

## ALERTS

### Aviation And Real Estate Law Alert - FAA's Proposed Rules On Drones Impact Real Estate Industry

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On Feb. 15, the Federal Aviation Administration (FAA) released its long-awaited notice of proposed rules with respect to small unmanned aircraft systems (UAS) also known as drones. 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 proposed rules place restrictions on UAS flights to ensure the continued safety of national airspace. The proposed rules limit unmanned flights 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.

The proposed rules for the commercial use of UAS provide substantial benefits to businesses in the real estate industry, particularly in the areas of research and development, inspections of crops, antennas, cell towers, bridges, wind turbines, and pipelines as well as surveying and mapping. The use of UAS will allow companies to capture data previously not available, gather better quality information, reduce operational costs, and improve productivity and efficiency of field staff.

There will be a 60-day public comment window on the new regulation after it is published. The public comment window provides an ideal opportunity for businesses to offer input that will shape the future of UAS regulation. The current UAS rules will remain effective until the new rules are implemented sometime after the public comment period has closed. Following such time, businesses must also be aware of and abide by all applicable state statutes, local rules, and common laws concerning privacy, safety, and property rights.

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