FAA Broadens Public Drone Use Authorization

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As a result of recent changes by the FAA, there has never been a better time to institute a government unmanned aircraft ("drone") program to support law enforcement, emergency response, or public infrastructure inspection. Until recently, the process for obtaining approval for the public use of drones was time consuming, cumbersome, and very limiting. Agencies were required to obtain two separate authorizations: one for training and one for operations. Once approved, flights were restricted to pre-approved areas. This has all changed.

The FAA will now issue what it refers to as a "Blanket Area Public Certificate of Authorization or Waiver (COA)." This authorization, which may be granted in as little as 60 days, will allow small drones (under 55 pounds) to operate during the day nationwide, provided they remain in Class G airspace and specified distances from airports. Unlike a commercial use or 333 exemption blanket COA, operators will not necessarily be required to hold a pilot's certificate to fly public unmanned aircraft. Moreover, unlike past public use authorizations, the FAA will not require two separate applications for training and operations.

Of course, obtaining a Blanket Area Public COA is only the first step in implementing a successful program. Agencies need to work with trusted counsel to develop policies and procedures governing the safe and responsible use of this new tool. This includes, among other things, the thoughtful implementation of privacy and data retention policies, operational checklists and mutual support agreements.

The experienced Unmanned Aircraft Systems team at Frost Brown Todd can guide you through every step of the process, from developing a public use plan to completing the FAA application through full implementation, compliance and recurrent training. Please contact James Mackler for more information.

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