November 10, 2017
FAA Details Unmanned Aircraft Systems (UAS) Integration Pilot Program

The Federal Aviation Administration (FAA) published a notice on the Unmanned Aircraft Systems (UAS) Integration Pilot Program on November 8, 2017. Here is an overview of the program:

Who Is Eligible to Apply?

Applicants to the program (Lead Applicants) must be state, local or tribal government entities. Eligible jurisdictions include transit agencies, port authorities, metropolitan planning organizations, police departments, other political subdivisions of state or local governments, and multistate or multijurisdictional groups applying through a single point of contact. Lead Applicants are expected to partner with private sector companies to come up with their proposals.

Interested public and private sector entities (Interested Parties) can request to be on the FAA's Interested Parties List to facilitate application teams. Private sector entities are encouraged to solicit public entity partnerships.

When Is the Deadline for Applications?

- Interested Lead Applicants must email the FAA a non-binding notice of intent by 2:00 p.m. ET, November 28, 2017.
- Companies who do not have government partners, but nonetheless wish to be included on the FAA's list of interested parties, must submit a request to the FAA by 2:00 p.m. ET, December 13, 2017.
- After submitting the notice of intent, Lead Applicants must complete volumes I and II of the application by 2:00 p.m. ET on December 13, 2017, and complete volumes III, IV, V and VI of the application by 2:00 p.m. ET on January 4, 2018. Applications will be considered on a rolling basis.

What Are the Requirements for an Application?

The format for the initial non-binding notice of intent is provided by the FAA and requires only that the applicant provide information about itself and its point of contact.

The main application, which is due later and is divided into several volumes, should contain the following information:

1. Identification of the airspace to be used, including shape files and altitudes;
2. Description of the types of planned operations;
3. Identification of stakeholder partners to test and evaluate planned operations;
4. Identification of available infrastructure to support planned operations;
5. Description of experience with UAS operations and regulations;
6. Description of existing UAS operator and any other stakeholder partnerships and experience; and
7. Description of plans to address safety, security, competition, privacy concerns and community outreach.

What Are the Criteria for Judging Applications?

The U.S. Department of Transportation will evaluate applications based on the following criteria contained in the Presidential Memorandum:

1. Overall economic, geographic and climatic diversity of the selected jurisdictions;
2. Overall diversity of the proposed models of government involvement;
3. Overall diversity of the UAS operations to be conducted;
4. The location of critical infrastructure;
5. The involvement of commercial entities in the proposal and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the National Airspace System (NAS);
6. The involvement of affected communities in, and their support for, participating in the program;
7. The commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security and public safety and to address competition, privacy and civil liberties concerns; and
8. The commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:
    1. Promoting innovation and economic development;
    2. Enhancing transportation safety;
    3. Enhancing workplace safety;
    4. Improving emergency response and search and rescue functions; and
    5. Using radio spectrum efficiently and competitively.

Each applicant selected must enter a Memorandum of Agreement.

How Can I Learn More?

The FAA has a number of resources, including a webinar describing the program, a list of interested parties and the Screening Information Request (SIR). The SIR provides detailed step-by-step instructions on how to apply and notes the evaluation criteria for the proposals.

As companies or governments think about becoming a part of this pilot program, we recommend reaching out to experienced counsel for assistance.

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