Sam's Club Bets Drones Will Fly Off the Shelves at Christmas

NEWS NEWS REPORTS *June 11, 2015 by DRONELIFE News - No comments*

(Source: wsj.com)

Move over BB guns and videogames. Christmas morning may have a new menace.

Sam's Club is betting drones will be a popular holiday gift this year and plans to stock about a dozen kinds—from $100 models to $4,000 versions with high resolution cameras or the ability to pick up small objects, said Dawn vonBechmann, senior vice president of technology, entertainment and office products for the wholesale chain owned by Wal-Mart Stores Inc.

The move comes as drones are capturing attention at a time when little else in the battered consumer electronics market is clicking at the register. Sam's started thinking about expanding its drone line after noticing a $1,169 model with a digital camera was selling "like crazy" online, Ms. vonBechmann said.

Sam's surveyed customers earlier this year and found about half bought the pricey drone for professional reasons; real-estate agents taking bird's eye view pictures of their high-end properties, wedding photographers hoping to get a client's ceremony from a new angle—and at least one rancher who uses it to check whether perimeter fences are intact from the comfort of his home. The rest are buying it for fun, Ms. vonBechmann said.

The Bentonville, Ark.-based discount chain, with $58 billion in annual sales, is hoping it can grow sales and increase memberships by offering more new and unexpected products.

Sales at U.S. Sam's Club existing stores inched up 0.4% in the most recent quarter excluding gas, while competitor Costco Wholesale Corp. notched a 5% gain in the same period.

To boost its sales, Sam's Club needs more excitement and newness, "re-engaging there like we did when we first started Sam's Club," said Rosalind Brewer, chief executive of the retailer. Ms. Brewer spoke during a news conference ahead of Wal-Mart's annual meeting of shareholders last week.

Drones are a niche part of the consumer electronics market that includes emerging technologies such as 3-D printers, Ultra High Definition televisions, wearable fitness devices and smartwatches. Such sales are expected to reach almost $11 billion this year, according to trade group Consumer Electronics Association. Three years ago, those sales were too small to track, the association said.

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Ninety percent of Sam's electronics come from six big companies including Samsung Electronics Co. and Apple Inc., a spokeswoman for the retailer said. The retailer hopes that drones, like flat screen TVs and computers in years past, will appeal to shoppers looking for a holiday gift that makes a big splash.

Phantom 2 Vision by DJI **$699**

Battery Life: Under 30 Minutes PURCHASE INFO

Camera: 1080p HD

PRODUCT INFORMATION

Sam's found the $1,169 DJI Phantom Vision 2+, made by SZ DJI Technology Co., as part of an event that gives smaller companies 30 minutes to pitch their products. The company put the drone on its website, which it often uses to test interest in new products, Ms. VonBechmann said.

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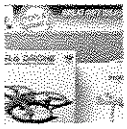

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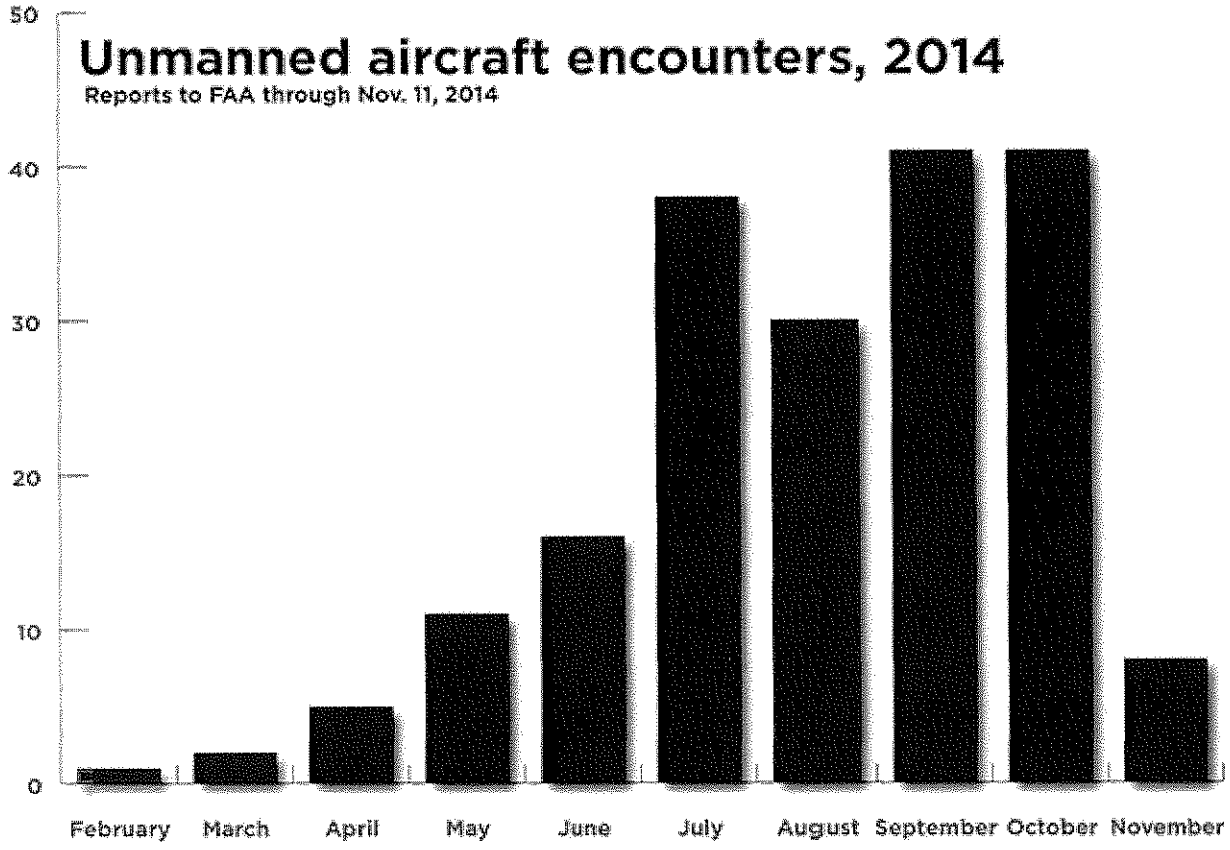
Unmanned Aircraft Encounters Increasing in USA



Nearly 200 encounters with unmanned aircraft, ranging from amusing to chillingly dangerous, were reported to the FAA between February and November of 2014; a list published by a New Orleans television station May 26 documents the growing use of drones—authorized and otherwise—and their infiltration of the National Airspace System.

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The U.S. Coast Guard reported that a DJI Phantom quadcopter operated by a photographer flew over the admiral's residence at Diamond Head Lighthouse on Nov. 8, though no property damage or National Airspace System penetration was noted. But many of the reports documented on the list published May 26 by Fox 8 News, a copy of which was sent to AOPA on request, detail more troubling encounters: unmanned aircraft flying much higher, in some cases near manned aircraft, airports, or navigation aids.

The reports were collected by various FAA facilities (most of them relayed through air traffic control, according to an FAA spokesman), and show a steady increase from just one report in February 2014 to 41 reports in July and August of 2014. The FAA is working to establish a systematic process for collecting these reports. So far they have been supplied by flight crews and public safety agencies on their own initiative. The FAA redacted the names and telephone numbers of those filing reports, a spokesman said, and "anything related to national security," but the reports are otherwise unaltered.

One report details unmanned aircraft activity being conducted on a runway in Joplin, Missouri, while the airport also hosted normal operations, though no notam was published for the unmanned operation. The person filing the report investigated and was told the activity was apparently illegal, and the operation ceased after the airport manager was notified. At least one aircraft in the pattern for the runway requested a different runway.

That same month, a report filed in Oklahoma documented an aircraft taking evasive action to avoid a small unmanned aircraft at 4,800 feet; the unmanned aircraft was described as two feet wide and black, with a camera attached. The pilot who took evasive action reported that the drone came within 10 to 20 feet of a collision.

Such near-misses were the exception, though several reports document unmanned aircraft operating well inside controlled airspace. In many cases the intention of the operators is unknown, though at least one military drone (a small, hand-held model) flew onward after losing data communication with the ground station. "The UAS last known altitude 650 feet, SW bound with a fuel exhaust time of approx 40 minutes. Expected to remain in the restricted area," the report, filed Oct. 24 in Columbus, Georgia, states.

In another case, operators lost control of an unmanned aircraft being used to record a high school football game in Madison, Mississippi, and it flew into controlled airspace. Local police investigated the incident, which resulted in no property damage or injuries, though that unmanned aircraft was spotted a mile from an airport by a passing pilot.

AOPA has long advocated for safety above all when it comes to unmanned operations, stressing the need for all aircraft operators to be able to "see and avoid" other aircraft at all times, whether the pilots are on the ground or in the air. AOPA participated on the FAA's Small Unmanned Aircraft Systems (UAS) Aviation Rulemaking Committee, which started meeting in 2008 to develop recommendations for the agency to integrate UAS safely. In 2009, the committee recommended that small UAS operators be required to keep the craft in sight and take training. In April, AOPA submitted formal comments on proposed rules, asking the FAA to limit commercial-use UAS to 400 feet agl to mirror the regulations already in place for model aircraft. AOPA asserted that lowering the ceiling for UAS from the FAA's proposed 500 feet to 400 feet would add a "small buffer between manned and unmanned operations in most areas."

The FAA is testing a smart phone application for unmanned aircraft operators designed to help them avoid dangerous or illegal operations; a link to that app, currently in testing, is posted online along with other information about current regulations, limitations, and other aspects of unmanned aircraft operations.

The AOPA Air Safety Institute offers a free online course, *Unmanned Aircraft and the National Airspace System*, to educate pilots on the different types of unmanned aircraft and how to safely coexist. AOPA has also joined with unmanned aircraft organizations to support the "Know Before You Fly" education campaign.

Source: AOPA

Posted in Regulatory Matters on June 2, 2015 by The Editor. Leave a comment

← ANTI-UAV DEFENCE SYSTEM DETECTS UAVS AT 8KM NEW ZEALAND SOON TO INTRODUCE UAS LEGISLATION →

DJI and Accel Announce SkyFund

Accel invested $75 million into DJI this month, sparking this new partnership. Skyfund will make $250,000-plus investments in early stage drone startups through convertible notes or traditional seed and Series A rounds. DJI and Accel will have the option to make follow-on investments.

Along with a closer relationship with DJI's hardware business, portfolio companies will get access to expert advisors, including Dropcam founder Greg Duff, former head of Facebook product management Sam Lessin, Twitter director of developer platform Jeff Seibert, and Emmy award-winning TV producer Dick Wolf, who has used drones in shows like Law & Order.

Both Airware (with its recently announced investment fund) and DJI seem to have realized that the drone industry is too big and the use cases too broad for a single company to build the whole technology stack. Instead, both are trying to become platforms, making flexible core software and hardware that can be customized for niche needs in different verticals. Just like Apple or Facebook didn't try to build every end application, these drone giants are trying to become the foundation of an ecosystem.

Companies around the world are eager to replace dangerous and expensive helicopters, planes, and satellites, and dangling humans with drones. Airware and DJI could entrench themselves in this budding commercial drone business by building a network of startups around themselves. At this rate, Airware and DJI could emerge as the software and hardware titans of dronetech.

Source: Tech Crunch

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Posted in Business News, Non-Military & Commercial UAS on June 1, 2015 by The Editor. Leave a comment

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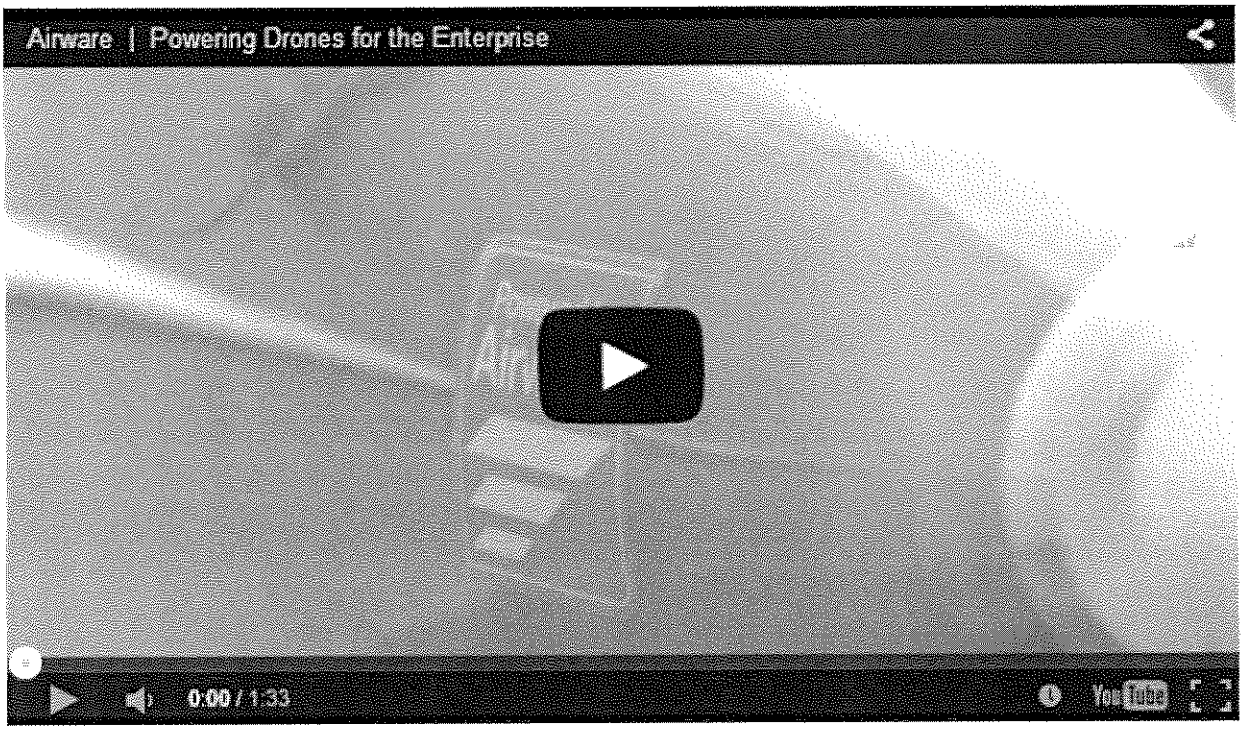
Airware Launches Drone Investment Fund



Airware is announcing the Commercial Drone Fund, which will invest $250,000 to $1 million in dozens of early stage startups that are building out other components of the enterprise drone ecosystem. The fund's first two investments are in RedBird, a Paris-based drone data processing startup, and Sky-Futures, a London company that builds drone sensors for monitoring oil and gas infrastructure.

Airware has raised over $40 million to scale its drone flight computer, operation software, and cloud data system.

Rather than invest from its own balance sheet of venture capital, or simply co-invest with traditional firms, Airware raised a separate fund from a set of limited partners. Airware's founder and CEO Jonathan Downey will be its general partner. The fund's size and LPs aren't being disclosed, but the backers may include traditional VCs, as Downey says they're open to investing in follow-on growth rounds beyond the fund.

"In the same way Airware's platform is acting as a catalyst on the technology side of things for companies looking to deploy drones for commercial applications, we're launching the Commercial Drone Fund to help catalyze these companies in a different way — by investing directly into them" Downey tells me. "These are technologies that are critical to scaling commercial drones."

The commercial Drone Fund will concentrate on five areas over the next two to three years:

1. **Sensor Hardware** - to improve the precision, speed, cost, and scale of what data drone can collect
2. **Software Applications** - that make deploying commercial drones easier
3. **Cloud-Based Aerial Data Analysis Tools** - for pulling insights from the data collected
4. **Drone-Based Services** - including companies that fly drones or sell data
5. **Complete Solutions For Specific Industries** - that pull together different hardware and software systems into full packages for commercial customers

Portfolio companies will get access to Downey, who built drones for MIT and Boeing, and help raising additional funding. Airware's own investors, including Andreessen Horowitz, First Round, Kleiner Perkins, Google Ventures, and Felicis Ventures, give it plenty of connections to share.

Source: Tech Crunch

Posted in Business News, Non-Military & Commercial UAS on June 1, 2015 by The Editor. Leave a comment

AMA Provides sUAS Education Online

The Academy of Model Aeronautics (AMA), an organisation that promotes the development of model aviation, has announced the latest addition to its AMA Flight School online learning centre: small Unmanned Aircraft Systems (sUAS) education with partner Fly Robotics.

The Fly Robotics team brings with it an unprecedented portfolio of UAS experience and instruction. With multiple Department of Defense certified flight instructors and national champions, Fly Robotics will be an integral piece of AMA Flight School, serving as the sUAS online course and regional flight school provider. Additionally, Fly Robotics has provided basic safety and introductory sUAS content for anyone interested in learning more about drones.

Based upon the criteria presented in FAA's sUAS Notice of Proposed Rulemaking, this course will be of great value to anyone wanting to get a head start on the upcoming FAA sUAS commercial use certification test, or those wanting to learn safe unmanned aircraft operations.

The AMA celebrates nearly 80 years of safe operations in the National Airspace System and continues, through educational content, to provide the knowledge necessary to safely fly a drone or sUAS.

Source: Press Release

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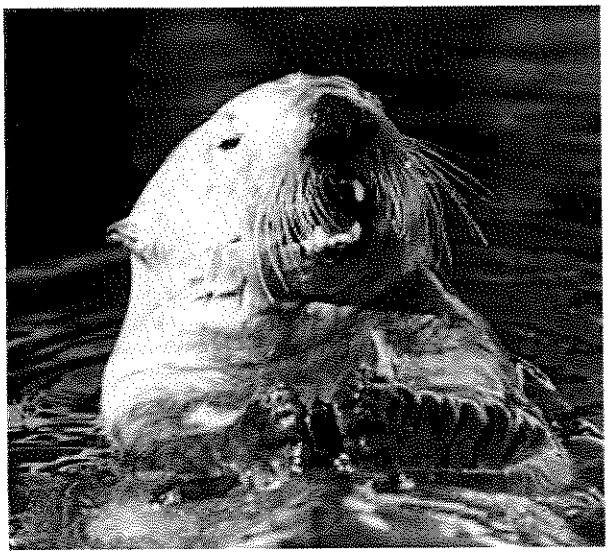
Posted in Non-Military & Commercial UAS on April 21, 2015 by The Editor. Leave a comment

Alaska Researchers Use Drones to Study Otters



Scientists wanting to know what sea otters eat while floating far from shore have turned to the sky. During an April mission in Kachemak Bay, researchers tested unmanned drones to see if they could be used for future sea otter surveys. The project also used drones to study the prevalence of sea grass in intertidal flats.

Using drones for the intertidal flats mission was mostly to streamline the process, allowing a larger area to be surveyed in a shorter amount of time.

When it comes to otters, scientists want to know what the predators regularly eat to better understand how it may affect fisheries management. Current observation techniques are restricted to watching sea otters with high-powered spotting scopes. The practice is only viable on land, as swells and turbulent boats make scopes unfeasible.

Close to shore, otters eat clams, crab, octopus, fish and the occasional sea urchin or star fish. But in open water, scientists "have no idea what they're feeding on," Brenda Konar, professor of marine biology at the University of Alaska Fairbanks, said.

During the project, most drone flights were conducted from land so researchers could use spotting scopes to see if otters avoided the drones.

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According to Konar, the project was "really successful," even without recording new feeding data. "At this point, all we did with them was to see how close we can get to them and see if the would try to freak out or not."

Konar said drones were able to be flown within about 10 feet of the otters, and most animals paid the quadcopters no attention.

Kachemak Bay's otter population is doing better than most around Alaska, Konar said. That is in contrast to the Bay's crab population. "They're not coming back the way people are hoping," Konar said of crabs. Konar hopes drones can help determine if otters' fishing habits contribute to low crab numbers.

Team members learned both from successes and challenges during the mission.

Sam Vanderwaal, project manager and drone pilot, said tricky technical issues arose. Maintaining connectivity with drones was problematic while trying to catch otters in the bay. Common issues — like recharging batteries in the field and keeping equipment dry — also popped up.

Vanderwaal is an embedded contractor at the Alaska Center for Unmanned Aircraft Systems Integration at UAF's Geophysical Institute. The Center for Unmanned Aircraft has a certificate of authorization from the Federal Aviation Administration to operate drones professionally.

The GoPro cameras equipped on the drones also lacked sufficient resolution for the tidal flats survey. A better camera would require drones with larger payloads.

When it came to otters, simple techniques were practiced to get drones as close as possible. As otters dove to find food drone operators would lower the aircraft for when the animal resurfaced. "We learned if you did it in steps the otter didn't seem to care," Konar said.

Konar is working to procure funding for the next mission, when she would like to get some actual feeding data.

Source: newsminer.com

FAA SELECTS MISSISSIPPI STATE-LED TEAM FOR UAS CENTER OF EXCELLENCE

FAA Selects Mississippi State-Led Team for UAS Center of Excellence
By AUVSI News posted Fri, May 08, 2015 07:41 PM

MSU demonstrates using UAS for a river survey in the Mississippi Delta in December 2014. Photo: AUVSI.

AUVSI President and CEO discusses unmanned systems with FAA Administrator Michael Huerta at AUVSI's Unmanned Systems 2015. Photo: Robb Cohen.

by AUVSI News

The U.S. Federal Aviation Administration has named a team led by Mississippi State University as its new Center of Excellence for Unmanned Aircraft Systems.

The new center will be run by MSU's Alliance for System Safety of UAS through Research Excellence, or ASSURE, which comprises top UAS research universities and over 100 government and industry partners. The COE will study technical issues needed for the successful introduction of UAS into the National Airspace System, including detect-and-avoid technology, low-altitude operations safety, control and communications, training and certification of UAS pilots, and compatibility with air traffic control operations. Other research areas may be added over time.

"This world-class, public-private partnership will help us focus on the challenges and opportunities of this cutting-edge technology," said U.S. Transportation Secretary Anthony Foxx. "We expect this team will help us to educate and train a cadre of unmanned aircraft professionals well into the future."

AUVSI President and CEO Brian Wynne congratulated the team and said AUVSI looks forward to working with ASSURE and the FAA to advance research and development on UAS.

"It's critical that we begin looking to the future now and laying the groundwork for more transformational uses of UAS technology, notably beyond-line-of-sight operations," Wynne said. "The Center of Excellence designation, the Pathfinder Program announced earlier this week and ongoing industry and government research efforts all point to a future where the possible will one day become reality."

The FAA announced at AUVSI's Unmanned Systems 2015 conference earlier this week that it has partnered with three companies to perform beyond-line-of-sight operations, which it called the Pathfinder Program.

The new Center of Excellence will coordinate with the six existing UAS test centers, but how that will be done hasn't yet been determined. When it issued the final solicitation for universities competing to house the center, the FAA said that process will be set up once the COE is selected and develops its own detailed research plans.

"This has been a six-year effort for Mississippi State and three years for our partner universities," said ASSURE executive director James Poss, also a retired major general from the Air Force. "We picked our team because they know unmanned systems and they know the FAA. That will make it easier to turn UAS research into FAA rules quickly."

Congress approved $5 million for the five-year agreement with the COE. The center's academic team members will match the federal grants dollar for dollar from nonfederal sources.

"This team has the capabilities and resources to quickly get up and running to help the FAA address the demands of this challenging technology over the next decade," said FAA Administrator Michael Huerta.

The FAA expects the COE will be able to begin research by September 2015 and be fully operational, with at "robust research agenda," by January 2016.

The center joins seven others set up by the FAA, which cover topics such as commercial space, general aviation, alternative jet fuels and the environment.

For more information about the members of ASSURE, visit the ASSURE website here.

Click here for more information on the MSU Center of Excellence and the university's plans.

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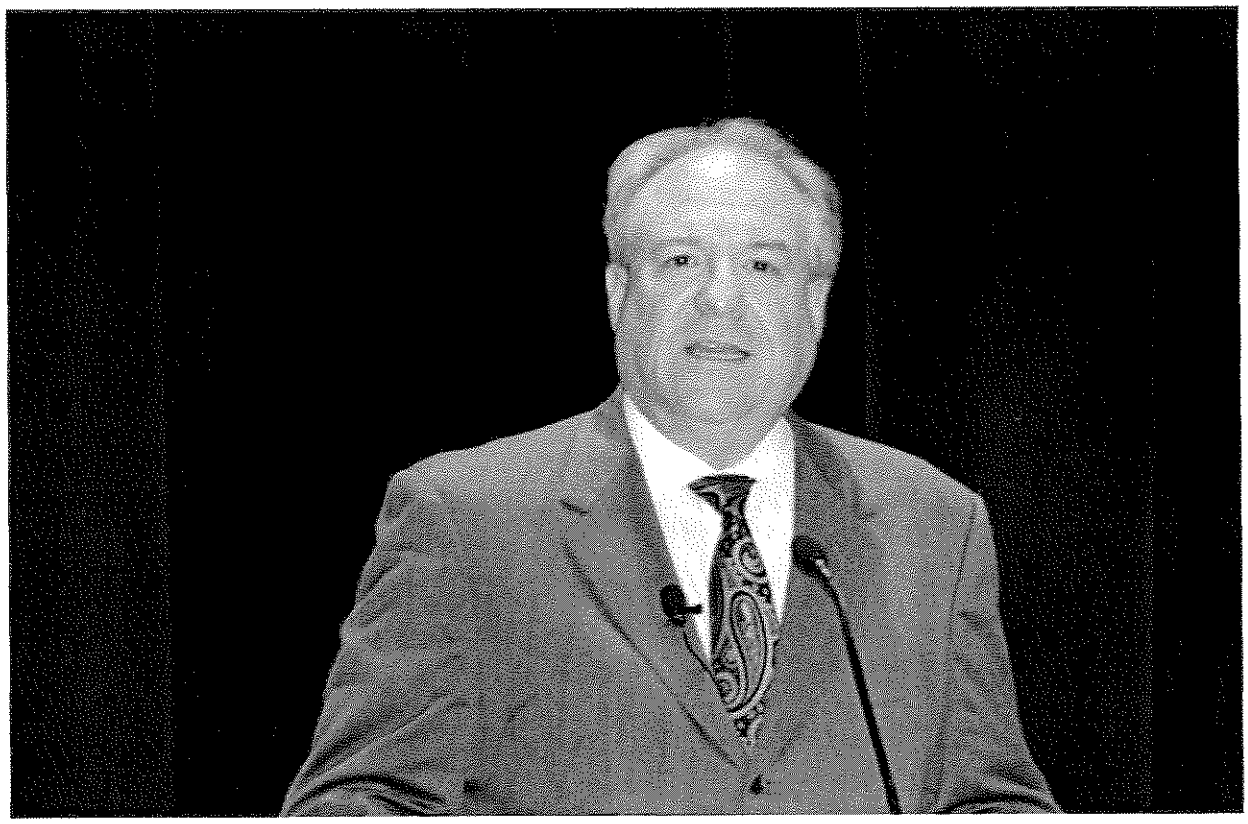
7 Insights from the FAA's Former Leader



Jim Williams, who managed the FAA office to integrate drones into the U.S. airspace, retired last week. Before departing for a vacation of visiting ballparks with his family, Williams spoke at McKenna Long & Aldrige's unmanned aircraft systems symposium in Washington, D.C.

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Now that he is outside the FAA Williams can speak more freely about the path and challenges to drones operating safely in American skies. Here are some points that stood out as he reflected on his time at the FAA, and looked to the future of unmanned flight:

1. He expects drone package delivery in five years

"That'll be fairly routine, be it in rural areas. It's going to be real tough to do it in a built-up major metropolitan area outside of Washington, D.C., because how do you deal with the helicopters that are flying sort of randomly," Williams said. "When they figure that out I think it'll happen. There's no other reason, no other barrier to doing that."

2. Amazon's drone program is a juggernaut, but seems out of touch with the challenges of flying safely in cities

"They're pushing the envelope in every realm. They want a fully automated system. They want it to be able to take random routes to deliver wherever they want to deliver. It's really a big challenge," Williams said. "If the small rule [for commercial drone flight] is walking then they're sprinting."

Williams stressed the challenges of autonomous drones flights in major cities, particularly working around helicopters and small planes.

"I think their understanding of the difficulties is probably on the low end," Williams said. "But they're working hard. They're motivated, they're well funded."

3. He thinks we may eventually see unmanned cargo jets

"In 20 years, who knows, large cargo aircraft could be flying and hauling cargo — especially over the oceans — those long, boring flights," Williams said. "There's already a couple of the air carrier type cargo haulers that want to look at reducing the crew required during a long-haul cargo flight to one."

4. He described his former job as enough work for three people.

Williams said he was pleased to have convinced the FAA's program management agency to take on one aspect of his former duties, managing radio spectrum and allocating it fairly for unmanned commercial flights. Williams described this as a big problem for the agency to solve.

"It really is a full-time job," Williams said. "I was the only one who was really working that for about three years. And it really is a big barrier for the industry."

The rest of Williams's former duties are being divided between two new positions, which will split up internal and external work.

"The job was worthy of three people doing it," Williams said. "Not that I could do three people's work."

5. He would've liked to get the proposed rules for commercial drone flight done sooner

When moderator Mark Dombroff asked Williams about his greatest disappointment with respect to drones, he cited the time it took to release the proposed rules for drones weighing under 55 pounds. These missed deadlines were a point of frustration for many in the drone community.

"When I took over I thought we'd get it out in a few months," Williams said. "But the bottom line was what I inherited wasn't very good. And so it needed a lot of work. And what you see is I think a much better product than what I inherited when I took over."

6. Having the White House's attention isn't fun

"Everybody who thinks having the White House interested in your program is a great thing, no," Williams said. "Just a lot of scrutiny from them and everything is questioned about how it is going to fit in the bigger scheme of things. It's very much a blessing and a curse to have that level of attention."

After all of the delays, the FAA surprised observers by releasing its proposed drone rules on the Sunday morning of President's Day weekend. On that same Sunday, the White House issued a presidential directive ordering federal agencies to publicly disclose where they fly drones in the United States and what they do with the data from aerial surveillance.

7. He's not a big fan of the proposed drone legislation from Sen. Cory Booker (D-N.J.) and John Hoeven (R-N.D.)

"Their heart was in the right place. They really were trying to do what they could to help the FAA," Williams said. "They missed the mark. The good news is they did come to the FAA and ask what we thought of it. And we told them. So hopefully the bill — if there is one passed — it'll be different than the one that was proposed."

Photo: Bill Carey

Source: Washington Post

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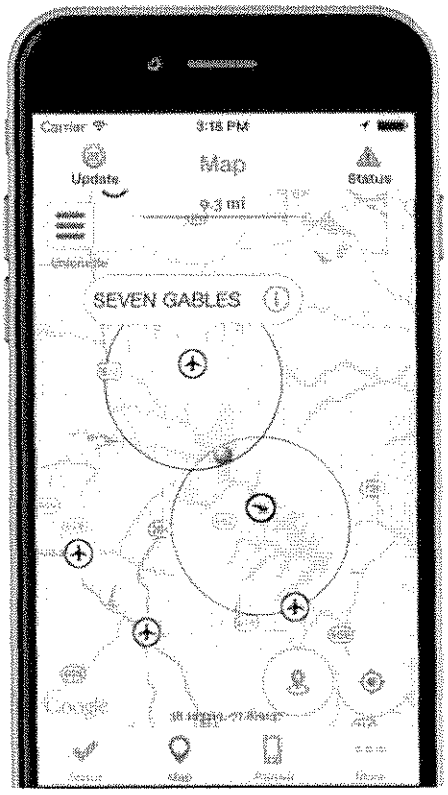
FAA Launches B4UFLY App for UAV Operators

The FAA has announced a smartphone application that aims to make it clear to Unmanned Aerial Vehicle (UAV) enthusiasts where it's legal to fly in the National Airspace System (NAS). The B4UFLY app, announced at the 2015 Association for Unmanned Vehicle Systems International (AUVSI) Conference in Atlanta, Ga. will allow hobbyists to determine whether there are any restrictions or requirements in effect at the location where they want to fly a UAV.

"It's a simple, easy-to-use app that answers a very basic safety question: is it safe and legal to fly my unmanned aircraft at a particular location?" FAA Administrator Michael Huerta explained to journalists during a press conference for the roll out of the new app. "Longtime members of the unmanned aircraft community may already know the answer to that question. Someone who got their first unmanned aircraft as a gift under the Christmas tree probably doesn't. That's a knowledge gap we need to fill."



That's a knowledge gap we need to fill. The United States has the most complicated airspace in the world. We need to make sure hobbyists and modelers know where it's okay to fly and where it isn't okay to fly - because there can be very real consequences if you don't. The incident on the White House lawn earlier this year is a good example.

We plan to make B4UFLY available to approximately 1,000 beta testers using Apple devices this summer, and we'll be working on an Android app in the future.

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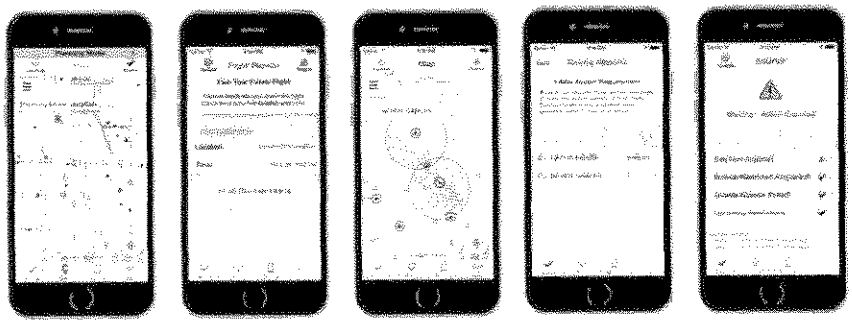
The B4UFLY app is the latest action the FAA has taken to encourage the responsible use of unmanned aircraft. In December, we partnered with the Academy of Model Aeronautics, the Small UAV Coalition, and our friends here at AUVSI to launch the "Know Before You Fly" campaign. This was an important first step in educating operators about the rules of the sky.

The B4UFLY app takes a lot of that information and puts it right in your pocket - available to use anytime, anywhere. It only takes a few taps to find out if you're cleared to fly. While other resources like this exist, we believe B4UFLY will have the most user-friendly interface with the most up-to-date information.

The agency is planning to release the app to an estimated 1,000 beta testers during the summer. Limited beta tests are expected to run for several months, after which the FAA will make the app available to the general public on Apple iOS devices, with an Android version to follow.

Key features of the B4UFLY app include:

- A clear "status" indicator that immediately informs operators about their current or planned location.
- Information on the parameters that drive the status indicator.
- A "Planner Mode" for future flights in different locations. Informative, interactive maps with filtering options.
- Contact information for nearby airports.
- Links to other FAA UAS resources and regulatory information.



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The app features interactive maps and a clear status indicator that immediately informs the operator about the area surrounding their current or planned flying location. For example, it would indicate that flying in Special Flight Rules Area around Washington, D.C. is prohibited and other similar restricted flight areas. It also provides information on such parameters that may restrict airspace, contact information for nearby airports and links to other FAA UAS resources and regulatory information to keep operators updated to the fullest extent.
Source: FAA

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Posted in Regulatory Matters on May 8, 2015 by The Editor. Leave a comment

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NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.292

National Policy

Effective Date:
4/8/15

Cancellation Date:
4/8/16

SUBJ: Aviation-Related Videos or Other Electronic Media on the Internet

1. Purpose of This Notice. This notice provides guidance to aviation safety inspectors (ASI) regarding actions to be taken when notified of videos or other electronic media posted to the Internet depicting the operation of aircraft in the National Airspace System (NAS) that may be contrary to Title 14 of the Code of Federal Regulations (14 CFR) or statute.

2. Audience. The primary audience for this notice is all Flight Standards District Office (FSDO) ASIs, regional Flight Standards divisions (RFSD), and International Field Offices (IFO)/International Field Units (IFU). The secondary audience includes Flight Standards (AFS) branches and divisions in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators can find this notice on the Federal Aviation Administration's (FAA) Web site at http://fsims.faa.gov. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. There are an escalating number of videos or other electronic media posted to the Internet which depict aviation-related activities. Some of these posted videos may depict operations that are contrary to 14 CFR, statute, or safe operating practices. ASIs and other AFS personnel are expected to use critical thinking when addressing electronic media showing such activity. The FAA will use education to encourage voluntary compliance with applicable statutory and regulatory requirements when appropriate. However, the FAA will use administrative action or legal enforcement action to gain compliance if such action is necessary to maintain safety within the NAS.

5. Unmanned Aircraft Systems (UAS). UAS videos, in particular, are increasingly appearing on the Internet. UAS videos may depict aircraft being flown in a variety of classes of airspace and at varying altitudes. Inspectors are to follow the protocol below when receiving notification of videos with potentially noncompliant UAS operations posted to the Internet. This notice provides an outline and protocol for inspectors when initiating educational outreach. When responding to a notification that requires contact with a UAS operator, follow the guidance contained in FAA Notice N 8900.268, Education, Compliance, and Enforcement of Unauthorized Unmanned Aircraft Systems Operators. If counseling in the form of an informational letter is

warranted, send the UAS Informational Letter Template for Inspectors (see Appendix A). The letter must not be altered other than to fill in the appropriate address of the operator and FSDO along with your contact information and signature. If the educational outreach is ineffective in gaining compliance, the UAS operator is noncompliant or uncooperative, or the UAS operation resulted in a medium to high potential or actual endangerment to the NAS, the inspector is to continue their investigation as outlined in N 8900.268.

6. Manned Aircraft. When receiving notification of videos or other electronic media with potentially noncompliant manned aircraft operations posted to the Internet, inspectors are to follow guidance provided in FAA Order 8900.1, Flight Standards Information Management System (FSIMS), Volume 14; and the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program.

7. Evidence. In all cases, the FAA must have acceptable evidence in support of all alleged facts in order to take legal enforcement action. Inspectors are reminded that:

- Electronic media posted on the Internet is only one form of evidence which may be used to support an enforcement action and it must be authenticated;
- Electronic media posted on the Internet is ordinarily not sufficient evidence alone to determine that an operation is not in compliance with 14 CFR; however, electronic media may serve as evidence of possible violations and may be retained for future enforcement action; and
- Inspectors have no authority to direct or suggest that electronic media posted on the Internet must be removed.

  Note: Electronic media posted on a video Web site does not automatically constitute a commercial operation or commercial purpose, or other non-hobby or non-recreational use.

8. Action. Until further notice, the above procedures are in effect for gathering videos or other electronic media on the Internet as evidence and interpreting the status of a Web site that contains electronic media relevant to an investigation.

9. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct any questions concerning this notice to Ronald Forsyth, Commercial Operations Branch (AFS-820) at ronald.a.forsyth@faa.gov, (717) 774-8271 ext. 253.

John S. Duncan
Director, Flight Standards Service

Appendix A. UAS Informational Letter Template for Inspectors

U.S. Department
of Transportation
Federal Aviation
Administration

Flight Standards District Office
FSDO Address

Date

Name
Address

Dear :

The purpose of this letter is to provide you with information about the laws and regulations regarding Unmanned Aircraft System (UAS) operations conducted within the National Airspace System (NAS). The NAS is "the common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas . . . . Included are system components shared jointly with the military."[1] The Federal Aviation Administration's (FAA) safety mandate under Title 49 of the United States Code (49 U.S.C.) § 40103 requires it to regulate aircraft operations conducted in the NAS, which include UAS operations, to protect persons and property on the ground and to prevent collisions between aircraft and other aircraft or objects.

A UAS is an Aircraft

A UAS is an "aircraft" as defined in the FAA's authorizing statutes and is therefore subject to regulation by the FAA. Title 49 U.S.C. § 40102(a)(6) defines an "aircraft" as "any contrivance invented, used, or designed to navigate, or fly in, the air." The FAA's regulations (Title 14 of the Code of Federal Regulations (14 CFR) part 1, § 1.1) similarly define an "aircraft" as "a device that is used or intended to be used for flight in the air." Because an unmanned aircraft is a contrivance/device that is invented, used, and designed to fly in the air, it meets the definition of "aircraft." The FAA has promulgated regulations that apply to the operation of all aircraft, whether manned or unmanned, and irrespective of the altitude at which the aircraft is operating. For example, 14 CFR part 91, § 91.13 prohibits any person from operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.

An important distinction for UAS operators to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012,

[1] Refer to the FAA Pilot/Controller Glossary (Apr. 3, 2014), available at http://www.faa.gov/air_traffic/publications/media/pcg_4-03-14.pdf.

Public Law (PL) 112-95 (the Act), that pertain to "Model Aircraft" operations, which are conducted solely for hobby or recreational purposes.

Model Aircraft Operations

Section 336(c) of the law defines "Model Aircraft" as ". . . an unmanned aircraft that is—

(1) capable of sustained flight in the atmosphere;
(2) flown within visual line of sight of the person operating the aircraft; and
(3) flown for hobby or recreational purposes."

Each element of this definition must be met for a UAS to be considered a Model Aircraft under the Act. Under Section 336(a) of the Act, the FAA is restricted from conducting further rulemaking specific to Model Aircraft as defined in section 336(c) so long as the Model Aircraft operations are conducted in accordance with the requirement of section 336(a). Section 336(a) requires that—

"(1) the aircraft is flown strictly for hobby or recreational use;
(2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
(3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
(4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport))."

Section 336(b) of the law, however, makes clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft in accordance with section 336(a) and 336(c) when the operations endanger the safety of the NAS. Nothing in section 336 otherwise alters or restricts the FAA's statutory authority to pursue enforcement action against any UAS operator, even those whose operations are conducted in accordance with sections 336(a) and (c) that endanger the safety of the NAS. For example, a model aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.

UAS Operations that are not Model Aircraft Operations

Operations of UASs that are not Model Aircraft operations as defined in section 336(c) of the law and conducted in accordance with section 336(a) of the law, may only be operated with specific authorization from the FAA. The FAA currently authorizes UAS operations that are not for hobby or recreational purposes through one of two avenues: 1) the issuance of Certificates of

Waiver or Authorization (COA); and 2) the issuance of special airworthiness certificates. The FAA also has a third avenue with which to potentially authorize UAS operations through its exemption process when it determines that such operations are in the public interest.

1. **COA.** In accordance with § 91.903, the FAA grants COAs to applicants waiving compliance with certain regulatory requirements listed in § 91.905. The applicants must be able to show that they are able to safely conduct operations in the NAS. The COA contains terms with which the applicant must comply in order to conduct operations. The FAA generally has restricted the issuance of these certificates to government entities that operate UASs as it implements the provisions in its Integration of Civil Unmanned Aircraft Systems (UAS) in the National Airspace System (NAS) Roadmap. The entire Roadmap is available on our Web site at: http://www.faa.gov/uas/media/UAS_Roadmap_2013.pdf. The FAA also issues COAs on an emergency basis when: 1) a situation exists in which there is distress or urgency and there is an extreme possibility of a loss of life; 2) the proponent has determined that manned flight operations cannot be conducted efficiently; and 3) the proposed UAS is operating under a current approved COA for a different purpose or location. The FAA is also using the COA process to expand the use of civil UASs in the arctic region as required under section 332 of the law.

2. **Airworthiness Certification.** For civil operators, you can apply for a special airworthiness certificate under 14 CFR part 21 (refer to the current edition of FAA Order 8130.34, Airworthiness Certification of Unmanned Aircraft Systems and Optionally Piloted Aircraft). The full civil type certification process allows for production and commercial operation of UAS and is a lengthy process typically undertaken by aircraft manufacturers.

3. **Issuance of Exemptions.** In accordance with 14 CFR part 11, §§ 11.15 and 11.61–11.103 and the FAA's authority in 49 U.S.C. § 44701(f), the FAA may grant exemptions from regulatory requirements. The exemption process allows for the submission of a petition to the FAA outlining why the granting of an exemption would be in the public interest, the need for the exemption, and the reasons why granting the petition would not adversely affect safety or would provide a level of safety equal to the rules from which the exemption is sought. The FAA has indicated its willingness to review petitions for exemption by civil UAS operators that want to operate for other than hobby or recreational purposes. Under section 333 of the Act, operators in appropriate circumstances can be exempted from airworthiness certification and other related regulatory provisions.

Finally, UAS operators must understand that all UAS operations that are not operated as Model Aircraft under section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated with a certificated aircraft, with a certificated pilot, and with specific FAA authorization.

For All UAS Operators

More information regarding UAS operations is available at the FAA UAS Integration Office's (AFS-80) Web site: http://www.faa.gov/uas/

If you require additional information please contact me at [contact information].

In conclusion, we hope the information provided to you in this letter will assist you in conducting safe UAS operations in compliance with the FAA's regulations.

Sincerely,

Aviation Safety Inspector—Operations

Gregory S. McNeal (http://www.forbes.com/sites/gregorymcneal/) Contributor
I'm an expert in law & policy focused on security, technology & crime
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SCIENCE & TECHNOLOGY (/SCIENCE-TECHNOLOGY) 4/10/2015 @ 7:28PM | 4,463 views

FAA Admits That They Shouldn't Be Ordering People To Delete Drone Videos

Comment Now Follow Comments

For more than a year, FAA officials have been engaged in a campaign of subtle threats and intimidation tactics that have persuaded many businesses to not use drone videos. This week, officials in Washington D.C. have finally weighed in on the legality of these tactics and in a published policy document

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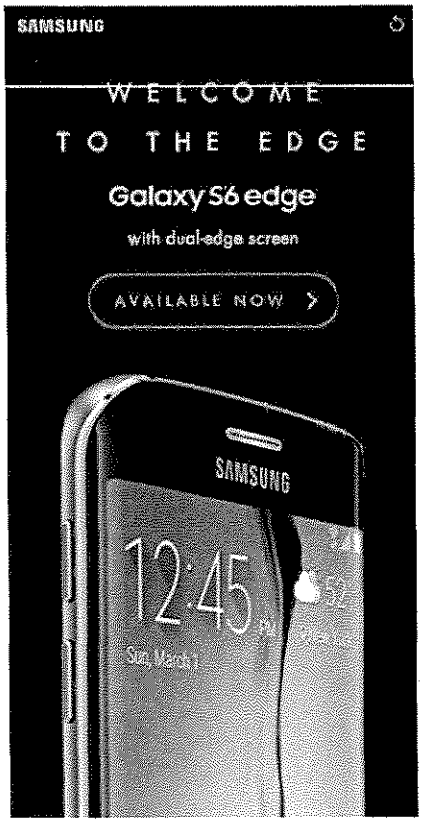

(https://www.faa.gov/documentLibrary/media/Notice/N_8900.292.pdf) have made clear that the intimidation tactics and take down orders must cease.

Previously, officials in various jurisdictions and across a range of use cases had been telling people that commercial use of drones was prohibited by FAA regulations, therefore, the use of drone videos was similarly prohibited by the FAA. On its face, the guidance amounted to intimidation tactics (undertaken mostly by FAA safety inspectors) and it was a clear violation of the First Amendment. Drone videos are not contraband, and the FAA has no authority to police what is posted to the internet, they only have the authority to enforce aviation regulations.

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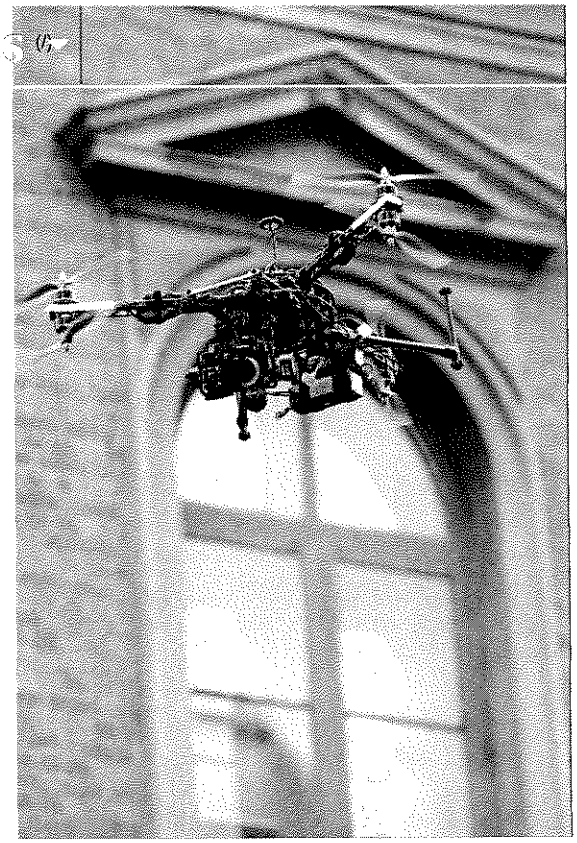

The FAA released updated guidance, informing their safety inspectors that they cannot order individuals to delete drone videos from the internet. (Photo by Christopher Furlong/Getty Images)

Nevertheless, the unsanctioned enforcement campaign succeeded in intimidating Coldwell Banker and other realtors (http://www.forbes.com/sites/gregorymcneal/2014/07/11/faa-intimidates-coldwell-banker-and-other-realtors-into-shunning-drone-photography/) to not use drone videos. The campaign raised questions about whether watching YouTube was a good use of safety inspector's time (https://www.facebook.com/GregorySMcNeal/posts/367542416769890) and as I noted back in January (https://www.facebook.com/GregorySMcNeal/posts/365779583612840), telling a publisher of a video to delete the video is akin to telling a bookstore or Amazon to stop selling a book with drone aerial images — it would be a clear First Amendment violation (see my comments (https://www.facebook.com/GregorySMcNeal/posts/365779583612840) to the FAA at CES on this point).

The new policy guidance (https://www.faa.gov/documentLibrary/media/Notice/N_8900.292.pdf) from the FAA, is directed primarily at Flight Standards District Office (FSDO) Aviation Safety Instructors (ASIs), regional Flight Standards divisions (RFSD), and International Field Offices (IFO)/International Field Units (IFU). The secondary audience includes Flight Standards (AFS) branches and divisions in the regions and in headquarters (HQ). The letter specifically states (emphasis added):

> **Inspectors have no authority to direct or suggest that electronic media posted on the Internet must be removed.** Note: Electronic media posted on a video Web site does not automatically constitute a commercial operation or commercial purpose, or other non-hobby or non-recreational use.

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Importantly, the FAA is telling their inspectors that they can't modify a form letter that is included in the Appendix to the policy guidance, thus minimizing the possibility of intentional or inadvertent threats being communicated by FAA officials.

What this means is that the FAA is likely to only pursue the operators of unmanned aircraft who fly for commercial purposes without authorization. This is good news for individuals like realtors, publishers, journalists, and others who might use commercially derived imagery. It was never lawful for the FAA to go after the end users who were not part of the non-approved operation, it's nice to see them acknowledging that fact.

Gregory S. McNeal is a professor at Pepperdine University. SIGN UP (http://gsmcneal.us10.list-manage.com/subscribe?u=2097228f03d779af3abe4d6cb&id=82cab195b7) for his weekly email update here (http://eepurl.com/bi_hqn). You can also follow him on Twitter (http://twitter.com/gregorymcneal) or Facebook (https://www.facebook.com/GregorySMcNeal).

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JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, May 22, 2015

Department of Justice Establishes Policy Guidance on Domestic Use of Unmanned Aircraft Systems

The Department of Justice issued agency-wide policy guidance today on the use of Unmanned Aircraft Systems (UAS) that sets standards of use and management controls of UAS by the department and its components.

UAS are used at times by law enforcement agencies as cost-effective, efficient and potentially life-saving tools to support public safety efforts. The policy highlights protections of privacy, civil rights and liberties and makes clear that UAS use must be consistent with the protections afforded by the U.S. Constitution. Justice Department components are barred from using UAS solely for the purpose of monitoring activities protected by the First Amendment, and components can only operate UAS on properly authorized investigations and activities. The collection, retention and dissemination of information collected by UAS is also subject to Privacy Act protections.

To ensure accountability, the department will also require that personnel operating UAS are appropriately trained and supervised, including but not limited to a mandatory training on the department's policies. Annual privacy reviews will be conducted to ensure compliance with the department policy, existing laws and regulations and to identify potential privacy risks.

The guidance issued today is a result of various discussions and research – and meetings will continue to be held at least twice a year to ensure that the department strikes the appropriate balance between its law enforcement and national security missions and respect for civil rights and civil liberties.

Justice Department UAS Policy

15-665

Office of Public Affairs

Updated May 22, 2015

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Department of Justice Policy Guidance[1]

Domestic Use of Unmanned Aircraft Systems (UAS)

INTRODUCTION

The law enforcement agencies of the Department of Justice ("the Department") work diligently to protect the American people from national security threats, enforce our nation's laws, and ensure public safety. In doing so, these agencies use a wide variety of investigative methods. Some of these methods have been in use for decades; others are relatively new and rely on technological innovation. In all cases, investigations and other activities must be conducted consistent with the Constitution and the laws of the United States—and with our commitment to protecting privacy and civil liberties.

In recent years, Unmanned Aircraft Systems (UAS)[2] have emerged as a viable law enforcement tool. UAS have been used to support kidnapping investigations, search and rescue operations, drug interdictions, and fugitive investigations. While they are, in many ways, similar to the manned aircraft that have been in use for many years, they have the potential to provide law enforcement with additional flexibility and yield life-saving benefits. UAS also have the potential to be cost-effective in a time of shrinking government resources. For these reasons, UAS are likely to come into greater use.

As technology advances and enhances our ability to use these new tools, it is important to continue to assess how we use them. A Departmental working group[3] has studied the Department's use of UAS over the last several years and has considered how the technology is likely to evolve in the near future. This policy guidance flows from the working group's discussions and sets forth principles that will apply Department-wide. This policy also applies to

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[1] This policy guidance is intended only to improve the internal management of the Department of Justice. It is not intended to and does not create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial or any other proceeding.

[2] "Unmanned Aircraft System" means an unmanned aircraft (an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft) and associated elements (including communication links and components that control the unmanned aircraft) that are required for the pilot or system operator in command to operate safely and efficiently in the National Airspace System. For purposes of this policy, reference to "UAS" includes all onboard sensor equipment.

[3] The Department's working group was led by the Office of Legal Policy and included the Department's Chief Privacy and Civil Liberties Officer and representatives of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Criminal Division, the Office of Community Oriented Policing, the Civil Rights Division, the Office of the Deputy Attorney General, the Drug Enforcement Administration, the Federal Bureau of Investigation, the National Security Division, the Executive Office for United States Attorneys, the Office of Justice Programs, the Office of Privacy and Civil Liberties, the United States Marshals Service, and the Office of the Chief Information Officer.

all instances in which Department components use UAS to support Federal agencies and/or State and Local law enforcement agencies.

This guidance will help ensure that the Department continues to carry out its law enforcement and national security missions while respecting individuals' privacy, civil rights, and civil liberties. It will also help ensure an appropriate level of accountability and transparency. This policy guidance does not replace, and is complementary to, the Federal Aviation Administration rules and regulations that control each and every UAS deployment and help ensure the safe operation of all aircraft, including UAS. This policy guidance is also consistent with the Presidential Memorandum, "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems," issued by President Barack Obama on February 15, 2015.

RESPECT FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Respect for civil rights and civil liberties is a core tenet of our democracy. In executing the Department's law enforcement and national security missions, personnel must rigorously support and defend the Constitution and continue to uphold the laws, regulations and policies that govern our activities and operations.

As with all investigative methods, UAS must be operated consistent with the U.S. Constitution. The Fourth Amendment protects individuals from unreasonable searches and seizures and generally requires law enforcement to seek a warrant in circumstances in which a person has a reasonable expectation of privacy. Moreover, Department personnel may never use UAS solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution and laws of the United States. Department personnel may never use UAS to engage in discrimination that runs counter to the Department's policies on race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity. Department personnel must also be trained to understand and abide by all relevant federal legal standards applicable to the use of UAS, and to seek advice from legal counsel as necessary.

In addition, UAS may only be used in connection with properly authorized investigations and activities. Statutory authorities, the Attorney General's Guidelines, and other relevant agency policies and guidance define the scope of authorized investigations and activities and require regular supervisory review and approval. UAS must continue to be used within the context of these existing safeguards.

Further, even within the context of properly authorized activities, personnel often must choose among different investigative methods that are operationally sound, reasonable, and effective, but may be more or less intrusive relative to individuals' privacy and civil liberties. Prior to using UAS, Department personnel must assess the relative intrusiveness of the

proposed use of UAS, and balance it against the particular investigative need.[4] This is both a logical process and an exercise in judgment, but the overall principle remains: in deciding whether to use UAS, Department personnel must consider and, if reasonable based on the facts and circumstances of the investigation, use the least intrusive means to accomplish an operational need.

PROTECTION OF PRIVACY

The Department operates under a set of rules, policies, and laws that control the collection, retention, dissemination, and disposition of records that contain personally identifiable information. For example, the Privacy Act contains provisions on unauthorized use and disclosure of information about individuals, and imposes civil penalties on agencies and criminal penalties on agency personnel for violations of applicable requirements. As with personally identifiable information collected in the course of any investigation, these authorities apply to information collected via UAS. Consistent with applicable existing laws and requirements, the Department's use of UAS shall include the practices identified below.

As noted above, the Department shall only collect, use and disseminate information obtained from UAS for an authorized purpose. The Department shall not retain information collected using UAS that may contain personally identifiable information for more than 180 days unless retention of the information is determined to be necessary for an authorized purpose or is maintained in a system of records covered by the Privacy Act.

Data collected by UAS that is retained must be safeguarded in accordance with applicable Federal laws, Executive Orders, directives, policies, regulations, standards, and guidance. These authorities ensure that Department personnel with access to such data follow practices that are consistent with the protection of privacy and civil liberties. Use of all Department information systems may be monitored, recorded, and subject to audit, and unauthorized collection, retention, or dissemination of data is prohibited. Further, the Department has procedures in place to review, investigate, and address privacy and civil liberties complaints.

Senior Component Officials for Privacy in agencies using UAS must conduct annual privacy reviews of their agency's use of UAS to ensure compliance with existing laws, regulations, and Department policy, and to identify potential privacy risks. They must also, where appropriate, make recommendations to ensure that UAS will continue to be used in a manner consistent with the U.S. Constitution and all applicable laws, regulations, and policies, including those protecting privacy and civil liberties.

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[4] In assessing the intrusiveness of UAS and the investigative need, personnel must consider factors such as whether the subject enjoys a reasonable expectation of privacy relative to the proposed use of UAS, the scope of the information sought, the scope of the proposed use of UAS, the risk of disclosure to the subject, the seriousness of the crime or national security threat, the strength and significance of the information to be obtained, the efficiency of the method and alternative means available, the amount of information already known about the subject, and the operational security needs of the investigation.

ACCOUNTABILITY

The Department promotes accountability by requiring its personnel to accept responsibility for the actions they undertake—and to evaluate the potential consequences of their decisions. The Department imposes codes of conduct to guide employees in the use of all investigative methods, including UAS. As with the use of any technology, there must continue to be mechanisms to hold the Department and its employees accountable.

Part of accountability is ensuring that Department personnel are appropriately trained and supervised. Department personnel whose responsibility it is to manage, supervise, maintain, fly, and/or otherwise use UAS must receive training on this policy and the underlying policies incorporated herein.

Moreover, approval authority for the use of UAS will be set at an appropriate and consistent level across the Department. At a minimum, each time UAS are deployed, approval must be granted (1) at the Assistant Special Agent in Charge-or-equivalent level at the relevant field office, and (2) by an executive level supervisor within the agency's aviation support unit or a designated executive level supervisor at the agency's headquarters. Additionally, since the Department may only operationally deploy UAS in connection with authorized investigations or activities, supervisors must ensure that the underlying investigations themselves have been authorized consistent with applicable guidelines and other Department policies.

Finally, federal records must be captured, managed, and retained in a manner consistent with the Federal Records Act and all other applicable authorities. As with federal records collected by other investigative tools, components are obligated to retain UAS-collected data in accordance with applicable records retention schedules.

ONGOING POLICY MANAGEMENT

As UAS technology evolves and improves, it is important that the Department continue to have adequate information about its use to ensure strategic alignment and proper evaluation of the Department's policy. To that end, this policy imposes certain new requirements.

Each component that uses UAS must designate a point of contact through which field offices will report the information outlined below to the component's headquarters and Department leadership on the use of UAS on an ongoing basis.

In addition, Department agencies that use UAS must report annually to the Deputy Attorney General on the use of UAS. The report should incorporate privacy reviews, as well as the number of UAS operational deployments (not including training or research and development flights) conducted during the reporting period and a brief description of types or categories of missions flown along with the number of each type of mission. Additionally, to the extent the agency sought assistance from, or provided assistance to, another federal, state, local, or tribal agency during the relevant time period, the number of these operational deployments and a brief

description of types or categories of missions flown along with the number of each type of mission should also be provided.

Components that have not previously disclosed any UAS operations as part of these annual reporting requirements, or that have discontinued UAS use for the duration of an annual reporting period, must notify the Deputy Attorney General prior to initiating or re-introducing UAS operations.

Department leadership will continue to engage in meaningful review of UAS as the technology advances. To facilitate this review, a standing committee comprised of a broad range of Department components will meet twice a year to evaluate any policy or regulatory changes that may be needed as a result of innovations or developments in UAS technology.

TRANSPARENCY

Rigorous adherence to the requirements set forth in this policy is not enough—to be successful in our law enforcement and national security missions, we must continue to facilitate relationships of trust with the communities we serve. Enhancing our transparency about agency operations, including how we operate UAS, creates an informed citizenry and greater confidence in the Department's decision-making.

Education of the public can enhance the Department's ability to fulfill its missions and serve the American people. As appropriate, while not revealing information that might compromise law enforcement or national security needs, the Department will update its website to reflect its current policy on UAS on an ongoing basis, and will provide a general summary of UAS operations conducted by the Department during the previous year, including a brief description of types or categories of missions flown and the number of times the Department provided assistance to other federal, state, local and tribal agencies or entities.