



Unmanned Aircraft Systems / Drones

Kaplan Kirsch & Rockwell represents entities seeking to either use or regulate unmanned aircraft systems (UAS), with an emphasis on advising local governments. The rapidly expanding demand for the use of UAS in the commercial, public, and private sectors presents particular challenges for local governments.

Public entities are uniquely positioned as both potential users and regulators of UAS. In addition, federal law governing the technical, operational, and licensing criteria for UAS vehicles and operators is still developing and will remain unsettled for some years.

As the technology evolves and new uses for UAS emerge, public entities are likely to encounter the following issues:

- UAS use. Police, zoning staff, building inspectors, highway departments, and other agencies may wish to use UAS as a cost-effective means of performing monitoring, surveillance, or inspections to fulfill their public mandates. Careful analysis of issues relating to privacy, access to the information gathered, scope of use, and other potential limitations is essential.
- UAS regulation. Local governments face increasing demands from their citizens for measures to protect against intrusions by UAS and to preserve individual citizens' expectations of privacy. Federal law does not preempt all local regulation, but localities must craft measures seeking to regulate UAS with scrupulous attention to the scope of federal regulation and preemption.

We assist public sector clients in drafting ordinances to regulate the use of UAS and in seeking FAA authority to operate UAS for public utility inspections. Our expertise in municipal law and familiarity with FAA's regulatory programs allow us to provide our public sector clients with the range of legal strategies necessary to evaluate each circumstance and craft effective programs and ordinances for the use and management of UAS.

Representative Matters

- Assisted a publicly owned utility in applying for FAA authority to use UAS for facilities inspections.
- Advised a resort municipality on legal and regulatory parameters for ordinances to regulate the use of UAS within the municipality.
- Advised a regional authority seeking to license UAS research and development activities at an airport owned by the authority.