

Wiley Files *Amicus* Brief in Support of FAA's Drone Remote ID Rule at D.C. Circuit

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Washington, DC – Wiley, a preeminent Washington, DC law firm, submitted an *amicus* brief on behalf of the Association for Unmanned Vehicle Systems International (AUVSI), urging the D.C. Circuit to reject a challenge to a federal rule requiring most drones operating in U.S. airspace to have remote ID capability.

Wiley explained in the brief that the final remote ID rule, adopted in December 2020 by the Federal Aviation Administration (FAA), is an “essential step forward” for the safe integration of unmanned aircraft systems (UAS) into the national airspace.

The brief, filed in support of the FAA, highlights the critical role remote ID will play in moving the drone industry forward – as well as the industry’s active engagement in the rulemaking process and support for the rule. It also refutes the petitioners’ legal claims that there were procedural flaws in adopting the rule and that the rule somehow constitutes a Fourth Amendment violation.

The brief was authored by Wiley partner Joshua S. Turner, co-chair of the UAS Practice, and Wiley senior associate Sara M. Baxenberg, with assistance from Wiley associate Travis Stoller. Turner and Baxenberg serve as counsel in this matter for AUVSI, the world’s largest autonomous and remote systems trade association.

The rule “will have a tremendous positive impact on the drone industry and its ability to bring this transformative aviation technology to the American people,” according to the brief. “The Final Rule’s adoption already has allowed the FAA to expand its existing regulations to allow flights over crowds of people using aircraft that are equipped with remote ID and meet other safety criteria.”

Related Professionals

Joshua S. Turner
Partner

202.719.4807
jturner@wiley.law

Sara M. Baxenberg
Partner

202.719.3755
sbaxenberg@wiley.law

Practice Areas

Telecom, Media & Technology
Uncrewed Aircraft Systems (UAS)

Turner and Baxenberg also noted in the brief that as drone integration continues in the U.S. airspace, “capabilities such as remote delivery of lifesaving medicine, faster and better disaster response, unparalleled access to news delivery, and, eventually, pilotless air taxis, can all become a reality.”

The case is *Brennan v. Dickson*, No. 21-1087, in the U.S. Court of Appeals for the District of Columbia Circuit. Oral argument is scheduled for December 15, 2021.

Wiley has been engaged in UAS matters since the outset of the FAA opening the door to commercial uses. Drawing on its wealth of experience representing clients before regulatory agencies, obtaining necessary authorizations and licenses, and advising clients on regulatory obligations, Wiley has been significantly involved in the evolving legal landscape of UAS, and has worked closely with its clients as the technology and business cases for Advanced Air Mobility have grown and evolved. Wiley represents clients from the operator, telecom, media, insurance, commerce, aviation, agriculture, higher education, public safety, transportation, and manufacturing sectors.