

# Section 333 Petitions

Antonelli Law Drone/UAS Practice Group

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## The Current Legal Landscape

### The FAA and UAS today

The FAA Modernization and Reform Act of 2012, Pub. L. 112-95, tasked the FAA to develop rules to integrate UAS into the NAS. Until those rules are finalized, the FAA has banned commercial UAS use.

The FAA has listed three exemptions for civilian commercial use:

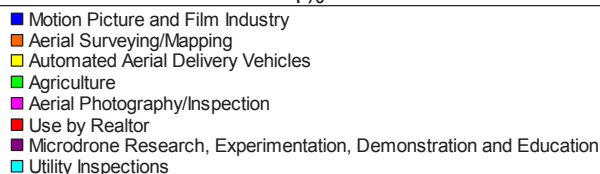
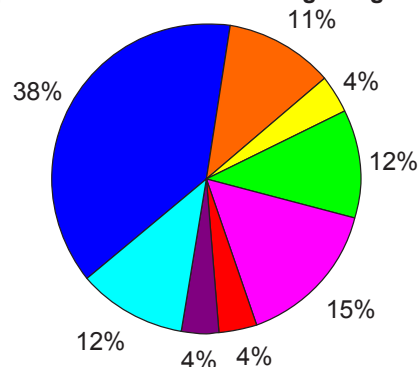
- Section 333 exemption petitions;
- Special Airworthiness Certificates – Experimental Category (SAC-EC); and
- Certificates of Waiver or Authorization (COA).

While the FAA identified four industries – movies, flare stack (oil/gas) monitoring, precision agriculture (both surveillance of crops/livestock and

application of fertilizer/pesticides) and power line inspections - expected to take advantage of Section 333, the Drone/Unmanned Aircraft Systems Practice Group anticipates many other uses for this technology, ranging from photography to real estate to performance art – we know that the sky is truly the limit!

According to the Association for Unmanned Vehicle Systems International (AUVSI), over 80% of UAS sales will be in the precision agricultural sector.<sup>1</sup> However, to date, nearly 40% of petitions are for motion picture companies, and only three petitions are from the precision agriculture industry.<sup>2</sup>

§333 Exemption Petitions Filed Through August 14, 2014



### How the Drone/UAS Practice Group can help your Section 333 exemption petition fly

- Attorney and active commercial airline pilot Kate Fletcher brings incredible practical FAA advice to anticipated UAS use.
- Attorney Mark Del Bianco has over three decades of experience in federal administrative law, including the rule-making process and administrative appeals.
- Firm Principal Jeffrey Antonelli's immersive experience as an unmanned pilot and UAS enthusiast provides a grounded perspective when drafting each client's petition.
- Our attorneys monitor each petition that has been submitted to review what the FAA approves, rejects, and modifies to know what works and what your competition is doing.

<sup>1</sup> The Economic Impact of Unmanned Aircraft Systems Integration in the United

States, Jenkins & Vasing, March 2013, [www.auvsi.org/resources/economicreport](http://www.auvsi.org/resources/economicreport).

<sup>2</sup> Information regarding petitions available at [www.regulations.gov](http://www.regulations.gov).

## Text of Section 333

### SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS

(a) IN GENERAL. – Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rule-making required by section 332 of this Act or the guidance required by section 334 of this Act.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS. – In making the determination under subsection (a), the Secretary shall determine, at a minimum –

(c) systems, if any, as a result of their size, weight, speed, operational capacity, proximity to airports and populated areas, and

operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and  
(1) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION. – If the Secretary determines under this section that certain unmanned aircraft systems may

#### Additional Resources

- [DroneLawsBlog.com](http://DroneLawsBlog.com), the Antonelli Law Drone/UAS Practice Group's vehicle for sharing news, insights, and updates to the drone/UAS industry
- [www.faa.gov/uas/legislative\\_programs/section\\_333/](http://www.faa.gov/uas/legislative_programs/section_333/), the FAA's site dedicated to Section 333
- [Regulations.gov](http://Regulations.gov), where all the petitions can be found.

operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

**For further information, visit our website at [www.antonelli-law.com](http://www.antonelli-law.com). To schedule an appointment, contact the Drone/UAS Practice Group at 312.201.8310.**

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