

FAA ALERT

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FAA Launches Commercial Drone “Pathfinder” Program

In our February 16, 2015 client alert titled “[FAA Proposes New Rules on Commercial Drones](#),” we noted that the Federal Aviation Administration (the “FAA”) had proposed rules requiring, among other things, that all commercial drones must fly within the operator’s line of sight. Needless to say that the proposed rules were not well received by the two biggest companies seeking to use drones for package delivery in the U.S., Amazon.com, Inc. and Google, Inc. The FAA has been reluctant to allow for advanced operations such as package delivery services because, in FAA’s view, commercial drones would become a safety concern if they were utilized outside the operator’s visual-line-of-sight.

The FAA, however, has been under pressure from Congress and private companies alike to reconsider its stance on beyond-visual-line-of-sight (“BVLOS”) operations. One of the arguments is that this technology is presently being used in other countries and that the U.S. is lagging behind in this area. With respect to the safety concerns, the critics argue commercial drones built for BVLOS operations would have on-board cameras attached to them, which will enable an operator to make course changes to avoid obstacles and not collide with other objects or persons.

In response to the criticism, the FAA issued a [press release](#) today announcing the launch of a drone program called “Pathfinder,” in which three companies will partner with the FAA to test the use of drones for commercial purposes. This announcement follows FAA’s landmark decision on May 1, 2015, to allow a particularly large Yamaha unmanned helicopter to begin agricultural flights to spray crops in the U.S.

CNN will be researching how visual line-of-sight operations might be used for newsgathering in urban areas. PrecisionHawk, a manufacturer, will be surveying crops in rural areas using unmanned aircraft flying BVLOS. Finally, BNSF Railroad will explore the challenges of using these vehicles to inspect their rail infrastructure BVLOS in isolated areas.

Note that the Pathfinder program is designed to assist the FAA to determine if and how it can safely expand unmanned aircraft operations in the U.S. It does not mean that the FAA has reverted from its original position as reflected in the February 2015 proposed rules. The results of the Pathfinder program will determine, in part and, to what extent, if any, the FAA allows BVLOS operations in the final rules.

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