



DOT Moves Forward on Drone Integration

The U.S. Department of Transportation ("DOT") has taken significant strides regarding the future of unmanned aircraft systems ("UAS") integration in the United States.

First, on May 9, 2018, the DOT announced its initial selections for the UAS Integration Pilot Program under which state, local, and tribal governments will collaborate with the private sector to "test the further integration of UAS." DOT selected 10 participants from around the country that will focus on package delivery, detect-and-avoid technologies, night operations, flight over people and beyond visual line of sight, and the reliability of data links between pilot and aircraft. This effort will gather data help to shape future rules and explore key issues related to drones, such as the balance of state and federal interests, security, and privacy.

DOT also submitted the Operations of Small Unmanned Aircraft Over People Notice of Proposed Rulemaking and the Safe and Secure Operations of Small UAS Advance Notice of Proposed Rulemaking ("ANPRM") to the Office of Management and Budget ("OMB") for review.

These two major rulemakings will pave the way for increased utility of commercial drone use and ensure that the Federal Aviation Administration ("FAA") will be able to move forward on drone integration. An FAA waiver is currently required to fly drones over people. The ANPRM, a precursor to a proposed rule, will seek public input on the remote identification of drones, including operational, airspace, and hardware requirements for identification and tracking of drones as well as "the balance of needs between UAS operators and the law enforcement and national defense communities." This is significant because law enforcement concerns have slowed FAA's promulgation of new rules permitting increased drone operations.

OMB approval is required before the documents can be published in the *Federal Register*, which DOT indicates may occur in June 2018, rather than August as initially anticipated.

Commercial drone users should be encouraged that DOT is pushing to allow increased types of operations as well as facilitating current and future users of the airspace. Interested entities should prepare now to comment on the forthcoming proposals and also consider meeting with OMB to ensure it has heard your interests as it reviews the proposals.

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