

It's a Bird! It's a Plane! It's a ... Drone?

By **Krystina E. Garabis**

The Federal Aviation Administration recently issued final rules requiring remote identification of Unmanned Aerial Systems ("UAS" aka drones) and allowing flight over people, moving vehicles, and at night under certain conditions. The final rules went into effect on April 21, 2021.

The Remote ID rule requires the UAS and its control center, or place of takeoff, to be remotely identifiable while the UAS is in flight. The Operations Over People rule allows pilots to fly UAS over people and at night, if the UAS has appropriate anti-collision lighting. The rule splits the various types of UAS into four categories based on the risk level of flying over people. UAS under 0.55 pounds are considered the safest and may fly over people if the pilot complies with the Remote ID Rule and the UAS does not have any exposed rotating parts. UAS over 0.55 pounds are split into three other categories based on UAS operating requirements. All UAS pilots must complete a training course and pass an updated knowledge test to use this new rule. Prior to these changes, a pilot had to request and apply for a waiver to fly at night or over people.

The new rules lay a strong foundation for a wider range of UAS operations. The Operations Over People rule represents a major step forward for the expanded use of drones and increases the likelihood of the use of UAS for commercial deliveries. These rules demonstrate the FAA's vigor to continue to update and expand permissible drone activities in response to a rising increase in commercial interest. As the frequency and use of UAS continue to expand, the need for new regulations and amendments to existing regulations will continue to grow and change. Practical questions and legal issues will continue to arise, requiring smart and creative solutions.

If you would like more information on this or other issues relating to transportation, please contact any of the listed attorneys.

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