

30th Annual AAAE Basics of Airport Law Workshop
and 2014 Legal Update
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WHAT WE TALK ABOUT WHEN WE TALK ABOUT “DRONES”

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INTRODUCTION



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INTRODUCTION

The Municipal and Airport Angles:

- Many airports municipally owned – YOU may well get the call
- Public interest – municipalities and counties:
 - Regulating the use of UAS within their jurisdictions
 - Using UAS for public safety and welfare

CURRENT REGULATION

FAA Modernization and Reform Act of 2012, Pub. L. 112-95, Feb. 14, 2012

- Safely accelerate integration of UAS into the National Airspace System by Sept. 30, 2015
- Establish test ranges
- Case-by-case approval of public operations

CURRENT REGULATION

Non-binding guidance documents:

AC 91-57 (June 9, 1981) – Model Aircraft Operating Standards – voluntary

- Establishes 400' ceiling for model aircraft operations

Policy notice, Unmanned Aircraft Operations in the National Airspace System, 72 Fed Reg 6689 (Feb. 13, 2007)

- Categorizes UAS operations according to whether public, civil or model aircraft

Interim Operational Approval Guidance 08-01, Unmanned Aircraft Systems Operations in the U.S. National Airspace System, March 13, 2008

DEFINITIONS

- Aircraft
- Unmanned aircraft
- Unmanned aircraft system (UAS)
- Small unmanned aircraft
- Model aircraft
- Sense and avoid capability

CURRENT PICTURE

- UAS operations permitted on case-by-case basis
- Safety = ostensible governing criterion



CHALLENGES

Technical

- Sense and avoid
- Reliable data links between ground and UAS
- General criteria for design, certification
- Radio frequencies

Regulatory

- Air traffic procedures
- Pilot qualification
- Safety data reporting and hazard analysis

MUST AIRPORTS ALLOW AS AERONAUTICAL ACTIVITY?

- Operation of UAS does not depend on airports
- Forthcoming rulemaking may address explicitly
- Airports must accommodate aeronautical activities
- Airport rules and regulations

MUNICIPAL CONSIDERATIONS

Regulating UAS use within jurisdiction

- Privacy
- Safety
- Revenue (parklands, etc.)

Use for public safety and welfare

- Law enforcement
- Zoning
- Utilities



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<http://increasinghumanpotential.org>

FAA REGULATORY REACH

- Air traffic control – no criteria yet
- Safety – watch rulemaking
- *Huerta v. Pirker*



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WHAT'S AHEAD

- Outcome of FAA appeal of *Pirker* appeal to full NTSB
- FAA rulemaking
- White House Executive Order – info about federal agencies' UAS operations

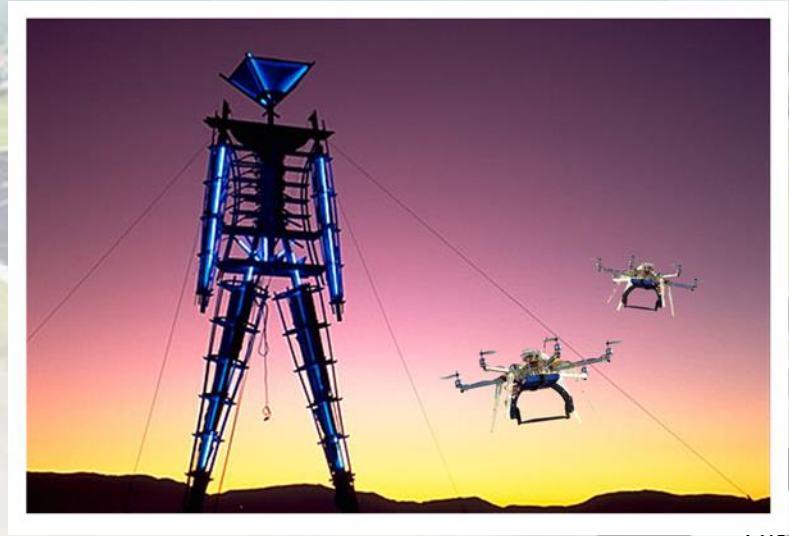


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KNOWN UNKNOWNNS



QUESTIONS?

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