Thursday, March 28, 2019

Last year, the Federal Aviation Administration (FAA) announced that unmanned aerial system (UAS or drone) delivery operations would be required to obtain a commercial air operator certificate issued under 14 CFR Part 119, as required by 14 CFR Part 135. This certification requires “economic authority” from the Department of Transportation (DOT) which can be given only to a U.S. citizen. This also means that the UAS delivery services would need to meet the same safety and economic certification standards as commercial operators of passenger aircraft. The announcement was met with skepticism throughout the UAS industry—many elements of the certification process are impractical (and even impossible) for UAS operators. For instance, under 14 CFR sec. 135.25(a), the aircraft must be in an airworthy condition and meet the applicable airworthiness requirements of Part 135, meaning that the operator must also obtain an airworthiness certificate; small UAS do not even qualify for an airworthiness certificate. Additionally, Part 135 requires pilots to have minimum flight experience and training, which is inconsistent with the Small UAS Rule (or Part 107).

Currently, existing federal regulations for UAS delivery are inconsistent with the realities of UAS operations. However, the FAA does have plans to move forward with exemptions and avoid stalling the integration of UAS package delivery in our national airspace. We will continue to follow the FAA’s progress in this area and watch for new guidelines on commercial package delivery by drone—it will be here sooner than you think.

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