

ALERT

Petitions Challenge FAA Order on Model Aircraft and Drone Rules

August 25, 2014

Several parties have petitioned the D.C. Circuit Court of Appeals for review of a Federal Aviation Administration (FAA) Order issued on June 25, 2014. See Interpretation of the Special Rule for Model Aircraft, 79 Fed. Reg. 36,172, June 25, 2014 (the Order). The Order sets out and seeks comment upon the FAA's interpretation of the special rule for model aircraft established by Congress in the FAA Modernization and Reform Act of 2012. The provisions of the statute limited the ability of the FAA to impose new regulations on certain model aircraft operations. The Order concludes, among other things, that for the purposes of the statute, covered "model aircraft" cannot be used for commercial purposes and must remain within the visual line of sight of the operator.

The three petitions were filed by the Academy of Model Aeronautics (AMA), representing model aircraft hobbyists, the Council on Governmental Relations (COGR), an association of universities, and a group of private operators and developers of unmanned aerial vehicles (including UAS America Fund, SkyPlan, Peter Sachs, and FPV Manuals LLC). The petitions challenge various aspects of the Order, including the ban on commercial operations and the prohibition on the use of "first person" video links.

While certain media stories have characterized these petitions as "new lawsuits," they are in fact petitions for review of administrative action. The FAA is still taking comments on the challenged Order; the deadline for comments is September 23, 2014.

Copies of the petitions are available here: AMA, COGR, and UAS America *et al.*

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Practice Areas

Uncrewed Aircraft Systems (UAS)