

# TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-22-20

## BEYOND VISUAL LINE OF SIGHT (BVLOS) FOR DRONE OPERATIONS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) maintains that natural disasters affect human lives and living conditions and often have a more direct and adverse impact on low-income and communities of color;

WHEREAS, state officials have a significant role to play in ensuring natural disaster risk reduction, including the areas of science and technology;

WHEREAS, utilities are responsible for inspecting, protecting, and maintaining the critical infrastructure for the provision of electric, gas, water, and telecommunications;

WHEREAS, investments in infrastructure are making America technologically innovative for the purpose of creating a better quality of life for citizens, providing for the health, safety, and welfare of all our communities; and particularly, fixed income, low-income, under-served and communities of color;

WHEREAS, utilities invest significant resources in protecting the nation's public and private infrastructure through ground and aerial inspections, including the use of drones, or unmanned aerial systems ("UAS");

WHEREAS, UAS can provide improved safety inspections necessary to promote public safety;

WHEREAS, UAS can provide operational benefits to utilities and their customers, including but not limited to improved safety for utility workers, other personnel, contractors, and customers resulting from the ability of UAS to reach remote areas and be deployed in poor weather conditions, as well as during and after storms when ground crews may have limited mobility;

WHEREAS, most utilities using UAS are limited to line-of-sight operations, in which the UAS pilot must be able to see the aircraft without additional visual aids;

WHEREAS, using UAS for outdoor visual line-of-sight operations or specifically authorized BVLOS operations would greatly improve operational efficiency, reduce safety hazards for utility employees and contractors, and ultimately lower costs to customers;

WHEREAS, companies seeking permission to fly UAS BVLOS currently must submit a waiver application to the Federal Aviation Administration ("FAA");

WHEREAS, the FAA has jurisdiction and, as of late 2019, has received more than 1,200 BVLOS waiver applications and has denied approval for an overwhelming majority of waiver applicants;

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WHEREAS, electric utilities (through representatives of the Edison Electric Institute) and the FAA have begun exploring a pathway to a framework for BVLOS activities that would increase transparency of what is needed for a waiver application without sacrificing the FAA's safety responsibilities and this collaboration should allow owners of linear infrastructure to prepare applications that have a greater likelihood for approval of BVLOS waivers;

WHEREAS, many utilities and state regulatory authorities have expertise with manned and unmanned aerial systems, demonstrating that these entities' use of BVLOS flights can be done while protecting the safety and security of FAA air space;

WHEREAS, the FAA has initiated an important Aviation Rulemaking Committee ("ARC"), to develop a regulatory framework for BVLOS operation, within the next 2-3 years, that will facilitate greater future use of BVLOS UAS operations by utilities; and

WHEREAS there is an immediate need for BVLOS waiver to be approved during the pendency of the ARC's work.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages the FAA to use its authority to examine the use of BVLOS waivers during this critical interim period before there are final rules in place that facilitate safe BVLOS operations by utilities;

BE IT FURTHER RESOLVED, that the NBCSL encourages utility and utility regulators knowledge sharing and development of industry best practices concerning BVLOS activities, including support for the development of a common utility BVLOS waiver; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

**SPONSOR(S): Representative Barbara Ballard (KS) and Representative Karen Camper (TN)**

**Committee of Jurisdiction: Telecommunications, Science, and Technology (TST) Policy Committee**

**Ratified in Plenary Session: December 2, 2021**

**Ratification certified by: Representative Billy Mitchell (GA), NBCSL President**