

UAS Integration Program Takes Off

November 9, 2017

On November 8, 2017, the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) officially launched the Unmanned Aircraft System (UAS) Integration Pilot Program with the publication of a notice in the Federal Register. The program, which was first announced in an October 25, 2017 Presidential Memorandum, encourages State, local, and tribal governments, in partnership with UAS operators and other private sector stakeholders, to apply for FAA authorization to test advanced UAS operations, including beyond visual-line-of-sight (BVLOS), over people, and for package delivery. Private stakeholders interested in participating in the program should seek to enter into agreements with government entities or notify the FAA by December 13, 2017, as governments must submit a notice of intent to participate by November 28, 2017 and submit formal applications by January 4, 2018.

Consistent with last month's Presidential Memorandum, DOT has set four main objectives for the program:

- (1) accelerating the safe integration of UAS into the national airspace by testing and validating new concepts of beyond visual line of sight operations in a controlled environment, focusing on detect and avoid technologies, command and control links, navigation, weather and human factors;
- (2) addressing ongoing security and safety concerns associated with operating UAS close to people and critical infrastructure and ensure effective communication with law enforcement;
- (3) promoting innovation in the UAS industry; and

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Practice Areas

Telecom, Media & Technology
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(4) identifying the most effective models of balancing local and national interests in UAS integration.

The Federal Register publication explains that the FAA will use the data provided by the program to assist the development of new enabling regulations that will allow more advanced operations, including BVLOS operations, flights over people, and package delivery. Last year the FAA submitted a Notice of Proposed Rulemaking on UAS flights over people to the White House Office of Information and Regulatory Affairs for review, but the document was never released for public comment.

Although only State, local, and tribal governments can apply for the program, private-sector stakeholders can still participate by partnering with government applicants.

State, local, and tribal governments must first provide notice of their intent to participate in the program by November 28, 2017. This will allow the FAA to compile and post a list of interested jurisdictions, which will be available on the FAA's website, faaco.faa.gov. Private-sector entities that do not have independent agreements in place with particular jurisdictions should submit a request to be included on the FAA's interested parties list by emailing 9-AWA-UASIPP@faa.gov no later than December 13, 2017. The intent of the list is to allow both jurisdictions and private entities to find and form partnerships in advance of the formal application deadline.

State, local, and tribal governments are not required to partner with other stakeholders to participate in the program. If a local government intends to establish a partnership, however, it must do so before submitting its formal application.

Formal applications are due January 4, 2018. Applications should include a description of proposed operations, experience with such operations, and plans to address safety, security, competition, privacy concerns, and community outreach. State, local, and tribal governments that do not provide notice of intent to participate by November 28 are not eligible to participate.

Ultimately, the FAA must select a minimum of five applicants for participation, though there is no upper limit on the number of applicants that may be accepted. Factors the FAA will consider when evaluating applications include: economic, geographic, and climatic diversity of the selected jurisdictions; the diversity of UAS operations to be conducted; and the involvement of commercial entities. The FAA will also consider the commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives: promoting innovation and economic development; enhancing transportation safety; enhancing workplace safety; improving emergency response and search and rescue functions; and using radio spectrum efficiently and competitively. Selected participants must enter a Memorandum of Agreement with the FAA that will govern its tests.

This pilot program represents an opportunity to move past potentially fraught disputes about local regulation of UAS and into a more collaborative, cooperative model, as well as to showcase advanced UAS operations and help facilitate their integration into everyday life.