

For: LeClairRyan, Alexandria, Va.
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LECLAIRRYAN ATTORNEYS: START OF HURRICANE SEASON HIGHLIGHTS NEED FOR CAREFUL DISASTER-RESPONSE PREP BY DRONE OPERATORS

--Amid growing use of drones in disaster areas, operators should work closely with government officials and strive to protect their own safety, caution attorneys in aviation webinar.

ALEXANDRIA, VA. (5/30/18) – The start of the Atlantic hurricane season coincides with a drone-friendly policy shift at the FAA. However, before railroads, insurers, power companies and other operators of Unmanned Aerial Systems (UAS) show up in disaster zones with drones in tow, they should carefully complete a checklist of bureaucratic and practical preparations, said veteran LeClairRyan aviation attorneys during a webinar attended by more than 300 aviation and other professionals.

“Operating a drone in the wake of a disaster is *not* business as usual,” said Mark A. Dombroff, an Alexandria-based member of LeClairRyan and co-leader of the national law firm’s Aviation Industry practice. “UAS operators need to be forming and strengthening relationships with key government entities that manage disaster areas and airspace. The onus is on them to be clear about their needs, plans and track records.”

Those who plan to operate drones in disaster areas should already be pursuing waivers and querying officials about proper procedures, added Mark E. McKinnon, a partner in LeClairRyan’s Alexandria office.

In the wake of some of the most costly hurricanes to strike the United States in decades, the FAA last summer shifted gears to promote the controlled use of drones for search and rescue, insurance adjustment, inspection of cell towers, rail and power lines and more. During the May 16 webinar, McKinnon and Dombroff lauded the agency’s progress toward integrating drones into U.S. airspace. Launched as a prototype in November 2017, for example, the Low Altitude Authorization and Notification Capability (LAANC) system is now set to roll out incrementally to 300 air traffic facilities covering about 500 airports, McKinnon noted.

“Federal officials understood the tremendous waste of time and effort that was involved in UAS operators having to phone the government to get flight authorizations to operate near restricted airport airspace,” McKinnon said. “LAANC leverages a number of data streams to enable them to make flight requests essentially in real time. In the best-case scenarios, operators can get responses within minutes. This infrastructure will prove useful as operators seek to fly UAS in disaster zones.”

The FAA’s greater recognition of the value of UAS in disaster recovery became clear last summer after Hurricane Harvey devastated parts of Houston and other Texas cities, McKinnon told the audience. “In the first 10 days after Harvey hit, more than 100 authorizations for emergency drone activities were issued,” he said. “These were not for individual flights, mind you, but for various multi-flight activities.”

But after Harvey and Hurricane Irma, UAS operators cited a number of challenges that had nothing to do with regulatory approvals. They struggled to find gas, hotels, power to recharge drone batteries and even clean drinking water, McKinnon related. “Some UAS operators told me they needed physical maps after the hurricanes, because the downed cell network made their phone GPS apps useless,” he said. “Others struggled to communicate with local officials when they wanted to move from one mission site to another. Even worse is to find yourself in the path of a hurricane that has shifted course.”

Gathering terabytes of data via UAS is of limited use if the operator is unable to transmit it due to damaged or limited infrastructure, McKinnon added, or if the team lacks enough manpower to analyze all that high-resolution data. “Drone operators after both Harvey and Irma ran into these situations,” he said.

“Yes, being ready to fly after disaster requires a lot of paperwork, but it is also a very human endeavor. Your checklists need to cover all contingencies—including logistical and even survival imperatives.”

The webinar covers subjects such as levels of UAS flight certification; TFRs and waivers; how airspace can be used during and after a disaster; who decides which aircraft can fly and when; FAA criteria for responsible UAS operation; the role of state and local governments and laws, and more. To hear the full recording, visit: <https://tinyurl.com/yapxng3m>

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