource Allocation & Metering Plan (RAMP)
    - Annual RAMP Designation
    - RAMP Re-assignment

- **Office of Rulemaking**
  - Integrated Rulemaking Plan