

Super Bowl, No Drone Zone – What's Next?

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To much fanfare, the FAA announced that the Super Bowl was a "no drone zone" with a 36 mile Temporary Flight Restriction. Everyone will agree it is a good idea to avoid unnecessary aerial traffic over large groups of people. However, what is the practical side and how did they enforce this prohibition? Did they have a flock of trained eagles as they do in the Netherlands or hovering nets that are being used in Japan? No. They merely purchased some very expensive PSA's that were broadcast leading up to the big game and **provided countless decals** to be posted...where, exactly.

Did it work? Do we know? Well, No. The FAA has specifically defined a drone as being an unmanned aircraft system "both tethered and untethered." Question – is the SkyCam that brings us shots inside the huddle and a few feet behind the kicker a UAS? It is clearly tethered, and it is part of a system, with a ground based operator. I hope CBS had a waiver for the SkyCam.

The more interesting question is the extent of the FAA's long arm of regulation. The FAA will readily admit that it cannot regulate the operation of a UAS indoors – thus, it could not prohibit operation in any of the domed stadiums. Should the mere fact that a stadium does not have a roof allow the FAA to regulate UAS operations down to field level? The FAA is on record claiming jurisdiction of UAS operated on the operators own property even if below the level of surrounding vegetation and structures.

If you crashed your drone while doing a test flight in your own back yard, do you have to report that incident? Not yet. Maybe? Or, have they just not thought of it yet. If that drone fail involved an injury to another person, and the drone did not have the requisite registration number affixed, it certainly could result in a civil penalty action.