

Drone Briefs

NEWS AND LEGAL UPDATES FOR MUNICIPAL UAV PROGRAMS - April 6, 2021

Drone Law Update: Bad News, Good News

BAD NEWS – Part 107 night flight waivers expiring!

ALL Part 107.29 night waivers will expire on May 17, 2021 regardless of the date identified on the waiver.

Although the FAA's new revisions to the night flight rules make it easier to fly at night, they eliminate daylight waivers (a/k/a "night waivers") issued under 14 CFR Part 107.29. Pilots relying on Part 107.29 waivers will no longer be able to fly at night after May 17th unless they have taken and passed either an initial knowledge test or on-line recurrent training after April 6, 2021. Additionally, departments will no longer be able to fly at night under Part 107.29. Instead, each pilot must be authorized to do so through his/her Part 107 certificate. (Departments flying at night under a COA will not be affected).

(<https://www.govinfo.gov/content/pkg/FR-2021-01-15/pdf/2020-28947.pdf> see revisions to Part 107.29 at p. 4382, with effective dates updated by <https://www.govinfo.gov/content/pkg/FR-2021-03-10/pdf/2021-04881.pdf>).

GOOD NEWS – free on-line FAA recurrent training!

Any Part 107-certified pilot can take a free FAA on-line training course to fly at night. Nighttime waivers will no longer be required. Be aware, however, that because the training will constitute full Part 107 recertification, it is not limited to night operations, but will cover all aspects of UAV operation. Sign up for course ALC-677: Part 107 Small UAS Recurrent Non-Part 61 Pilots at www.FAASafety.gov.

BAD NEWS – Remote ID is Coming!

Starting in September 2023, the new Remote Identification Rule will require all UAVs to broadcast certain message elements. Non-compliant UAVs will be limited to flying in FAA approved flying fields

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(essentially eliminating their use for municipal purposes).

<https://www.govinfo.gov/content/pkg/FR-2019-12-31/pdf/2019-28100.pdf> (Corrections made to the rule and published in the Federal Register on March 10, 2021 delayed the effective date to April 21, 2021).

GOOD NEWS – plenty of time to comply!

You still have more than two years to comply with Remote ID and manufacturers are expected to step up to the plate to provide what you need – either software updates, new compliant UAVs, or broadcast modules to attach to your existing fleet.

MORE GOOD NEWS – Tactical BVLOS & OOP options!

First responders can now "see" farther and stay safer with the new Tactical Beyond Visual Line of Site waiver. https://www.faa.gov/uas/public_safety_gov/public_safety_toolkit/media/TBVLOS_Waiver_Final.pdf The FAA is also providing new options for operating over people without a waiver.

<https://www.govinfo.gov/content/pkg/FR-2021-01-15/pdf/2020-28947.pdf>

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