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Gavel to Gavel: Drones will make Oklahoma businesses fly

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Drones are revolutionizing an array of industries worldwide. With their versatile use-applications and advanced air mobility, opportunities associated with drones are sky-high. First responders are using drones for vital search-and-rescue missions or fire control. Delivery giants like Amazon have embraced drones to expedite and streamline delivery. To keep up with this rapid advancement, businesses must consider how to best utilize drones in their industry.

In Oklahoma, initiatives place our state and tribes at the forefront of commercial development of drone technologies and entrepreneurship. In the oil and gas sector, Oklahoma-based Flogistix utilizes drone technology to detect methane leaks along pipelines. Tulsa Innovation Labs boasts the nation's longest testing range for drone trials. This, coupled with its research and development initiatives in drone manufacture and design, makes it an attractive partner for companies seeking to employ drones. The Choctaw Nation – in partnership with the FAA – has allocated over 44,000 acres for conducting drone flight trials, with an aim to develop commercial drone regulations that meet specific industry needs.

The current landscape of federal and state drone regulation may pose challenges. The FAA's Part 107 regulations impose a number of burdensome operational limitations on commercial drone use by requiring drones to fly below 400 feet, remain in the pilot's line of sight, and avoid flying over people and moving vehicles. While exemptions for particular restrictions may be available, the FAA reviews such exemptions case by case. The Choctaw Nation recently received FAA approval to operate certain drones beyond the pilot's line of sight while flying within the Choctaw Nation's established drone range.

Congress has indicated a desire to aid drone innovation for critical infrastructure facilities and pipelines. After passing Part 107, Congress urged the FAA to consider allowing waivers for operations in these industries, as well as implementing measures to protect such facilities from drone interference. State governments have addressed similar issues, with Oklahoma prohibiting drones from flying below 400 feet while over critical infrastructure such as refineries and natural gas distribution facilities. Such state regulations may face constitutional scrutiny, however. Similar regulations in Texas were recently struck down on First Amendment grounds, and potential preemption issues may arise under the U.S. Constitution's Supremacy Clause.

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Despite regulatory complexities, Oklahoma offers ample resources to foster a competitive advantage in commercial drone operations. Businesses must navigate evolving federal and state regulations to leverage benefits.

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