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# Opportunities and Pitfalls of State Drone Policies

Thomas DeCesar  
K&L Gates LLP  
Harrisburg, PA

# FAA'S PERSPECTIVE ON JURISDICTION



# CONCURRENT JURISDICTION

- FAA recognizes some dual jurisdiction with states.
  - Likely Preempted:
    - Operational restrictions on flights; regulation of airspace; equipment; and training.
  - Proper State Areas for regulation
    - Traditional state and local police power laws – including privacy, trespass, land use, zoning, and law enforcement.
- FAA reached out to states for law enforcement assistance and to advance technology (UAS Integration Pilot Program)



# STATE/LOCAL UAS LAWS

- Privacy
- Conditions/Limitations on Public Use
- Use Restrictions
- Commercial Framework
- Airspace Limitations



# LOCAL ORDINANCES AND AGENCY REGULATIONS (PENNSYLVANIA EXAMPLES)

- Pittsburgh (municipal law Oct. 2015)—No UAS allowed in the city parks or playgrounds.
- Lower Merion (2017)—No UAS in township parks.
- PA Game Commission (2016)—No UAS on game lands.
- PA State Parks (2017)--UAS permitted at “designated flying sites” within six state parks. Drone use is prohibited at all other state parks.

# THE ROLE OF STATE DOTs

- At least 35 state DOTs are currently using or researching the use of UAS.
- At least 23 state DOTs have drone policies that cover issues like the acquisition, operation, airspace restrictions, training and permitting of drones and drone pilots.
  - Most policies relate to state use of UAS.





# COURTS GET INVOLVED

- ***Boggs v. Meredith*, 3:16-cv-00006 (W.D. Ky.)**
  - The “Droneslayer”
- ***Huerta v. Haughwout*, 3:16-cv-358 (D. Conn.)**
  - The Flamethrower
- ***Singer v. City of Newton*, 2017 WL 4176477 (D. Mass.)**
  - The Garden City



# WHAT'S NEXT?

- Expanded UAS operations and prevalence
- A new form of transport – for goods and for people?
  - UAS delivery
  - Air taxi services



# QUESTIONS?

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Thomas DeCesar  
K&L Gates LLP  
tom.decesar@klgates.com  
(717) 231-4563