

PUBLICATION

The FAA's New Drone Regulations

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The use of small unmanned aircraft systems (sUAS or, colloquially, drones) is becoming more prolific. In the oil and gas context, drones can play a key role in conducting risky oilfield operations. The uses for drones in the oil patch are limitless and can allow oil and gas companies to save money and operate efficiently and safely.

Until recently, the Federal Aviation Administration (FAA) did not have a comprehensive regulatory scheme to govern the use and operation of drones in the national airspace. Instead, people or companies wanting to use drones had to seek a "Section 333 exemption" from the FAA, which was reviewed and granted on a case-by-case basis. However, the new regulations, codified at Title 14 of the Code of Federal Regulations as Part 107, took effect August 29, 2016, and recognize that drones will be used by a number of industries for various purposes, establishing a uniform set of requirements for persons or companies seeking to operate drones in a commercial setting.

No doubt the oil and gas industry is poised to take advantage of drone technology pursuant to the FAA's new regulatory framework in short order. It is no secret that drone technology has outpaced the development of federal and state laws regulating the use of such aircraft. State legislative efforts in Louisiana, for instance, have focused mainly on privacy considerations or criminalizing the unlawful use of drones instead of safety or orderly use concerns. To date, Louisiana legislators have not really focused on the commercial use of drones, except for a few efforts in 2015 relating to drones used in precision agriculture. However, with the new federal regulatory scheme in place, local legislative efforts will likely kick into high gear, especially in states like Louisiana where the energy and agricultural industries – pillars of the state's economy – have come to rely on the use of drones.