Unmanned aerial vehicles, also known as “drones,” are aircraft operated with no human pilot aboard. Remotely-piloted drones can be used safely and show huge potential for use by electric utilities to survey electric power equipment, assess damage, and aid in construction and repair. However, the Federal Aviation Administration’s (FAA) aviation rules regulating drones have failed to keep pace with this new technology.

On February 14, 2012, President Obama signed the FAA Modernization and Reform Act of 2012 requiring the FAA to develop a plan to integrate civil drones into the national airspace system. After several years of rulemaking proceedings, the FAA released final rules for commercial operation of drones on June 21, 2016, referred to collectively as “Part 107.” Shortly thereafter, the President signed the FAA Extension, Safety, and Security Act of 2016 on July 15, 2016, to extend the FAA authorization until September 30, 2017. Among other things, this reauthorization allowed the FAA to streamline the regulatory processes for using drones during emergencies and disaster response efforts, and to design rules for operating drones beyond the visual line of sight and at night if responding to covered incidents or activities. The 2016 reauthorization also allowed the FAA to designate areas where drones may not fly, including above critical infrastructure owned by electric utilities.

Since passage of the 2016 reauthorization, the FAA has not developed a clear process for using drones during emergencies or for utilities to operate drones for infrastructure inspection and repair beyond the visual line of sight and at night. Further, the current rules still do not clearly set forth an application process for owners of critical infrastructure to prohibit drone operation in airspace above that infrastructure. Thus, while the reauthorization included several provisions intended to encourage drone usage for important emergency recovery efforts, including by utilities, the FAA has not kept up with the congressional requirements. Going forward, it is important that the relevant committees continue to exercise oversight of the FAA to ensure that rules are developed that facilitate integration of drones into the airspace for utility infrastructure inspection and recovery efforts.

NOW, THEREFORE, LET IT BE RESOLVED: That the American Public Power Association (APPA) believes unmanned aerial aircraft (drones) can be beneficial to the operation of public power utilities, including for surveying electric power equipment, assessing damage, and aiding in construction and repair; and
BE IT FURTHER RESOLVED: That APPA supports continued congressional oversight of the FAA to ensure that the agency keeps pace with drone technology and direction by Congress in previous legislation; and

BE IT FURTHER RESOLVED: That APPA supports efforts in Congress to improve FAA drone regulations and federal aviation laws that facilitate, and not impede, the responsible use of drones by public power utilities.