

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

Space Traffic Management: From Space Situational Awareness and Space Surveillance and Tracking to developing Rules of the Road (4)

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NEW STANDARDS FOR AN OLD PROBLEM: DOMESTIC LAW & REGULATION TAKES ON STM

Abstract

As a participant in international law and policy efforts designed to mitigate the impacts of orbital debris, the United States has recently initiated efforts to revise and update its domestic space traffic management regime. A guiding force for these efforts is the recent Space Policy Directive-3, issued on June 18th, 2018, which commands several sectors of the federal executive apparatus to reassess their current and future efforts to address space traffic management and space situational awareness issues. The reasons for this Directive can be boiled down to the belief that the continued use of the orbital realm depends on responsible management, which in turn depends on myriad factors that include the development of new technologies, the refinement of data gathering, and the clarification of governmental operational roles. In particular, the Directive calls for enhanced standardization of safety and best practices, and doles out tasks for relevant agencies, among which the Federal Communications Commission plays a significant role. Given the FCC's influence on the licensure of satellites and the proliferation of constellations, it will be a leader in fulfilling the obligations set out in SPD-3. In October of 2018, the FCC announced it would revisit its much older orbital debris management rules, with an eye towards their revision and in light of its responsibility for increasing traffic in outer space. In November, they released their Notice of Proposed Rulemaking, in which they tackle a multitude of germane topics, from spectrum use to orbital lifetime, and from choice of orbit to post-mission disposal. This presentation proposes to examine the United States' reshaping domestic administrative actions in order to protect the outer space environment, and to fulfil its own obligations under international law and policy.