

## ALERTS

### Aviation And Agriculture Law Alert - Drones May Soon Take Off In Agriculture Industry

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On Feb. 15, the Federal Aviation Administration (FAA) has released its long-awaited notice of proposed rules with respect to unmanned aircraft systems (UAS). Once finalized, the proposed rules will replace the current almost-universal ban on flying UAS for commercial purposes with a protocol for authorizing operations for commercial flights of small UAS weighing up to 55 pounds.

The new rules limit unmanned flight to daylight and visual-line-of-sight operations in addition to addressing height restrictions, operator certification, optional use of a visual observer, aircraft registration and marking, and operational limits.

Several precision agriculture companies have already received authorization from the FAA to use unmanned aircraft prior to the announcement of the proposed rule through a lengthy petition process. Those companies employ unmanned aircraft to conduct precision photogrammetry and crop scouting. The data collected from the UAS can direct variable seeding rates as well as the precise application of fertilizer and chemicals which allows farmers to maximize crop yield while reducing costs.

If the UAS will weigh more than 55 pounds, such as a UAS that would be used for crop spraying, a variance from the rules will remain necessary.

The new rules have not yet gone into effect. There will be a 60 day public comment window on the new regulation. This is an ideal opportunity for businesses to offer input that will shape the future of UAS regulation. For example, the FAA has explicitly invited comments on the visual-line-of-sight requirement included in the notice of proposed rulemaking. As it stands, this requirement puts a damper on the effectiveness of UAS when covering large or remote fields.

The current unmanned aircraft rules will remain effective until the new rule is implemented sometime after the public comment period has closed.

For more information, contact the Barnes & Thornburg attorney with whom you work, or Clifford Maine at [Clifford.Maine@btlaw.com](mailto:Clifford.Maine@btlaw.com) or 616-742-3944, or Connie Lahn at [Connie.Lahn@btlaw.com](mailto:Connie.Lahn@btlaw.com) or 612-367-8706 .

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