

FAA Issues First National Waiver for Beyond-Visual-Line-of-Sight Drone Operations

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State Farm just announced that it has received “[the first national waiver to any company in the U.S. by the Federal Aviation Administration \(FAA\)](#)” for the operation of unmanned aircraft systems (UAS) or drones beyond visual line of sight (BVLOS) and over people. The waiver grants relief of certain FAA rules through 2022.

Through nearly two years of drone-safety case research with the Mid-Atlantic Aviation Partnership at Virginia Tech, and numerous test flights with a fixed-wing drone, State Farm built its safety case documentation. State Farm previously received temporary FAA waivers to conduct BVLOS damage-assessment operations over people in areas affected by hurricanes Florence and Michael. State Farm credits that “real-world experience and insights” for bolstering its national waiver request.

There are some nuances in [State Farm’s FAA Waiver](#) that are important to note.

First, the use of a Visual Observer (VO) is not completely waived. There is a stipulation that “at least one VO” must be used, though they “may not be able to see the unmanned aircraft” throughout the entire flight.

Second, there is a requirement for a Notice to Airmen to be filed: “Not less than 24 hours prior to conducting operations that are the subject of this Waiver, a Notice to Airmen (NOTAM) must be filed. The NOTAM must include location, altitude, and/or operating area, time and nature of the activity.”

Third, the waiver applies for only operations “with the make and model [small UAS] described in the waiver application”, meaning they cannot substitute different types of drones to operate under this waiver, unless they specifically included them in the waiver request.

Finally, operations under this waiver are limited to Class G airspace, unless State Farm receives “specific authorization from the FAA.” The waiver is not a substitute for an airspace authorization when State Farm is operating outside of Class G airspace.

There is no doubt that this is a significant milestone for the integration of UAS into the National Airspace System and that State Farm deserves accolades for its achievement. Industry is hopeful that similar waivers will be granted for other

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commercial UAS operations, and that such waivers will become commonplace. Anticipated rulemakings for UAS remote identification, and UAS operations over people, are on tap for the first part of 2019. However, as we enter day 21 of the partial government shutdown, which includes the FAA, it is unclear if those announcements will stay on track.

Akin Gump Strauss Hauer & Feld LLP's Jennifer Richter and Mark Aitken recently spoke to *Law360* about new drone regulations and are quoted in *Law360*'s article "[Transportation Legislation and Regulation to Watch in 2019.](#)"