

## FAA APPROVES EXPANDED COMMERCIAL OPERATIONS FOR DRONES; SENATE VERSION OF 2016 FAA REAUTHORIZATION MAKES IT OUT OF COMMITTEE

APRIL 2016

In December 2015, the FAA promulgated rules for hobby use of Unmanned Aircraft Systems (UAS), which made UAS registration mandatory. The rules hinted at forthcoming changes for the commercial UAS lobby. On March 29, the FAA made good on the hint.

Since 2012, commercial UAS operators have been required to petition the FAA for authorization to operate a UAS other than for recreational or hobby purposes (known as a Section 333 exemption because it is set forth in Section 333 of the 2012 FAA Modernization and Reform Act). The process is described [here](#).

The new commercial rules set forth two important changes:

1. The FAA extended the [registration requirement](#) for UAS to commercial UAS operators. The same [online registration process that applies to recreational drones](#) can be used for commercial UAS, including the same \$5 registration fee for each UAS. Previously, commercial operators were required to register their drones using the FAA's legacy aircraft registration system in Oklahoma City, Oklahoma. UAS currently registered through that process remain registered and do not require re-registration.
2. The FAA increased the altitude limit for commercial operations from 200 feet or below to 400 feet, which will facilitate inspections of radio towers and other structures more than 200 feet tall (and up to 400 feet) without requiring the commercial UAS operator to obtain an operation-specific authorization. Unfortunately, existing holders of a Section 333 exemption will be required to apply to have their authorizations amended to increase operations to 400 feet, although FAA advises that the request will be granted routinely.

"This is another milestone in our effort to change the traditional speed of government," said FAA Administrator Michael Huerta. "Expanding the authorized airspace for these operations means government and industry can carry out unmanned aircraft missions more quickly and with less red tape."

The Senate's version of the FAA Reauthorization Act of 2016, which made it out of committee in March, contains extensive proposed changes for UAS (65 pages of discussion), several that will be controversial. Among its proposals, all small UAS would be required to meet FAA-promulgated design and production standards, similar to (although less extensive than) the existing design-type approval process for manned aircraft. The proposal would require all operators – including model aircraft pilots – to pass an "aeronautical knowledge and safety test" (subject to limited exceptions for UAS that weigh less than 0.55 pounds and operators under 13 years of age flying under the supervision of a licensed adult). The proposal also contains express provisions for the pre-emption of local and state regulation of UAS, confirming the FAA's position as announced in its December 2015 [fact sheet](#).

### ADDITIONAL INFORMATION

For more information, please contact:

- [TOD NORTHMAN](#) | 216.696.5469 | [tod.northman@tuckerellis.com](mailto:tod.northman@tuckerellis.com)

This Client Alert has been prepared by Tucker Ellis LLP for the use of our clients. Although prepared by professionals, it should not be used as a substitute for legal counseling in specific situations. Readers should not act upon the information contained herein without professional guidance.