



AN INTERVIEW WITH **JOHN VALERY WHITE** ON UNMANNED AERIAL VEHICLES

BY MICHAEL SAUNDERS, ESQ.

Nevada Lawyer magazine recently had the opportunity to talk with the former Dean of UNLV William S. Boyd School of Law and current UNLV Provost John Valery White about unmanned aerial vehicles (UAVs), commonly referred to as drones. In addition to his deep connections with UNLV, White serves as chairman of the Nevada Institute for Autonomous Systems (NIAS), making him the ideal person to provide insight into UAV development in Nevada.

Nevada Lawyer: What is NIAS?

John Valery White: NIAS is a 501(c)3 organization created in late 2013 for the purpose of helping facilitate the state's management of the Federal Aviation Administration (FAA) UAV test site designation,¹ but also to develop the capabilities of Nevada's UAV test sites, to manage the day-to-day operations of the sites and to connect that work with the state's universities, community colleges, and high schools — really to facilitate full-on engagement with UAV technologies. The idea was that NIAS would become the state's technical and operational agent for managing Nevada's UAV test sites,

and then whatever revenue NIAS realized would be turned toward education and public information on UAVs.

NL: I understand that Nevada was successful in its efforts to receive FAA UAV test site designation. What is the role of the Nevada-based UAV test sites now?

White: The role of the test sites now is about providing opportunity and space for industry and educational stakeholders to test and evaluate UAVs to determine how to safely integrate them into the National Air Space.

NL: What prompted you to get involved with NIAS and UAVs?

White: UNLV has an important role in UAV development and testing. So, it made sense that there be somebody from the university involved. I had a relationship with the Governor's Office of Economic Development and my position as UNLV Provost in combination made me a good fit for the NIAS position, and I was willing and happy to do it.

NL: What is UNLV doing with respect to UAVs?

White: UNLV has always had a number of faculty members and researchers in engineering and around campus working on unmanned vehicle design and application. We also have introduced a robotics program recently. In addition, we have other colleges and departments working on UAV-related issues. For example, our criminal justice program has been researching using UAVs in crowd control circumstances and developing protocols to ensure privacy is protected and other public concerns are met; and the law school has created a working group to think about privacy and UAVs. Their work and a conference that UNLV and the Boyd School of Law put on jointly with NIAS and the Fennemore Craig law firm was crucial to developing the UAV privacy legislation,

Assembly Bill (AB) 239, that was passed in the Nevada legislature recently.

NL: What do you think about that UAV legislation, AB 239?²

White: I think it's a good approach that tries to strike a balance between protecting individuals and the general public, while not unduly restricting the growth of the UAV industry.

NL: What characteristics make Nevada well positioned to promote UAV technologies?

White: Well, Nevada has a long tradition in civilian and military aviation in general and in UAVs in particular, given the presence of Creech Air Force Base as a USAF installation for UAV development. The additional thing is that

Nevada has many sunny days and lots of space where we can test UAVs without intrusion into the public. We also have quite a lot of airports that have signed up with NIAS in order to host UAV testing.

NL: The FAA has a current rulemaking process in progress regarding UAVs. Do you know what the status of that rulemaking is?

White: Apart from individual licenses for commercial UAVs that the FAA has issued, the FAA has issued draft rules and has engaged in obtaining public comment. The comment period has closed and the FAA is now evaluating the comments. Presumably, after some period of reviewing the comments, the FAA will propose final rules. We expect that there will be some final rules for small UAVs issued sometime in 2016.

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One of the disappointing things about the small UAV draft rules is that they contain a line-of-sight requirement, meaning that a small UAV must remain within visual line of sight of its operator. I think many people in the aviation industry believe the line-of-sight requirement is important, yet many people on the UAV side see that requirement as an impediment to some UAV applications.

The individual licenses that the FAA has issued suggest that the FAA is trying to strike a balance between rules of general and individual application.

NL: Do you have any concern that FAA regulation will impact commercial innovation of civilian UAV technologies?

White: It could. That's the nature of regulation. It can not only limit, but distort the development of technology. There is certainly a camp that believes the FAA should give blanket approval and just let the industry thrive. I'm not in that in camp, because there are some substantial safety and privacy issues to be worked out – that's what the test sites are supposed to be working on. I believe when people think of small UAVs, they're not so concerned. But, on

the other hand, a 50-pound UAV or even a 30-pound UAV traveling at 50 miles an hour and falling out of the sky is pretty dangerous.

NL: What applications of UAV technologies do you find the most interesting... the most exciting... the most innovative?

White: The ones that, today, strike me as very interesting are the applications for aerial inspection of agriculture, pipelines and utility-lines, because those inspections are relatively expensive, routine enterprises where I think UAVs can really make a big difference.



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There are UAV applications that have not quite come together yet; these are what is most intriguing about the UAV industry. UAV's represent incremental technological change around things that we are already familiar with, that both creates new and substantial legal and policy questions, but also creates opportunity for them to come together to provide utility that we haven't really thought about.

NL: What does the future hold with respect to UAV technologies?

White: I think most of the focus has been on small UAVs. But for me, I think the growth area will be in large UAVs once we solve some technical issues. For example, there are things now that we wouldn't do with a plane or helicopter, but you can imagine a UAV well beyond the size of small UAV but still not the size of a full-size helicopter doing: search and rescue, monitoring and other sorts of things. I think that's the next wave in UAV development that we will be experiencing.

*More information about NIAS can be found at: <http://www.nias-uas.com>. More information about the FAA UAV rulemaking can be found at: <https://www.faa.gov/uas/>. More information about Nevada's advancement of the UAV industry can be found at: <http://diversifynevada.com/key-industries/aerospace-defense/uav>. **NL***

1. Tom Wilczek, a 2001 Boyd School of Law graduate and Defense & Aerospace representative at the Governor's Office of Economic Development, is the state of Nevada lead for the development of the UAV industry.
2. AB 239 establishes limits on the usage of UAVs in the state. The legislation, which was signed into law on June 2, 2015, can be found online at: https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB239_EN.pdf.



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