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Subject: Fotokite Sole Source For Actively Tethered Aerial Solutions

The Fotokite Sigma is a patented actively tethered aerial solution that can provide public safety personnel the ability to have critical situational awareness. With a simple, intuitive interface, the user can have an on-demand aerial view with the push of a button, and a few finger taps to aim the camera where desired. At no time does the operator need to actively control the Sigma other than adjusting the height and redirecting the camera, allowing the user to concentrate on assessing the situation at hand and not the mechanics of piloting. The Fotokite Sigma is the only system on the market that provides this total actively tethered solution today.

This actively tethered designation gives first responders the freedom to operate the system without the need for the usual drone certification/licensing from the FAA. The language pertaining to this was passed into law with the signing of the FAA Reauthorization Act of 2018 and further expanded upon in the The Securing Growth and Robust Leadership in American Aviation Act (H.R.3935), which passed on May 16th, 2024. Regarding operational freedom granted to Public Safety teams around actively tethered UAS, here is some supporting information in The Securing Growth and Robust Leadership in American Aviation Act (H.R.3935). The full Bill can be found at: <https://www.congress.gov/bill/118th-congress/house-bill/3935/text> (and the "actively tethered" language can be found in Section 926 which amends the old language from 2018. Sections §44801 & §44806 are also provided below for reference. Here is the direct language:

The Securing Growth and Robust Leadership in American Aviation Act (H.R.3935):

SEC. 926. PUBLIC SAFETY USE OF TETHERED UAS.

(a) In General.--Section 44806 of title 49, United States Code, is amended--

(1) in the section heading by inserting ``and public safety use of tethered unmanned aircraft systems" after ``systems";

(2) in subsection (c)--

(A) in the subsection heading by inserting ``safety use of" after ``public"; and

(B) in paragraph (1)--

(i) in the matter preceding subparagraph (A)--

(I) by striking ``Not later than 180 days after the date of enactment of this Act, the" and inserting ``The";

(II) by striking ``permit the use of" and inserting ``permit";

(III) by striking ``public"; and

(IV) by inserting ``by a public safety organization for such systems" after ``systems";

(ii) by striking subparagraph (A) and inserting the

following:

“(A) operated--

“(i) at or below an altitude of 150 feet above ground level within class B, C, D, E, or G airspace, but not at a greater altitude than the ceiling depicted on the UAS Facility Maps published by the Federal Aviation Administration, where applicable;

“(ii) within zero-grid airspaces as depicted on such UAS Facility Maps, only if operated in life-saving or emergency situations and with prior notification to the Administration in a manner determined by the Administrator; or

“(iii) above 150 feet above ground level within class B, C, D, E, or G airspace only with prior authorization from the Administrator;”;

(iii) by striking subparagraph (B); and

(iv) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and (C) in paragraph (3) by striking “Public actively” and inserting “Actively”; and

(3) by adding at the end the following:

“(e) Definition.—In this section, the term “public safety organization” means an entity that primarily engages in activities related to the safety and well-being of the general public, including law enforcement, fire departments, emergency medical services, and other organizations that protect and serve the public in matters of safety and security.”.

(b) Clerical Amendment.—The analysis for chapter 448 of title 49, United States Code, is amended by striking the item relating to section 44806 and inserting the following:

“44806. Public unmanned aircraft systems and public safety use of tethered unmanned aircraft systems.”.

(c) Definition.—Section 44801(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (A) and inserting:

“(A) weighs 55 pounds or less, including payload but not including the tether;”;

(2) in subparagraph (B) by striking “and” at the end;

(3) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(D) is able to maintain safe flight control in the event of a power or flight control failure during flight; and

“(E) is programmed to initiate a controlled landing in the event of a tether separation.”.

FAA Reauthorization Act of 2018:

CHAPTER 448--UNMANNED AIRCRAFT SYSTEMS

Sec. 44801. <<NOTE: 49 USC 44801.>> Definitions

In this chapter, the following definitions apply:

- (1) Actively tethered unmanned aircraft system.--The term actively tethered unmanned aircraft system means an unmanned aircraft system in which the unmanned aircraft component--
- (A) weighs 4.4 pounds or less, including payload but not including the tether;
 - (B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft; and
 - (C) is controlled and retrieved by such ground station through physical manipulation of the tether.

Sec. 44806. <<NOTE: 49 USC 44806.>> Public unmanned aircraft systems

(c) Public Actively Tethered Unmanned Aircraft Systems.--

- (1) In general.--Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall permit the use of, and may issue guidance regarding, the use of public actively tethered unmanned aircraft systems that are--
- (A) operated at an altitude of less than 150 feet above ground level;
 - (B) operated--
 - (i) within class G airspace; or
 - (ii) at or below the ceiling depicted on the Federal Aviation Administration's published UAS facility maps for class B, C, D, or E surface area airspace;
 - (C) not flown directly over non-participating persons;
 - (D) operated within visual line of sight of the operator; and
 - (E) operated in a manner that does not interfere with and gives way to any other aircraft.
- (2) Requirements.--Public actively tethered unmanned aircraft systems may be operated--
- (A) without any (2) requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;
 - (B) without requiring airman certification under section 44703 of this title or any rule 2 or regulation relating to airman certification; and
 - (C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.
- (3) Safety standards.--Public actively tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.
- (4) Savings provision.--Nothing in this subsection shall be construed to preclude the administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

Fotokite also holds a number of patents in both the U.S. and in Europe supporting the intellectual property they developed to provide this operational simplicity and effectiveness. In the U.S. specifically, patents 9753355 , 10571779 , and 10168601, support Fotokite's development efforts so far, as well as further pending IP.

Please feel free to reach out to me directly if you have any questions or concerns at 505-401-9035.

Yours sincerely,

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