

Joshua Turner Weighs in on Continued FAA Commercial Drone Ban; Path Needed to Allow Safe and Responsible Use

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Joshua S. Turner, co-chair of Wiley Rein's Communications Enforcement & Compliance Group, was quoted in a March 13 article published in *Law360* about the Federal Aviation Administration's (FAA) attempts to regulate commercial unmanned aircraft systems (UAS).

According to the article, the FAA is expected to issue an emergency rule governing the use of UAS, following a ruling by a National Transportation Safety Board (NTSB) Administrative Law Judge (ALJ), which said that current FAA regulations do not allow the agency to regulate "model aircraft" like the small UAS used by Mr. Pirker. Mr. Turner told *Law360* that, regardless of whether the FAA issues such a rule, enthusiasts and would-be operators should not view the ALJ's ruling, in *Huerta v. Pirker*, as a blank check to ignore FAA oversight.

"The agency views this as a very serious issue, and those folks who are going to use the *Pirker* decision to try to go off and implement commercial unmanned systems are doing so at pretty significant peril of enforcement action," Mr. Turner said. The FAA's appeal of the ALJ's decision automatically stays the effect of the ALJ's decision, allowing the FAA to continue taking steps to enforce the ban.

However, Mr. Turner emphasized that the current blanket prohibition on the commercial use of UAS is not sustainable as a matter of policy. "I take the FAA's point that the [judge]'s decision would open the door to all sorts of activities that might better be regulated. But clearly there does need to be a system to allow people to use these

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Practice Areas

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