

FAA Grounding Commercial UAS on Websites, YouTube

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The Federal Aviation Administration (FAA) has recently stepped up enforcement efforts against Unmanned Aircraft Systems (UAS) operators engaged in unauthorized "commercial" operations. The FAA's current regulatory scheme permits hobby and recreational use of UAS but requires commercial UAS users to receive FAA authorization before beginning operations. Two recent regional office enforcement actions against UAS hobbyists (prompted by the content on their respective websites) reaffirms the FAA's commitment to preventing unapproved UAS operations and signals that the agency may be adopting a broad view of what constitutes "commercial" operation.

Steve Girard, a UAS owner in Portland, has a website that advertises his UAS aerial photography services. On March 3, he received a voicemail message from an FAA official indicating that an FAA investigator would follow up about potential violations and asking Girard to take down his website. Girard removed the prices for his services from the website, but continued to receive calls from the FAA regarding the website.

Another recent enforcement action indicates the FAA is taking an even more expansive view of what it means to be a "commercial" UAS operator. Jayson Hanes, a hobbyist who operates a YouTube channel that includes UAS-recorded videos of the Tampa area, received a letter from the FAA explaining that the agency received a complaint about Hanes' unauthorized commercial UAS use. The letter cited Hanes' YouTube channel and stated "[a]fter a review of your web site, it does appear that the complaint is valid." The letter did not provide specific grounds for the violation. At the time, Hanes did not offer traditional commercial services but had monetized his

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videos on YouTube by permitting ads to play before his videos. The FAA later sent a follow-up letter stating that the regional office is investigating whether Hanes' UAS flew in close proximity of airports.

The agency has not yet fined an operator for unauthorized commercial operation, but did impose a \$10,000 penalty on Rafael Pirker in 2013 for reckless operation of a UAS. Pirker appealed the fine, and the parties settled in January of this year. As of March 26, 2015, the FAA had granted 66 petitions authorizing commercial UAS operation pursuant to the agency's authority under the 2012 FAA Modernization and Reform Act.