

FAA Grants Film Industry Exemptions for Use of Commercial UAS: Time for Other Industries to Follow Suit

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Since the first requests for exemptions were filed in late May 2014, the commercial unmanned aircraft system ("UAS," commonly known as "drones") community has been wondering how long it would take the Federal Aviation Administration ("FAA") to act, and how the FAA would apply section 333 of the FAA Modernization and Reform Act of 2012. After four months of evaluating whether use of UAS in the film and television industry ("Film Industry") would pose a hazard to other aircraft or to people and property on the ground, the FAA issued authorizations to seven Film Industry companies that filed coordinated exemption requests. Because of the commonalities among the initial set of exemption requests, the FAA circulated for public comment only one petition from this group and applied all of the comments to each of the coordinated exemption requests.

This bodes well for the commercial UAS sector. In particular, industries eager to take advantage of UAS operations should be encouraged by the FAA's approval of the Film Industry exemption requests. The FAA will likely experience an influx of similar exemption requests, as many would-be commercial UAS operators have been sitting on the sidelines waiting to see how the FAA would handle the Film Industry's requests. The FAA's action on these exemption requests affirms the benefits of working with industry groups to create operations protocols and safety procedures applicable to all members.

For this group of exemption requests, the FAA found that an exemption was in the public interest considering the enhanced safety achieved using a UAS (*i.e.*, that a UAS does not need an onboard crew nor flammable fuel) and the utility to the filmmaking industry. Key to this finding was the FAA's conclusion that the UAS operations, as approved, would not adversely affect safety compared to similar operations conducted using traditional aircraft. The exemptions are limited to the specific type of UAS included in the exemption request, in addition to operational limitations, such as speed (no more than 50 knots), altitude (no more than 400 feet above ground level), maintenance of a visual line of sight (taking into consideration natural light and weather), use of a certified pilot in command and a visual observer, proximity to the public, and class of airspace. Furthermore, the UAS operators must obtain an Air Traffic

Organization issued Certificate of Waiver or Authorization prior to conducting operations under the exemption, adhere to the operator's manual and all emergency protocols, and submit a written Plan of Activities at least three days before scheduled operations.

Integral to the approval, the FAA determined that the UAS to be used in the proposed operations do not need an FAA-issued certificate of airworthiness based on a finding they do not pose a threat to the national airspace users or national security. U.S. Transportation Secretary Anthony Foxx hinted at similar approvals that may be forthcoming when he stated that these aerial-video companies were "blazing a trail that others are already following, offering the promise of new advances in agriculture and utility safety and maintenance."

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