

FAA Waivers Allow for Greater Newsgathering Opportunities with Drones

By Jennifer M. Nowak and Christine N. Walz

On August 29, 2016, the new Federal Aviation Administration (“FAA”) regulations allowing for greater commercial use of drones weighing less than 55 lbs. became effective. These regulations open up significant opportunities for newsgathering. Under the regulations, operators may also request waivers for operations outside the parameters of some of the rule’s provisions.

Since the final drone regulations became effective, the FAA has issued 79 waivers that allow for operations outside the parameters of the rule. The majority of the waivers allow for UAS operations outside of daylight hours, with specific mitigating factors that are listed in the waivers. Other waivers allow for operation out of the pilot’s visual line of sight with mitigation, and allow for flights of multiple UAS with mitigation.

News organization CNN recently received a waiver to permit flights over people. Its [waiver](#) allows operations over people in a “closed-set” type of setting, with a tethered UAS weighing 1.37 pounds or less, and only over people who have agreed to be involved in the operation.

For news organizations contemplating waivers, the FAA has released two helpful documents:

First, it has released [specific instructions](#) on how to apply for a waiver, including instructions for seeking a blanket waiver to allow for operations outside of Class G airspace.

Second, it has provided [guidance](#) that outlines the performance-based standards that an applicant must satisfy in order to obtain a waiver. For example, an application requesting deviation from the prohibition of flights over people must provide “a method such that any malfunction of the sUAS will not cause injuries to non-participating persons on the ground” and “mitigate risk to non-participants through an operational risk assessment, testing, and data, addressing design features, operational limitations, or a combination thereof specific to the operation”.

Taken together, these documents provide a helpful framework for news organizations as they seek to expand the circumstances under which they can operate drones for newsgathering.

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