Aviation Alert: First Transport Canada Approved BVLOS Flight for a UAS

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On February 24, 2017, Canadian aviation history was made with the first Transport Canada approved Beyond Visual Line of Sight ("BVLOS") flight by a Small Unmanned Aerial System ("sUAS").

The laws with respect to Unmanned Air Vehicles ("UAVs"), sometimes colloquially called "Drones", are evolving rapidly in response to business use and technology advances. Terminology is shifting away from "UAV" and "Drone" toward Unmanned Aircraft System (UAS) and Remotely Piloted Aircraft System (RPAS) to acknowledge that the technology more aligns with aircraft and their associated sophisticated use and risks, as opposed to "vehicles".

A milestone in the evolution of Canadian aviation regulations for UAS operations occurred on February 24, 2017 at the Foremost UAS Range in Alberta. The flight involved an Aeryon SkyRanger sUAS flying BVLOS. This successful flight by Ventus Geospatial Inc. was the first of its kind to be approved by Transport Canada.

Transport Canada has exclusive jurisdiction over Canadian UAS flights. The current laws require certain flights to obtain pre-approval through a Special Flight Operations Certificate application process. This process can be onerous, particularly for BVLOS flights. However, Transport Canada anticipates that changes to UAS regulations will be made in the spring of 2017; though, not necessarily for BVLOS operations. Transport Canada also anticipates more applications for BVLOS operations following the milestone February 24, 2017 BVLOS flight.

The first approved BVLOS flight in Foremost, Alberta follows the public release of the industry's first best practices document for BVLOS operations. This document was authored by Unmanned Systems Canada to assist sUAS operators who intend to diversify from Visual Line of Sight operations (VLOS) to BVLOS operations. It also follows the February House of Commons Interim Report on the Study of Unmanned Air Vehicle Regulations. Within the Interim Report the Standing Committee on Transport, Infrastructure and Communities sets out a number of recommendations for future UAS regulations, including alignment with current American regulations and registration requirements.

BVLOS flights can include a range of operations from a straightforward flight behind a building to a cross-country IFR flight through controlled airspace. The BVLOS flight on February 24, 2017, as well as the recent releases of the House of Commons' Report and the public BVLOS best practices document by Unmanned Systems Canada, signal the possibility of imminent and considerable developments in both UAS technology and the law.

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