

Drone Fever: Getting Permission to Fly in the U.S.

Hosted by the National Association of REALTORS®, and presented by Hogan Lovells:

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Federal Gov't UAS Policymaking

As per the FAA Reauthorization Act of 2012, the Federal government is working to integrate UAS into the National Airspace:

FAA Rulemaking Process

- Safety and operations: Pilot licenses, airworthiness, operator certificates, flight rules
- Proposed rule released Feb. 15, 2015

Federal Interagency Process

- Privacy, transparency, accountability, civil rights / civil liberties
- WH Presidential Memorandum, released Feb. 15, 2015

Agency-Specific Processes

- Department of Justice, Department of Homeland Security



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Credit: Frankhöffner)*

Permitted Model Aircraft Flights

Model aircraft use generally permitted only if the model aircraft:

- Is flown “strictly for hobby or recreational use”
- Is operated in accordance with a community-based set of guidelines
- Weighs under 55 pounds unless otherwise properly certified
- Is flown within Visual Line of Sight
- Is operated in a manner that does not interfere with and gives way to manned aircraft
- Operator provides advance notice to the airport operator and airport air traffic control tower if to be operated within 5 miles of an airport



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FAA Notice of Proposed Rulemaking

- February 15, 2015: NPRM Publicly Released
- February 23, 2015: NPRM Opened for Comment
- April 24, 2015: Comment Period Closed
- Now: FAA Conducts Analysis and Internal Review of Comments
- Late 2016 / Early 2017: Release of Final Rule expected

FAA Notice of Proposed Rulemaking

HIGHLIGHTS:

- UA Airman Operator Certificate with small UAS rating: no pilot's license/certificate required
 - Initial and Recurrent Aeronautical Knowledge Test
- Medical self-certification
- sUAS must be < 55lbs. (25kg)
- Must maintain visual line of sight
- Maximum altitude/speed: 500 feet AGL/100mph
- Flown only over persons involved in the operation
- For non-hobby and non-recreational purposes

FAA Notice of Proposed Rulemaking

HIGHLIGHTS (cont.):

- Airspace restrictions (most require Air Traffic Control permission); Class A airspace ops prohibited
- Registration and marking of aircraft required
- No airworthiness certification required
- Visual Observer not required
- FAA requested comment:
 - Broad exemptions for micro-drones 4.4 lbs or less?

UAS and Privacy

White House Presidential Memorandum:

- FAA handles safety, operational and licensing issues; not privacy issues, including data collection, retention, dissemination, and use issues
- WH Presidential Memorandum released February 15, 2015:
 - Federal Government UAS Use: Establishes privacy, transparency, civil rights and accountability protections on federal government's own use of UAS
 - Commercial UAS Use: Establishes Executive Branch multi-stakeholder process to craft privacy, transparency and accountability best practices for commercial use of UAS – to be hosted by National Telecommunications and Information Administration at the U.S. Department of Commerce

National Association of REALTORS® Policy Statement: Unmanned Aerial Vehicles

Approved by the NAR Board of Directors November 10, 2014:

“The National Association of REALTORS® advises members that the use of unmanned aerial vehicles for real estate marketing is currently prohibited by the Federal Aviation Administration. Such prohibited use of unmanned aerial vehicles may lead to the assessment of substantial fines and penalties.

The National Association of REALTORS® supports efforts to create new federal regulations to allow for the future commercial use of unmanned aerial vehicle technology by the real estate industry....”

National Association of REALTORS® Policy Statement: Unmanned Aerial Vehicles

(Continued):

“...The National Association of REALTORS® is committed to working with the Federal Aviation Administration, and any other relevant federal agencies, during the regulatory approval process. The National Association of REALTORS® will continue its ongoing efforts to educate REALTORS® about the current and future regulatory structure for the safe and responsible operation of unmanned aerial vehicles.”

Commercial Entities: Approval to Fly

Commercial entities can get approval to fly sUAS by obtaining one of the following:

- Type Certificate for UAS as a “special class of aircraft”
- Restricted Type Certificate for “special purpose operations”
- Experimental Certificate for R&D, market surveys and other purposes
- Section 333 Exemption for low risk operations

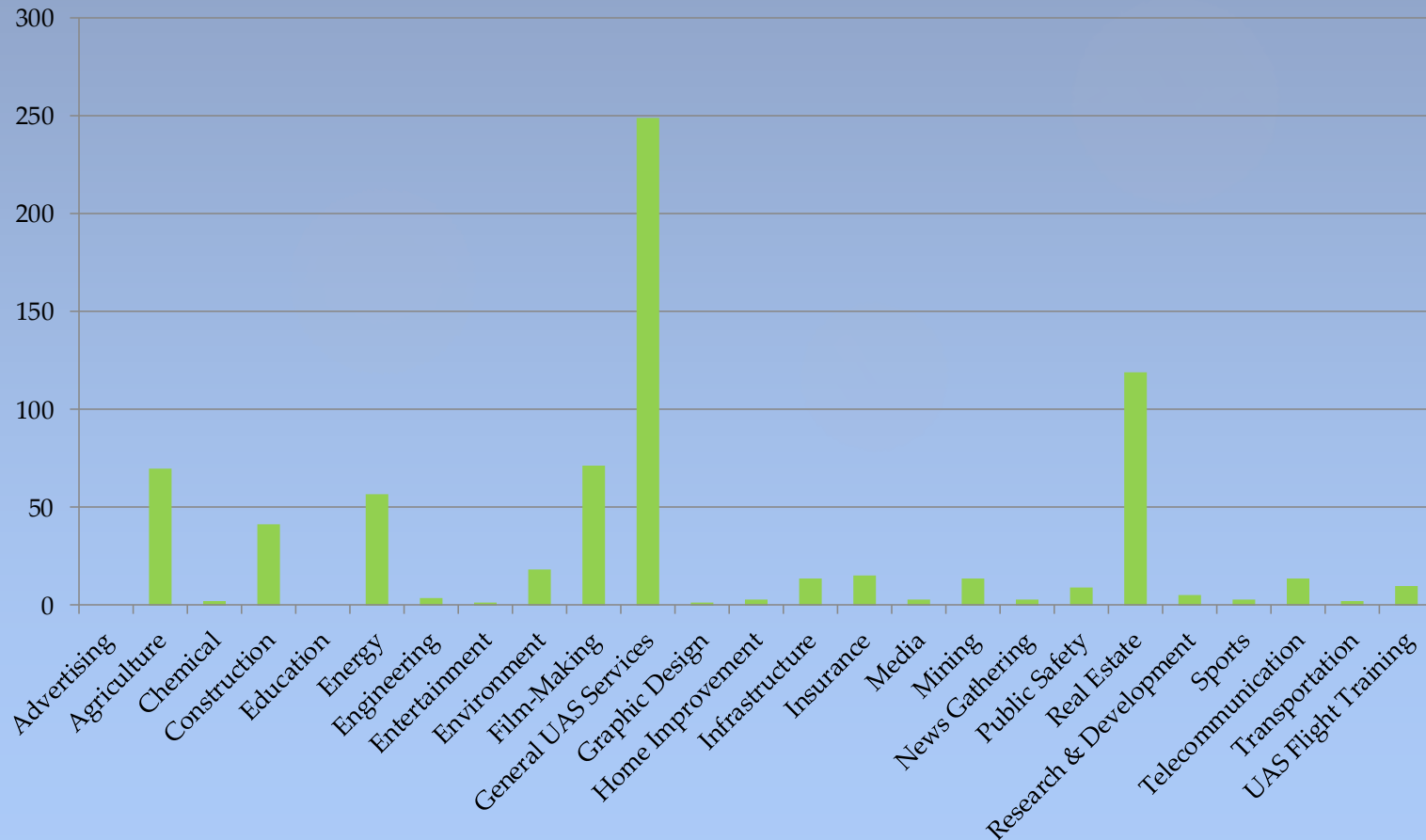
The Section 333 Exemption is most appropriate avenue for real estate professionals, and provides the most flexibility to businesses looking to fly relatively quickly.

333 Exemptions

- Advertising
- Agriculture
- Chemical
- Manufacturing
- Construction
- Education
- Energy
- Entertainment
- Environment
- Film-making
- Graphic Design
- Home Improvement
- Infrastructure
- Insurance
- Media
- Mining
- News Gathering
- Public Safety
- Real Estate
- Research & Development
- Sports
- Telecommunications
- Transportation
- UAS Flight Training
- UAS General Services

333 Exemptions

Exemptions Granted by Industry



333 Exemptions: Status

- Approximately 2,000 companies have filed Section 333 Petitions for Exemption in industries from real estate to filmmaking, industrial inspections, aerial surveying, and more
- 740 granted to date, including at least 112 for real estate
- 85 have been closed by the FAA
- FAA's current goal: 50+ exemption grants per week
- First real estate grant: To Douglas Trudeau, Docket # FAA-2014-0481, Jan. 5, 2015

333 Exemptions

Petition Should Include Information Such as the Following:

- Who you are and why you want to use sUAS
- Relevant statutory authority
- Why FAA should approve your operations under Section 333 of the Reform Act
- What vehicle(s) you wish to fly and how they are safe
- Purpose(s) of proposed UAS flight operations
- Explanation how your proposed sUAS flight operations would not create a hazard to users of the national airspace system/public or pose a nat'l security threat
- The Federal Aviation Regulations from which you request exemption, and how you will operate at an “equivalent level of safety”
- Why your use of sUAS is in the public interest

333 Exemptions: FAA

Section 333 Exemptions are generally appropriate if the flights will be conducted:

- With a Small UAS, i.e. less than 55 pounds that has been registered and identified with an N-number
- During daytime, under visual meteorological conditions
- Outside Controlled Airspace, i.e. Generally Below 400 Feet
- In a Defined, Controlled Area
- Away From Persons or Property (in non-congested areas and at least 500 feet away from non-participating people and structures, unless barriers are present or owner has granted permission)
- Over private or controlled-access property with permission
- Within Visual Line of Sight

333 Exemptions: FAA

Section 333 Exemptions are generally appropriate if the flights will be conducted (cont.):

- Using a Visual Observer and Separate Sensor Operator
- Flown by a Pilot-In-Command with a pilot's license
- Yielding right of way to manned operations and activities at all times
- Not operated from moving vehicle
- Within 5 nautical miles of an airport, only with Air Traffic Control agreement or as authorized by applicable Certificate of Authorization
- With a NOTAM (Notice to Airmen) posted not more than 72 hours before, but not less than 48 hours prior to, the operation

333 Exemptions

Operating Documents: Manufacturers and Operators Manuals

- You must have in your possession documentation of the safety case to support your Petition.
- Manuals should include information such as:
 - Aircraft Description
 - Description of crew roles and qualifications
 - Emergency procedures
 - Aircraft Maintenance Procedures
 - Risk Identification, Mitigation and Management
 - Accident reporting

333 Exemptions: FAA

Recent Updates:

- FAA has adopted “summary grant” process to speed up approvals
 - Film/television production and aerial data collection will be handled through summary grant process
 - Conditions listed above, and others, will apply
- Recreational or Sport Pilot Certificate allowed: previously, Section 333 operators were required to have at least private pilot certificate
 - Third class medical certificate no longer required – need only valid driver’s license

333 Exemptions: FAA

Recent Updates:

- FAA has streamlined UAS COAs for Section 333 operators
- Under new policy, FAA will grant a blanket COA to Section 333 operators for any flights:
 - at or below 200 feet
 - with aircraft that weigh less than 55 pounds
 - operated during daytime
 - within VLOS
 - that stay certain distances away from airports or heliports
 - and away from people, restricted airspace and crowded areas

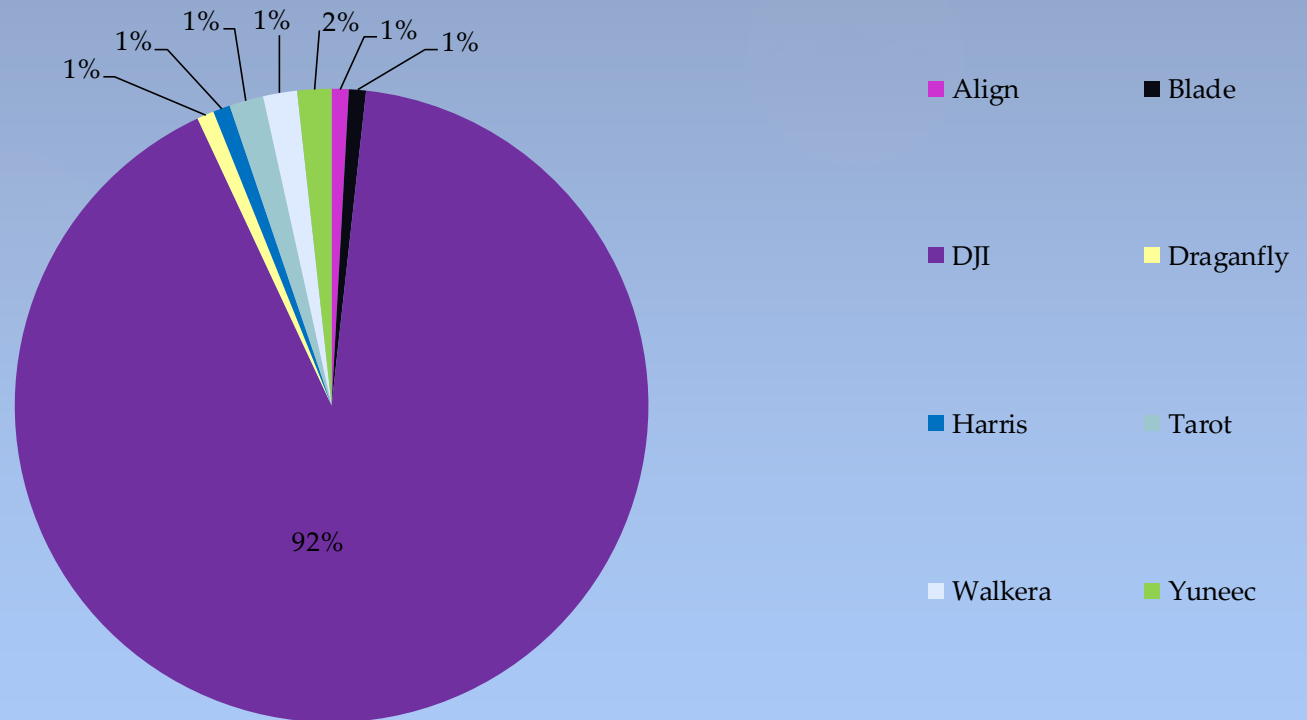
333 Exemptions

GRANTED EXEMPTIONS IN REAL ESTATE, BY THE NUMBERS

Model	Exemption References
DJI Phantom 2	77
DJI Inspire	31
DJI Phantom 3	8
DJI Phantom 1	4
DJI Flame Wheel F550 DJI Spreading Wings S1000 Walkera Scout X4 Yuneec Q500 Typhoon	2 (each)
Align T Rex 700E F3C Blade QX 350 DJI Phantom FC40 DJI Spreading Wings S800 EVO DJI Spreading Wings S900 Draganfly Innovations X6 Harris I8 HL Tarot 650, Tarot FY690S	1 (each)

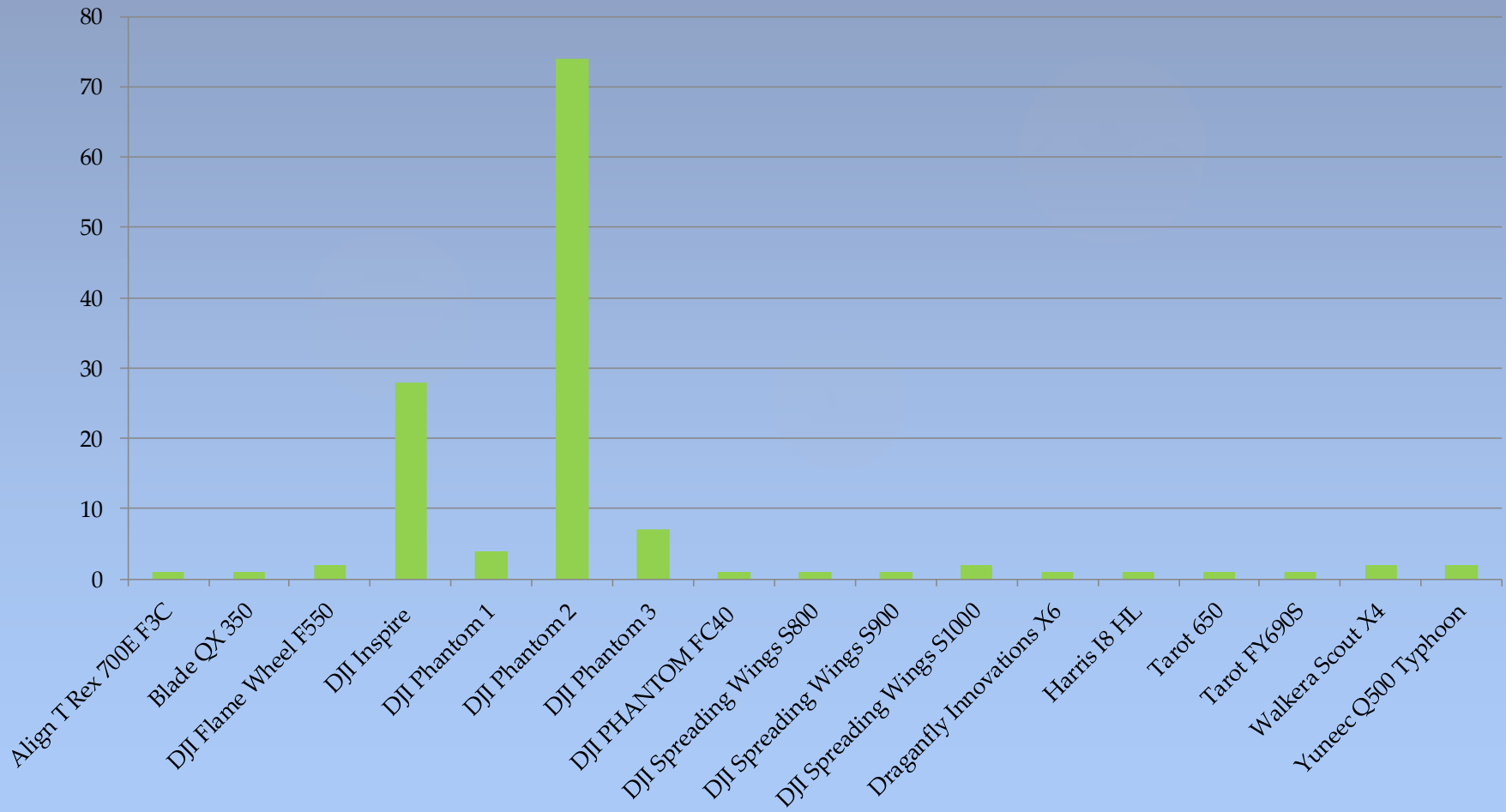
333 Exemptions

UAS Manufacturers in the Real Estate Industry



333 Exemptions

UAS Models in the Real Estate Industry



Contact Information

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