wiley

PRESS RELEASE

Wiley Represents AUVSI in Amicus Brief Used by DC Circuit to Reinforce Constitutionality of Drone Remote ID

—

August 1, 2022

Wiley, a preeminent Washington, DC law firm, filed an amicus brief on behalf of the Association for Uncrewed Vehicle Systems International ("AUVSI") that was used by the United States Court of Appeals for the District of Columbia Circuit in its decision in *Brennan v. Dickson*. The decision is significant because it upholds the constitutionality of the Federal Aviation Administration's (FAA) Remote Identification (Remote ID) rules, which require operators of uncrewed aircraft systems, or drones, to broadcast certain information about the aircraft and control station during flight.

The petitioners, Tyler Brennan and Brennan's Florida-based drone retailer RaceDayQuads LLC, sought vacatur of the Remote ID rules on the grounds that the rules' requirements to emit real-time, publicly readable radio signals containing certain identifying information violated drone operators' Fourth Amendment rights. The petitioners also argued that the FAA violated the Administrative Procedure Act in promulgating the new rules. However, the three judge panel dismissed all of the petitioners' arguments, and reenforced that the benefits of Remote ID will mitigate a wide range of identified safety and security concerns as drones continue to proliferate in the airspace.

"The court adopted a view of the airspace wholly consistent with the idea that it is a public, national asset over which entities may not exert private control," said Wiley associate Sara Baxenberg, who authored the amicus brief along with Wiley partner Joshua Turner. Wiley associate Travis Stoller also contributed to the brief.

Related Professionals
—

Joshua S. Turner
Partner
202.719.4807
jturner@wiley.law

Sara M. Baxenberg
Associate
202.719.3755
sbaxenberg@wiley.law

Travis Stoller
Associate
202.719.4225
tstoller@wiley.law

Practice Areas
—

Telecom, Media & Technology
Unmanned Aircraft Systems (UAS)

A copy of the amicus brief can be found here, and a copy of the decision can be found here.