

UAS Takes Flight for Film Companies

September 25, 2014

Today, the Federal Aviation Administration (FAA) granted exemptions for six aerial photo and video production companies working in the movie and television industries to operate commercial unmanned aircraft systems (UAS) under specific conditions. Under the current law, with the exception of hobbyist, noncommercial uses, civil operation of UAS in U.S. airspace is banned unless the FAA grants an exemption under Section 333 of the FAA Modernization and Reform Act of 2012 and issues a Certificate of Waiver or Authorization (COA) for a commercial entity to operate a UAS.

Today, the FAA determined that the operations proposed by the six production companies involved did not pose hazards to public safety, and it worked closely with the companies to develop operating conditions to ensure safety. The FAA's grant specifically mentioned the following points:

- UAS operations will be conducted in a controlled, closed-set filming environment.
- The UAS must weigh less than 55 pounds including energy source(s) and equipment.
- Flights must be operated at an altitude of no more than 400 feet above ground level.
- The UAS must be operated within visual line of sight of the Pilot in Command (PIC) at all times. The Pilot in Command must possess at least a private pilot certificate and at least a current third-class medical certificate. In addition, all operations must utilize a Visual Observer.
- The UAS must yield the right of way to all other manned operations and activities at all times.

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

Practice Areas

Telecom, Media & Technology
Uncrewed Aircraft Systems (UAS)

- UAS operations may not be conducted at night, although the FAA will reconsider this restriction if sufficient safeguards are implemented.
- The UAS has the capability to operate safely after experiencing certain in-flight failures. The UAS can respond to a lost-link event with a pre-coordinated, predictable, automated flight maneuver.
- Based on the limited size, weight, operating conditions, design safety features, and imposed conditions and limitations, the petitioners demonstrated that UAS operation would not adversely affect safety compared to similar operations conducted with manned aircraft.

The full text of the grants is available [here](#).

During the press conference announcing these exemptions, FAA Administrator Michael Huerta invited more commercial entities to apply for exemptions under Section 333 of the FAA Modernization and Reform Act of 2012. He indicated that there are approximately 40 petitions pending, and that any commercial entity can apply for appropriate exemptions in low-risk, controlled environments. Approvals are case-by-case, and the FAA will examine the unique circumstances of each application. He also announced that the FAA has created a new set of guidelines to assist entities in applying for these exemptions.

With today's announcement and the FAA's new guidelines for petitioning for exemption under Section 333, the FAA and Department of Transportation appear open to considering other applications to commercially operate UAS. In addition to the new guidelines, U.S. Transportation Secretary Anthony Foxx called the movie and television industry petitions a "model" for seeking approval.