

EXEMPTION NO. 17510

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC 20591

In the matter of the petition of

**UNION PACIFIC RAILROAD,**  
for an exemption from part 21; §§ 61.23(a) and (c); 61.101(e)(4) and (5); 61.113(a); 61.315(a); 91.7(a); 91.119(c); 91.121; 91.151(a)(1); 91.405(a); 91.407(a)(1); 91.409(a)(1) and (2); and 91.417(a) and (b) of Title 14, Code of Federal Regulations.

**Regulatory Docket No. FAA-2014-1105**

**DENIAL OF EXTENSION**

By letter dated April 18, 2017, Ms. Angela Wilson, on behalf of Union Pacific Railroad, 1400 Douglas Street MS 1580, Omaha, Nebraska 68179, petitioned the Federal Aviation Administration (FAA) for an exemption from §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b) of Title 14, Code of Federal Regulations (14 CFR). The petitioner requested to renew Exemption No. 11353, which expires April 30, 2017, to operate unmanned aircraft systems (UAS) to conduct assessments circumstances following an incident that involves Union Pacific property and/or personnel for training flights.

**The petitioner supports its request with the following information:**

The original petition for exemption describing the proposed operation and the regulations from which the petitioner seeks exemption is posted to the docket. To view the petition, visit <http://www.regulations.gov>, enter the regulatory docket number found on the first page of this document into the search box and click "Search," then click on the "Open Docket Folder" link next to a result associated with the docket number.

**The FAA's analysis is as follows:**

The FAA has finalized the first operational rules for routine commercial use of small unmanned aircraft systems (14 CFR part 107). The new rule is now in effect and offers

safety regulations for unmanned aircraft drones weighing less than 55 pounds. The FAA has reviewed your request and determined that your requested operation may be conducted entirely under part 107, Operation and Certification of Small Unmanned Aircraft Systems, without exemption or need for waiver under the provisions of 14 CFR § 107.200.

Section 333 of Public Law 112-95, Special Rules for Certain Unmanned Aircraft Systems (UAS), provided the FAA authority to authorize certain UAS operations. This incremental step provided a pathway for safe and legal civil operations in the National Airspace System (NAS) and was considered a bridge mechanism until the implementation of part 107. Now that part 107 is in effect, the vast majority of operations authorized under previously issued exemptions under Section 333, including the operations proposed in this petition for exemption, can be conducted under part 107. These operations no longer necessitate an exemption.

**The FAA's decision:**

In consideration of the foregoing, I find that a grant of exemption is not in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, delegated to me by the Administrator, the petition of Union Pacific Railroad is hereby denied. The petitioner may begin operations in accordance with 14 CFR, part 107: Operation and Certification of Small Unmanned Aircraft Systems at its discretion.

Issued in Washington, DC on August 25, 2017.

/s/

John Barbagallo  
Deputy Director, Flight Standards Service