



FAA APPROVES FIRST COMMERCIAL DRONE FLIGHTS BEYOND VISUAL LINE OF SIGHT IN DALLAS-AREA AIRSPACE

News / Business aviation



For the first time ever in U.S. aviation history, FAA has authorized multiple operators to fly commercial drones without visual observers in the Dallas-area airspace. Starting in August, Zipline International and Wing Aviation will be free to deliver packages to customers in the Dallas-area via drone, Beyond Visual Line of Sight, as the result of technology known as UTM. With this technology, companies can share data and planned flight routes with other authorized airspace users, allowing operators to safely organize and manage drone flights around and within the shared airspace. All drone flights will occur below 400 feet and away from any crewed aircraft.

Companies began testing the UTM system with Beyond Visual Line of Sight flights in Dallas in 2023, first with simulations. Then, live testing began, where thousands of flights took place before the FAA issued the requisite authorizations. The FAA anticipates issuing more authorizations in the Dallas area soon. Under current rules, 14 C.F.R. § 107.31 requires drone pilots to keep their drones in visual line of sight at all times. Commercial drone pilots are then required to apply for a Part 107 waiver if they need to fly beyond visual line of sight. Now, at least in the Dallas-area, Zipline and Wing do not need to comply with this CFR or seek a waiver.

Gregory Speier, U.S.-based transportation partner at global law firm Reed Smith, commented: "This news comes as the FAA works to release the Normalizing UAS BVLOS Notice of Proposed Rulemaking (NPRM), which would enable drone operators to expand operations, while maintaining the same high level of safety as traditional aviation. The FAA is on track to release the NPRM this

year, following strong Congressional support in the recent FAA reauthorization. While this development heralds a new era for the logistics and delivery sectors, it raises important questions around safety and liability. The integration of UTM systems and BVLOS operations represents a major shift from traditional drone regulations, which typically require visual observers to maintain a line of sight. This change necessitates a robust and reliable technology infrastructure to manage the complexities of unmanned flights in shared airspace.

Additionally, the legal landscape concerning liability in the event of accidents or malfunctions is still evolving. Companies and regulators will need to develop clear protocols and insurance frameworks to address these issues. Of course, with more drones in our airspace, the risk of a mishap or accident increases. Whether that is two drones crashing into each other, a crashing drone causing injury to a person or property, or goods being damaged while in transport, there are many resulting liability considerations. And manufacturers should remember that in most instances, reliance on FARs alone rarely provide for a sufficient defense in a product liability lawsuit.

The question remains whether the broader industry is ready. While the Dallas-area's initial authorization sets a precedent, scaling operations nationally will require extensive infrastructure upgrades, comprehensive training for operators, and widespread public acceptance. In summary, the authorization of BVLOS drone flights represents a groundbreaking advancement with promising potential. However, it also requires careful consideration of safety, liability, and regulatory frameworks to ensure that the integration of drones into our airspace is both smooth and secure. The industry and regulators alike must be diligent in addressing these challenges to realize the full benefits of this technology.”

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