



# CAN DRONES AND AIRPORTS COEXIST?

Peter J. Kirsch



KAPLAN KIRSCH ROCKWELL

FAA investigating after drone spotted near Allegheny County airport 12-20-15 Pittsburgh Why Your Drone Can't Fly Near Airports Anymore 11-18-15

Drones flying near airports raises concerns for lawmakers 3-20-16 Memphis A Drone Came Within 16 Feet of Hitting an Air France Plane 3-4-16 France

DIA takes aim at drone use around airport 9-30-15 Denver FAA working to keep drones away from local aircraft 3-20-16 Atlantic City Close Calls at South Florida Airport

Drone Comes Within 200 Feet of Airplane Near LA Airport 3-19-16 LA Drone near-misses prompt calls for plane strike research 3-2-16 LHR Highlight Drone Dangers 12-23-15 S. Florida Drone spotted near Logan Airport on New Year's Day 1-2-16 Boston

§107

Public  
aircraft  
COA

# Drone regulation

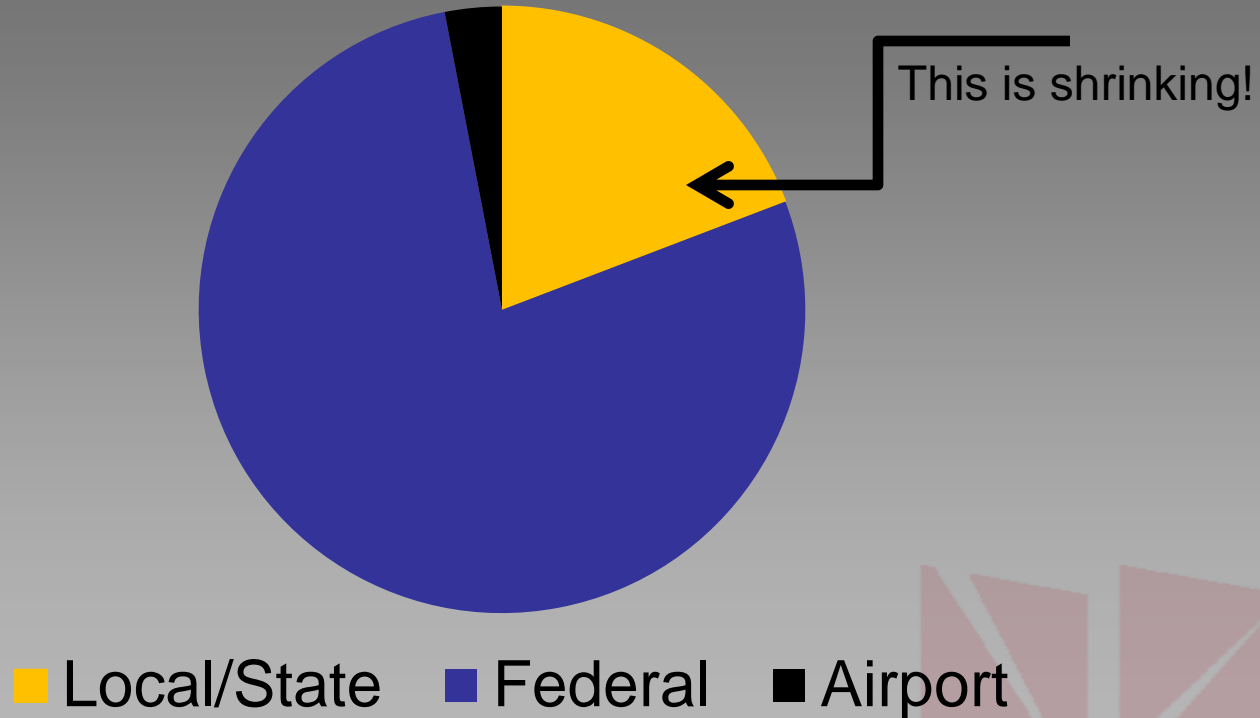
§333  
Exempt

Model  
aircraft

# Airports' concerns

- Safety of ops @ airport
- Risk mitigation
  - Avoid litigation
  - Defenses in case of litigation
- Drone use on and around the airfield

# Division of authority



# Airports' regulatory role

0

(Almost)

# Local/state authority

- Vehicle vs. operations vs. operator
- Sticky preemption issues
- FAA cannot practically police recreational use
- Non-aeronautical authority
  - Privacy
  - Law enforcement
  - Land use
  - Trespass

# Hard legal questions

- Are drones aircraft
- Where does FAA regulate
- Where is navigable airspace
- Where is authority exclusive/shared

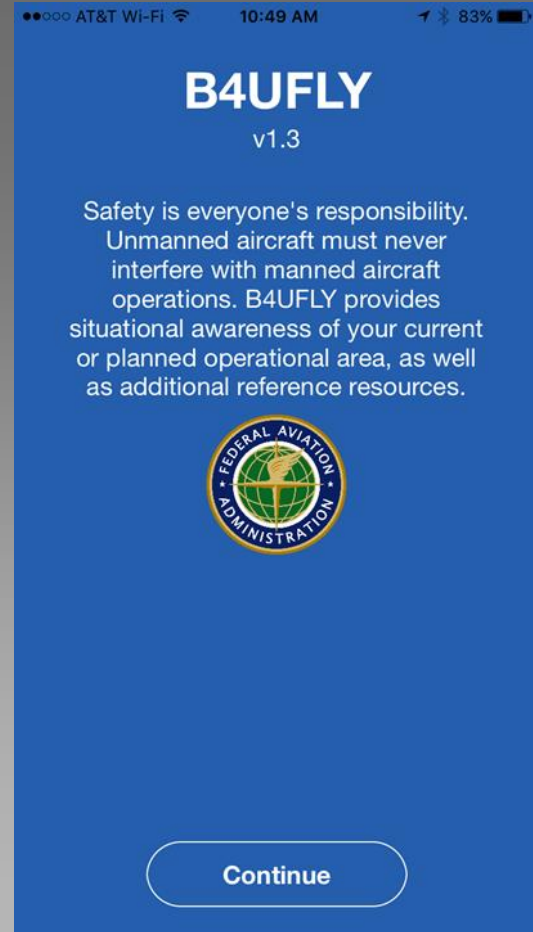
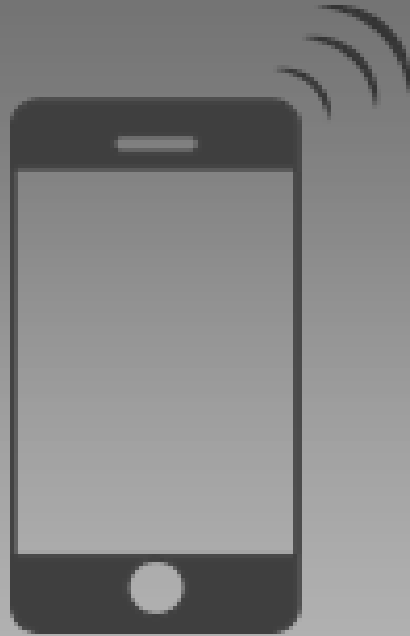


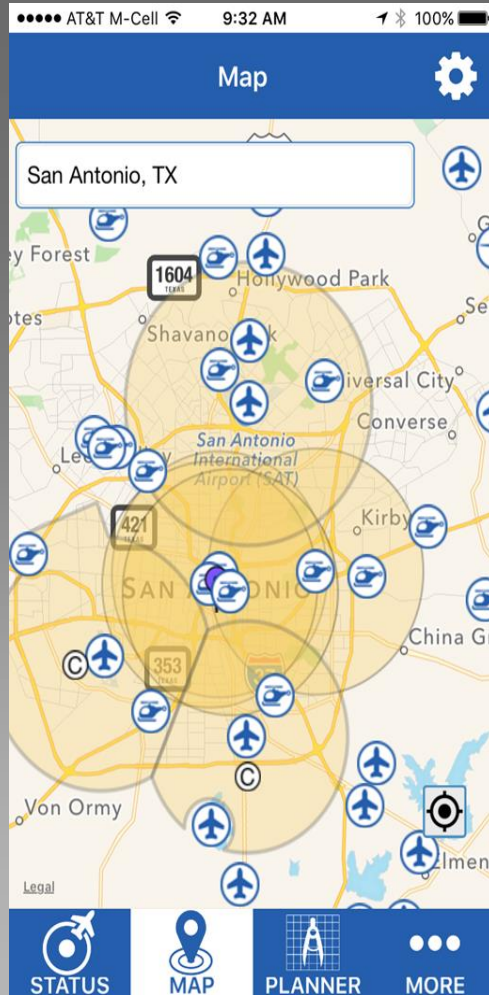
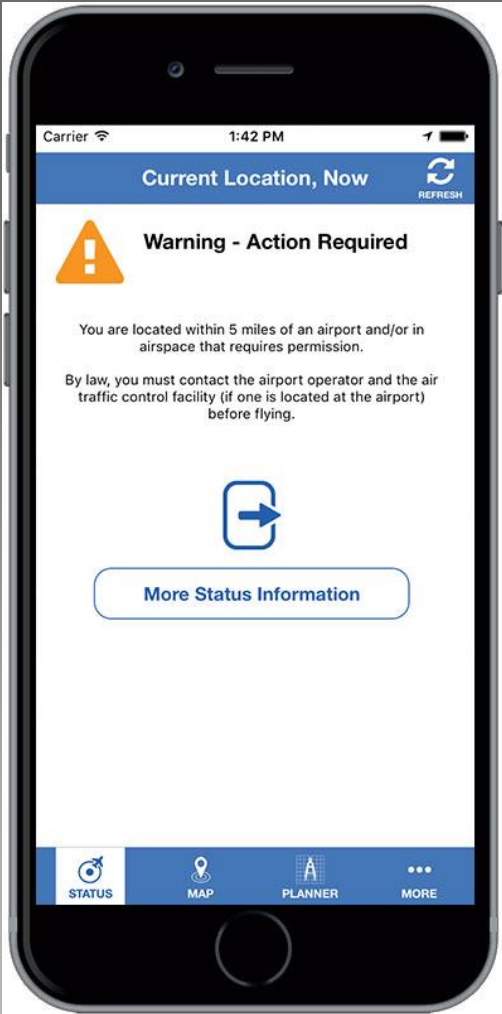


# Airport sponsor's obligations

- Grant assurances (19, 20, 21)
- Allow aeronautical activity
- Minimum standards

# Notify airport





# Now what?

# Best practices

- Intake protocol
- Risk assessment – flight paths (*not* just Part 77)
- Good faith efforts - protect critical areas
- Minimum Standards
- Educational outreach
- Insurance assessment



# A novel approach





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