

LEGAL UPDATES

PUBLISHED: DECEMBER 11, 2014

Industries

Technology

Transportation

FAA Grants Additional Exemptions to Broaden Allowed Commercial Use of Unmanned Aircraft Systems

On Wednesday, December 10, the FAA granted four more companies exemptions to use unmanned aircraft systems (UAS) commercially. These exemptions, granted to Trimble Navigation Ltd, VDOS Global LLC, Clayco Inc., and Woolpert Inc., broaden the uses of commercial UAS to include aerial surveying, construction site monitoring and oil rig flare stack inspections.

In October and November, 2014, the FAA for the first time approved the commercial use of UAS through petitions for exemption under Section 333 of the FAA Modernization and Reform Act of 2012 (“Special Rules for Certain Unmanned Aircraft Systems”) to seven aerial photo and video production companies: Aerial Mob, Astraeus Aerial Cinema Systems, Flying-Cam Aerial Systems, Heli Video Productions, PictorVision, Snaproll Media and Vortex Aerial (see October 13, 2014 legal alert).

The additional exemptions generally track those granted to the initial aerial photo and video production petitioners and direct: the pilot in command holding private pilot certificates; the aircraft be kept below 400 feet and within visual line of sight of the operator; and the aircraft be operated during the day only (not at night); and within defined boundaries of the particular location. Further, the FAA said that it would issue Certificates of Authorization (COAs) to regulate each such planned operation.

Under Section 333, Congress gave the FAA flexibility to expedite operational authorization of certain UAS (before completion of small UAS rulemaking, expected to be out for comment by the end of this year), upon consideration of factors such as UAS size, weight, speed, proximity to airports and populated areas, and operation within visual line of sight. Consistent with the grant of

these first petitions, the FAA posted on its website a “how-to” roadmap for petitioning for exemption under Section 333.

The FAA is expected to release draft rules governing UAS by the end of December. We will keep you posted.

What This Means to You

The FAA’s announcement has further validated Section 333 as a viable avenue for the commercial use of UAS, and opened the door to businesses in additional industries seeking to use UAS to support their operations.

To date, the FAA has received 165 requests for exemptions under Section 333 from a variety of companies across a range of industries, including agriculture, oil and gas, GIS/mapping, construction, and real estate, as well as pipeline and power line inspectors and surveyors. If your business is considering using UAS, we can help you take advantage of this opportunity and lead the way in your industry.