

Drone Briefs

NEWS AND LEGAL UPDATES FOR MUNICIPAL UAV PROGRAMS – August 2021

Do municipal employees flying drones on the job really need a part 107 certificate? Do municipal employees driving fire trucks or police cars really need a driver's license?

Same answer. And here's why. Under FAA law, there are two ways to fly drones. Recreationally or commercially. And no matter how much municipal employees love the part of their job that includes flying drones, it's not recreational. Anyone flying a drone for purposes that don't qualify as recreational is flying commercially and must have an FAA-issued Part 107 pilot's certificate.* Without it, they're flying illegally.

Let's take this one step further. If a municipal employee driving a fire truck or police car without a license hit a pedestrian, would there be increased liability and negative publicity because the employee was driving illegally? Most likely. Similarly, if pilot error or equipment malfunction causes a municipal drone to injure a bystander and it turns out the pilot is flying illegally, it's a good bet a resulting lawsuit may feature an extremely unsympathetic jury and very bad press. So yes, municipal employees flying drones on the job really do need a Part 107 certificate.

*Although Certificate of Authority (COA) programs can establish their own qualification requirements, most require Part 107 because it's a baseline for the necessary knowledge.

The Recreational UAS Safety Test (TRUST) for recreational pilots is now on-line. So what? We operate under Part 107 (see above).

Yes, but even so, it's a good idea for municipal pilots to take the test. While not legally required for Part 107 flights, pilots who fly personal drones while off-duty may find themselves operating outside Part 107 parameters. For instance, if the drone is registered recreationally or

weighs less than 0.55 pounds and is unregistered, the flight is not governed by Part 107 but falls under the recreational flight rules. As a result, these flights would be illegal if the pilot hasn't passed the TRUST.

Plus, it's a free, simple, one-time test you can't fail because you're allowed to keep redoing questions until you get them right. It takes only about 20 minutes and is one more indication that a pilot takes flying seriously. So really, there's no good reason not to do it. One suggested free provider is www.trust.pilotinstitute.com

The Connecticut Municipal UAV Task Force is up and running.

Attorney Jennifer Sills Yoxall of Carmody, together with Manchester's Emergency Management Deputy Director Donald Janelle, recently co-founded the Connecticut Municipal UAV Task Force, open to anyone involved with state, federal or municipal drone programs. The group will assist members in navigating the complexities of municipal drone programs, including the frequently-changing FAA laws that apply, by offering opportunities for networking, education and coordination.

The inaugural meeting, held on July 29th at the Connecticut Fire Academy, was attended by over 40 participants representing 19 municipalities as well as the State Police, the TSA's CT Incident Rapid Response Team, CT DEMHS, Air Force, and NCIS. Members of the task force are in regular communication with FAA representatives and anticipate their participation in future meetings.

The group will meet monthly, alternating between on-line business meetings and in-person speaker meetings. Chief Charles Werner of DRONERESPONDERS will be the first speaker. Chief Werner (ret.) is Chairman of the National Council for Public Safety UAS and a nationally recognized expert on public safety drone use. He'll share

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a slide presentation showing the many ways drones can assist in public safety missions. This will provide valuable insights and use-case examples that can be shared with municipal governing bodies and communities to explain why drone programs are worth the cost and effort.

Next meeting:

Thursday, September 2 at 1:00 p.m.
Branford Fire Headquarters,
45 North Main Street, Branford, CT 06405

Please contact Jennifer Yoxall (jjoxall@carmodylaw.com) or Donald Janelle (djanelle@manchesterct.gov) to sign up or for more information.

Photo courtesy of Donald Janelle



**Connecticut
drones
in the news
and at work.**

Manchester’s UAV unit recently participated in a full-scale exercise at Groton Long Point with the Coast Guard, Groton-New London Airport and area fire departments. The exercise scenario was that a twin-engine plane had crashed into the water while on approach to the airport. Manchester’s four UAVs were used to search for “survivors”, record video and still photos, and provide real-time situational awareness via a 3-hour continuous live-feed to the command post.

Among other lessons learned, the exercise underscored the crucial role of the “air boss” in the success of the mission. His duties included simultaneously monitoring Groton Tower, fire department and visual observer (VO) communication frequencies, keeping track of the drones and other aircraft in the vicinity and communicating with the drone pilots and VOs.

What have your drones been up to?

We’d love to include your drone news and photos in our newsletters. Please forward photos, articles and information to jjoxall@carmodylaw.com

Resources

Below is a list of public safety UAV educational resources we have found particularly helpful. It is by no means exclusive:

DRONERESPONDERS – www.droneresponders.org (news, podcasts, videos, research, monthly webinars with the FAA , form documents)

Airborne Public Safety Association - www.publicsafetyaviation.org (newsletters, form documents, reports, videos)

Public Safety Flight – www.psflight.org (highly relevant information, research, podcasts with the FAA)

FAA – <https://www.faa.gov/uas/> (general UAS information)

piXL Drone Show - www.pixldrone.com (excellent video interviews)

Skyfire Consulting - skyfireconsulting.com (educational videos, newsletter)

Other useful links

Drone Zone - www.droneregistration.com (register your drone, file for waivers)

FAA UAS Facility Maps – www.faa.maps.arcgis.com (controlled airspace limits)

FAASTeam – www.faasafety.gov (register for recurrent training)

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Please email JJoxall@carmodylaw.com to be added.

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Jennifer is an instrument-rated private pilot with over 25 years of experience. She holds a part 107 remote pilot certificate, is an FAA Safety Team (FAASTeam) representative and a civilian representative to the TSA CT Rapid Incident Response Team.

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