



White House unveils new Unmanned Aircraft Systems Integration Pilot Program

27 October 2017

This week, the White House announced a new Pilot Program to further integrate unmanned aircraft systems (UAS or drones) into the National Airspace System (NAS) and to enable development of new UAS technologies for use in a wide range of commercial industries.

The emerging commercial drone industry benefits the public in real and profound ways. While the public benefits of commercial drones are substantial, policymaking has lagged behind the technology in the United States. In an effort to move policy forward, the Administration's UAS [Integration Pilot Program](#) will allow private sector entities to partner with state, local, and tribal governments to enable expanded UAS operations and maximize the benefits of UAS technologies for the public.

Here are ten things you should know about the new UAS Integration Pilot Program:

- Objectives.** The three primary objectives of the Pilot Program are to:
 - **test and evaluate** various models of state, local, and tribal government involvement in the development and enforcement of Federal regulations for UAS operations;
 - encourage UAS owners and operators to **develop and safely test** new and innovative UAS concepts of operations; and
 - **inform the development** of future Federal guidelines and regulatory decisions on UAS operations nationwide.
- Beyond Part 107.** For commercial entities interested in expanded UAS operations beyond basic Part 107 operations, the Pilot Program is an opportunity to push UAS policy boundaries forward and enable more advanced flight operations, like flights beyond visual line of sight of the pilot, over people, and at night. Similar to the Federal Aviation Administration's (FAA) Pathfinder Program, participants in the Pilot Program will expend resources for the public good, while receiving expedited consideration of exemptions, authorizations, and waivers from FAA regulations. [The FAA has made great strides recently](#). It is hoped that the waiver process continues to improve, and becomes more transparent and streamlined.

3. **Timing.** The FAA has 90 days to establish the Pilot Program. Within 180 days after establishing the Pilot Program, the Department of Transportation must enter into agreements with state, local, or tribal governments to participate in the Pilot Program.
4. **Applicants.** State, local, and tribal governments, *not* private sector entities, will be the applicants. This means that commercial operators interested in participating in the Pilot Program must coordinate with and establish relationships with potential governmental partners who may want to participate in the Pilot Program ASAP.
5. **Scope.** The FAA will solicit proposals from state, local, and tribal governments to test the integration of UAS operations into the NAS below 200 feet above ground level, or up to 400 feet above ground level if the FAA determines that such an adjustment would be appropriate.
6. **Factors for Consideration.** When selecting proposals for participation in the Program, the FAA will consider at least the following factors:
 - the economic, geographic, and climatic diversity of the selected jurisdictions;
 - the overall diversity of the proposed models of government involvement and types of UAS operations conducted;
 - the location of critical infrastructure;
 - the involvement of commercial entities in the proposal, and their ability to perform UAS operations that are in the public interest;
 - the commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety, and to address competition, privacy, and civil liberties concerns; and
 - the commitment of the governments and UAS operators involved in the proposal to promoting innovation and economic development, enhancing transportation and workplace safety, improving emergency response and search and rescue functions, and using radio spectrum efficiently and competitively.
7. **Numbers.** The Pilot Program will have a minimum of five partnership agreements, but there is no maximum number of participants. The FAA will consider new applicants on a rolling basis up to one year before the Program is scheduled to terminate. The Pilot Program is scheduled to terminate in three years (25 October 2020).
8. **Drone Security.** In addition to commercial UAS operators, state, local, and tribal governments may also partner with companies providing counter-UAS services looking to test their technology for the public benefit.
9. **Federal Preemption.** Throughout the country, there is a heated debate surrounding the extent to which (and how) state and local governments ought to regulate commercial UAS operations. The Pilot Program is an appropriate next step to encourage partnership and collaboration among federal, state, and local governments.
10. **Importance of this Effort.** The establishment of this new Pilot Program signals clearly the Administration's recognition of the commercial drone industry's tremendous potential. It represents an important step in the right direction for UAS policy.

The Administration's announcement of the new Pilot Program is generating a lot of excitement in the industry, and we expect to see commercial UAS operators in a wide range of industries

interested in participating. We expect DOT and FAA to publish additional guidance with more details soon, and we will provide updates when more information becomes available.

Contacts



Lisa Ellman
Partner, Washington, D.C.
T +1 202 637 6934
lisa.ellman@hoganlovells.com



Tazewell Ellett
Partner, Washington, D.C.
T +1 202 637 8644
tazewell.ellett@hoganlovells.com



Patrick Rizzi
Counsel, Washington, D.C.
T +1 202 637 5659
patrick.rizzi@hoganlovells.com



Gretchen West
Senior Advisor, Silicon Valley
T +1 650 463 4062
gretchen.west@hoganlovells.com



Matthew Clark
Senior Associate, Northern Virginia
T +1 703 610 6154
matt.clark@hoganlovells.com

www.hoganlovells.com

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses.

The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members. For more information about Hogan Lovells, the partners and their qualifications, see www.hoganlovells.com.

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.

© Hogan Lovells 2017. All rights reserved.