

Drone Briefs

NEWS AND LEGAL UPDATES FOR MUNICIPAL UAV PROGRAMS – June 2021

April 21, 2021 – the Magic Date!

With the new FAA rules now in effect, what does that mean for night flying?

1. **I can fly at night without a waiver!** Maybe, maybe not. If you've taken the FAA recurrent training course AC-677 after April 6, 2021 then yes – you can fly at night without a waiver (be careful NOT to take the recurrent training for Part 61 manned pilots unless you are one). **BUT** – even if you've taken the recurrent training, you can fly at night only if you're using strobe lights visible for at least three statute miles.

2. **I've got strobe lights, so I can fly 3 miles away! NO!!!** The three-mile requirement is so manned aircraft can see you. It IS NOT permission to fly beyond visual line of sight. And simply being able to see a flashing strobe light does not qualify as being within visual line-of-sight. To really understand what VLOS means, see hot-off-the-presses research by Public Safety Flight at: https://psflight.org/10479/how-far-can-i-legally-fly-my-drone-and-maintain-vlos-ask-steve/?mc_cid=1a71634794&mc_eid=fef885a2b9

Tethered Drone? Buyer beware.

We just bought a tethered drone. How great is that – no FAA rules apply! Well, not exactly. It's true there's some leniency in the FAA rules for "public actively tethered" drones:

1. The pilot isn't required to be certified under Part 107 or authorized under a COA; and
2. No need for an authorization to fly in controlled airspace **at or below UAS facility map ceilings.**

BUT that leniency applies **only if** your drone qualifies as a **public aircraft**, which means it must be:

1. Owned and operated by the government of a State or a political subdivision of a state; or
2. Exclusively leased for at least 90 continuous days by an entity in (1) above. The "exclusive" requirement means the drone can't be used by anyone else – including the owner – during the 90+ day period.

Tethered drones owned or operated by volunteer fire departments ARE NOT public aircraft and are therefore subject to ALL part 107 requirements.

Also, the operation must qualify as a **governmental function**, which means something typically done only by governments such as firefighting or law enforcement. Filming the big football game does not count.

Even if your tethered drone qualifies as a public aircraft and is performing a governmental function, it's not a free-for-all. Some rules apply. The drone must:

- Weigh no more than 4.4 pounds (including the payload but not the tether);
- Be operated below 150' AGL within Class G airspace or at or below UAS facility map ceilings in Class B, C, D or E surface area airspace;
- Be flown within visual line-of-sight. This means, among other things, you can't launch it and walk off to where you can't see it.
- Not be flown over non-participating persons – defined as anyone other than the pilot or visual observer; and
- Must give way to manned aircraft – which means someone must be watching it at all times.

So, given all these requirements and limitations, the reality is, the best way to ensure you're not violating FAA regulations is to have a Part 107 pilot operate your tethered drone.

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CONNECTICUT FIRE ACADEMY DRONE CLASS – JUNE 10, 2021. Police and municipal officials welcome too!

Chief Charles Werner, (ret.), director of DRONE RESPONDERS, Chairman of the National Council for Public Safety UAS and a nationally-recognized expert on public safety drone use will share the many ways drones can assist in public safety missions. Attorney Jennifer Yoxall will explain how to operate your program in a way that protects your pilots and municipality from liability; and Joshua Haddad, a commercial helicopter pilot and part 107 instructor will provide a unique perspective into the airspace drones fly in, discuss how weather and terrain affect flight characteristics, and demonstrate how to train to be your best under challenging conditions. Sign up on the CT Fire Academy website at: https://ctlms-cfa.ct.gov/Saba/Web_spf/NA3P1PRD0099/guest/guest/earningcatalog

PUT YOUR PUBLIC SAFETY DRONE PROGRAM ON THE MAP!

DRONE RESPONDERS, in partnership with ESRI and NASA Ames Research Institute is preparing a Global Public Safety UAS/Drone Database & Map. It is designed to build a global network of public safety drone programs to share best practices, safety notices, lessons learned, locate nearby teams to share resources and to facilitate training opportunities. **Agencies identifying themselves as willing to deploy for disaster and major incident responses will be added into FEMA's Incident Response Inventory System (IRIS) Database.** Add your program capabilities by completing the survey at: <https://teams.DRONERESPONDERS.org>. Check out the Global Webmap at <https://droneresponders.maps.arcgis.com/apps/webappviewer/index.html?id=a84c95f4951345269f6fab330846d3de>

CONNECTICUT DRONES IN THE NEWS AND AT WORK! What have your drones been up to?

We'd love to include your drone news and photos in our newsletters. If interested, please forward photos, articles and information to us for consideration at jyoxall@carmodylaw.com.

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

- **Drone Responders**
<https://www.droneresponders.org/> (news, podcasts, videos, research, monthly webinars with the FAA , form documents)
- **Airborne Public Safety Association**
<https://publicsafetyaviation.org/> (newsletters, form documents, reports, videos, discussion forums)
- **Public Safety Flight**
<https://psflight.org/about-us/> (highly relevant information, research, podcasts with the FAA)
- **FAA** <https://www.faa.gov/UAS>
- **Skyfire Consulting**
<https://www.youtube.com/c/SkyfireConsulting/videos> (numerous educational videos, newsletter)

Other useful Links:

- **Drone Zone:** (register your drone, file for waivers)
<https://faadronezone.faa.gov/#/>
- **FAA UAS Facility Maps:** (controlled airspace limits)
<https://faa.maps.arcgis.com/apps/webappviewer/index.html?id=9c2e4406710048e19806ebf6a06754ad>
- **FAA Fastteam:** (register for recurrent training)
<https://www.faasafety.gov/>

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Jennifer is an instrument rated private pilot with over 25 years and nearly 1,000 hours of flight time. She also holds a part 107 remote pilot certificate.

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