ECKERT SEAMANS
ATTORNEYS AT LAW

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UNMANNED AIRCRAFT SYSTEMS (UAS) UPDATE

FAA ISSUES 5 UAS EXEMPTIONS

On December 10 the FAA announced that it has granted regulatory exemptions to four companies for small Unmanned Aircraft System (UAS) operations. These exemptions followed six other exemptions issued to movie production companies in September. The exemptions were granted under Section 333 of the FAA Modernization and Reform Act of 2012. In their petitions, the companies said that they will keep the UAS within visual line of sight of the pilot and an observer at all times and that the UAS used will weigh less than 55 pounds. The Secretary's office found that these specific operations did not pose a threat to the national airspace or to national security. The exemptions prescribe various conditions and limitations for operating the UAS, some of the most significant ones being: the UAS must be operated at 400 feet or below, the UAS must be operated within the visual line of site of the Pilot in Command (PIC) at all times, and the PIC must have at least a private-pilot's license. Several of the companies offered in their petition to have the PIC hold a commercial pilot's license, and the FAA accepted those offers in each case.

The following companies applied for and received exemptions to operate small UAS commercially for the following purposes: Clayco, Inc.: aerial imaging to monitor and ensure safety of construction sites; Trimble Navigation, Limited: aerial surveys; VDOS Global, LLC: flare stack inspections on Shell Oil Gulf of Mexico production platforms in the Gulf of Mexico that are beyond 12 nautical miles from the coast of the U.S.; Woolpert, Inc. (I): aerial surveys; Woolpert, Inc. (II): aerial surveys over Ship Island, Mississippi.

HOUSE AVIATION SUBCOMMITTEE HOLDS HEARING ON UAS

On December 11 the House Transportation Committee's aviation subcommittee held a hearing on UAS and to inquire into the status of the FAA's rulemaking on commercial use of small UAS. Small UAS are those under 55 pounds. Many criticized the amount of time that it has taken the FAA to issue a proposed rule. Although a proposed rule on small UAS is expected by year end, the GAO predicted that a final rule might not be issued until 2017, preventing small UAS from legally being used for commercial purposes until then. Members of Congress at the hearing expressed concern that the U.S. is lagging behind other countries in terms of creating a regulatory framework, and UAS companies are taking their business abroad. Other Congressmen on the committee voiced concerns that safety is paramount, and the FAA should take its time in crafting a rule as many small UAS are able to fly high enough to encounter an aircraft taking off or landing.

FOR ADDITIONAL INFORMATION

Eckert Seamans has experienced attorneys who can walk your company through the necessary steps and assist you at the FAA and with related insurance, contracting, and utility commission matters. Eckert Seamans' UAS team specializes in helping clients navigate the legal terrain surrounding the proliferation of unmanned aircraft systems technology, an industry that is evolving faster than the government's ability to regulate it. Eckert Seamans stands by to serve as a guidepost to its clients to navigate the imminent federal, state and local regulations governing the technology's use.

*This **UAS Update** is intended to keep readers current on developments in the unmanned aircraft systems world and is not intended to be legal advice. If you have any questions, please contact **Evelyn Sahr** at 202.659.6622 or esahr@eckertseamans.com or **Earl Comstock** at 202.659.6627 or ecomstock@eckertseamans.com.*

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