Three Lawyers and a Drone
Episode 2: Tips for first-time drone operators
Transcript: Interview with Sean McGowan, Tyler Black and Mike Deutsch of the Thompson Coburn LLP Drone Practice

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Sean McGowan: Hello everybody. Welcome back to three lawyers and a drone for another edition of Thompson Coburn's drone podcast. Joining me today from Washington, D.C., are two other members of the Firm's UAS practice group, Tyler Black and Mike Deutsch. Just want to say thanks to everybody who did turn out for our last podcast regarding drone disruptions at or near airports. I think as we mentioned, we don't know exactly who, you know, was piloting those aircrafts at the time but it does seem like it's possible that those incidents could've been by new aircraft operators, new drone operators. So today we thought we would take a little bit of a look at what the new drone operators need to know before they start flying. What are the rules they need to follow? Can somebody just take their brand new drone right out of the box and start flying it immediately? Things like that. So Mike you want to lead us off in that area?

Mike Deutsch: Sure, well, to get right to the point, Sean, no, you cannot just take a brand new drone out of the box and start flying. It's actually a relatively complicated issue. Drone rules can generally be divided into different categories. Now unfortunately, we don't have time today to discuss every single category so we're going to focus on operators who are simply flying a drone for fun. But, fear not, if you are a commercial or an educational operator, or if you're flying on behalf of a public safety or a government organization, there will be additional rules that will apply to you but you can always contact the TC Drone Team and we would be happy to assist you.

Tyler Black: Hey everyone, this is Tyler. So we've established that we're talking about hobbyists or, you know, recreational, for-fun flyers. What kinds of steps do they need to take, Mike?

Mike Deutsch: Well, step one is registration. You have to register your drone. Drone users must register with the FAA at faadronezone.faa.gov.

Tyler Black: Uh-oh, the "r" word, what does it cost to register?

Sean McGowan: Don't worry too much. There isn't a ton of red tape involved in the registration process and it really only costs $5 to register and registration is valid for a three-year period.

Tyler Black: So what else would a new owner need to know?

Mike Deutsch: Well, a new owner must review the drone rules which are available at www.faa.gov/uas. There's a lot of them – we're not going to read all of them today but here are some significant ones you should be aware of. Drone operators must fly at or below 400 feet. They must keep their drone in sight at all times and this is very, very important – drone operators must never, and I mean never, fly near aircrafts or over groups of people and they must never fly near, or over emergency response efforts.

Sean McGowan: Okay, so below 400 feet, in line of sight, never near aircrafts or over people. So we're ready to fly now, I guess, right?

Tyler Black: Well, there's a little bit more to think about. Drone owners should definitely be aware of various other restrictions that may apply depending on where they choose to fly. Some common ones include flying near aircrafts, stadiums; especially when there's an event at the stadium or other sporting events. And you also can't fly near certain security-sensitive airspaces. Now some of those are fixed, like around military bases. But some of them are dependent on the moving of VIPs around the country. So it's important to check if there is a special use airspace in effect where you want to fly. Additionally, some cities, like Washington, D.C., are very restrictive in terms of their airspace and other cities such as Chicago, have developed municipal regulations to attempt to govern some of the flight operations in their general airspace. So it's really important to check with where you are in addition to why you're flying.

Mike Deutsch: And Tyler you mentioned some local restrictions. How is a drone operator supposed to find out about these restrictions?

Tyler Black: Well, you start with a city or county or even state website, looking at if there is an airspace webpage related to drones. For specific information, kind of a good one-stop shopping is the FAA safety app called Before You Fly. This is an app that will provide real-time information about airspace restrictions based on your GPS location but it's important to note that that's more in the realm of the federal restrictions. So still take the time to check a city source or municipal source to make sure that it's okay in that area.

Sean McGowan: Thanks, Tyler. Thanks, Mike. That's a lot of good tips and a lot of good information. Before we go, I just thought we'd take a little look at some final, yet basic, thoughts before you go out and start flying. One thing that comes to mind right away is that you got to read the owner's manual. As simple as that sounds, you got to read it cover to cover. I know most of us don't like reading instructions but this is one of those times where it will really serve you well to do so. Tyler, you got any thoughts?

Tyler Black: Yeah, you know, no one wants to think about what happens if there's a crash or some sort of other incident but you want to check to see if you have insurance that adequately covers what your planned operation is going to be. Some homeowner's insurance policies will or won't cover it. It's up to you to really determine that. And there are also specialty one-off policies for specific flying if you think that that's warranted.

And on the topic of first time flyers, I remember the first time I was flying my brother's drone. It was a more advanced quadcopter and I remember looking over my shoulder a lot and worrying about how close I was to high-powered lines; whether I was going to be too close to other people and I was spending a lot of my time doing that even though my brother was right there, kind of looking out for me. It occurred to me only afterwards that it probably would have been helpful to plan as much as possible, in my mind's eye, in advance

before ever even launching. So that would be a good thing to do on the day of your flight.

Mike Deutsch: That's a great point, Tyler, and just one more thing to add. You can also practice by flying inside somewhere. Either in a garage or inside a room as long as that room doesn't have anything valuable. When you're flying inside, the FAA doesn't actually regulate so you don't have to worry about that. Your only requirement is just to make sure you don't crash the drone into your house or your garage.

Sean McGowan: Some stray places, basement, garage, office or you know, if you've got access to a school gym, something like that. And lastly, I would just say don't underestimate your local hobby shops. They are a great source of information on where to fly and not only that, but could be a source for people who might be able to give you some pointers on how to fly and, of course, the Academy of Model Aeronautics is a great source as well. But I think that we've covered that in the short time that we had.

Thanks again everybody for listening. Remember additional restrictions apply if you're a commercial or educational operator or if you're flying on behalf of a public safety or government organization. If you have any questions, feel free to contact us and as always feel free to submit questions or topics you might want to hear us discuss. You can do that either through contacting TC on our webpage or direct messaging the TC drone twitter page @tcdronelaw. Thanks and have a great day.

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