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White House Initiatives Look Toward the Future of Civilian Drone Technology

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The policy debate in Washington, D.C., regarding the future regulation of unmanned aircraft systems (“UAS”) continues to evolve rapidly, marked most recently by several significant announcements in advance of an August 2 White House Office of Science and Technology Policy workshop on “Drones and the Future of Aviation.” This first-of-its-kind event focused on advancing the transformative potential of UAS for public- and private-sector applications. The newly announced initiatives reflect an effort among regulators to keep pace with innovation in the fast-growing UAS industry. As Federal Aviation Administration (“FAA”) Administrator Michael Huerta said at the event, “[t]his is an issue that’s moving at the speed of Silicon Valley, [and] we at the FAA know we can’t respond at the speed of government.”

Interested stakeholders should evaluate how the new announcements may affect their business and should pay close attention to areas for further legislative and regulatory engagement. Our Unmanned Aircraft Systems team and the authors of this alert are available to answer any specific questions you may have and are prepared to assist clients on UAS issues.

FAA “Flights Over People” Rule Expected This Winter

Most significantly, the White House and FAA announced plans to fill a gap in the newly released rules for commercial operation of UAS by releasing proposed regulations for operations of UAS over people this winter. Under the current regulations, which take effect on August 29, UAS can only be flown over people directly participating in the operation or who are protected by a covered structure or stationary vehicle. This limitation forecloses a number of innovative commercial UAS proposals, including aerial surveys at active job sites, utility inspections in congested areas, and emergency response operations. According to the announcement, the forthcoming regulations will enable applications such as aerial photography or videography for newsgathering, certain types of infrastructure inspection, and a wide variety of other uses. The proposed rules will be based on recommendations developed by an industry stakeholder committee earlier this year. Before these rules are finalized, UAS users affected by the limitation regarding flights over people should consider filing a waiver request with the FAA to gain clearance for such operations.

Funding Announcements

The White House also announced substantial new funding commitments for UAS research and development. These include \$35 million from the National Science Foundation over the next five years to study a variety of UAS technologies and operational capabilities. Additionally, the State of New York announced plans to invest \$5 million in the development of a UAS research hub as part of the state’s Upstate Revitalization Initiative.

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Other Key Actions and Announcements

Other key developments emerging out of the White House UAS event include:

- **UAS Safety Team:** The FAA will charter an Unmanned Aircraft Safety Team comprised of government and industry stakeholders; its mission will parallel the work of a similar, existing team for commercial manned aircraft and focus on data analysis and accident mitigation initiatives.
- **Expansion of Department of the Interior ("DOI") UAS Initiatives:** DOI will begin using UAS to support search and rescue operations, develop new prototyping and data analysis capabilities, and take steps to minimize UAS interference with wildland firefighters, among a variety of UAS-related initiatives announced by the agency.
- **NASA Collaborative Research Projects:** In addition to its ongoing work on UAS traffic management ("UTM") research, NASA will collaborate with RTCA, Inc. and other stakeholders to develop standards for UAS "detect and avoid" and "command and control" technologies. NASA will also form a data exchange working group with the FAA to inform and support UTM system recommendations due in 2017.
- **UAS Delivery Survey:** The U.S. Postal Service Office of Inspector General will conduct a survey on public aptitude with respect to UAS delivery of mail and packages.
- **Privacy:** The White House announced that a variety of UAS industry stakeholders would collaborate to raise awareness about the voluntary best practices for UAS privacy, transparency, and accountability released earlier this year as a product of a National Telecommunications and Information Administration multistakeholder consultation process.

Important Links

A copy of the White House Fact Sheet, "New Commitments to Accelerate the Safe Integration of Unmanned Aircraft Systems" is available at the following link. The Fact Sheet provides additional information about the initiatives described above and also highlights a variety of interesting private-sector UAS projects and priorities.

- [Fact Sheet: New Commitments to Accelerate the Safe Integration of Unmanned Aircraft Systems](#)

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