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Michigan Unmanned Aerial Systems Task Force

Welcome to MDOT's Office of
Aeronautics

September 27, 2017 Agenda

- Approval of Minutes
- Recap of Private Use Issues
- Recent UAS News
- Current State Law Recap
- Interference with Public Safety
- Data Sharing and Retention
- Law Enforcement Privacy Concerns
- Enforcement Difficulty
- Airport Concerns
- Report Section Identification
- Meeting Schedule
- Discussion and Public Comment

Private Use UAS Recap

- For Report Inclusion
 - Extension of Self Concept for Privacy, Trespass, Imagery Collection
 - Explore Statewide UAS Airspace Management Concepts
 - Need for centralized state outreach and education effort for local government, law enforcement, UAS pilots, airports, and others

Recent Developments

- Singer v City of Newton, MA
 - City imposed UAS Restrictions
 - City UAS Registration
 - Restrictions over private property < 400ft AGL
 - Restrictions over public property – at all altitudes
 - Restricted BVLOS
 - Federal District Court upheld FAA preemption
 - Flight restriction “thwarts not only the FAA’s objectives, but also those of Congress [and its] intent for the FAA to integrate drones into the national airspace.”

Current Michigan Law

- Can not use a UAS:
 - To “Harass” a person
 - In a manner that would violate a restraining order
 - To capture photographs, video, or audio recordings of an individual in a manner that would invade the individual’s reasonable expectation of privacy.
 - To violate sex offender restrictions
 - To hunt or harass hunters
 - To interfere with police, firefighter, paramedic, SAR
 - In furtherance or commission of a crime

Current Michigan Law - Interference

- “An individual shall not knowingly and intentionally operate an unmanned aircraft system in a manner that interferes with the official duties of any of the following:
 - A police officer.
 - A firefighter
 - A paramedic.
 - Search and rescue personnel.”
- **For Task Force Discussion:**
 - Include “all public safety”?
 - Include “any governmental use”?
 - Include “scene of an emergency”?

Current State Data Sharing & Retention

- Law Enforcement:
 - Restricted by Criminal Justice Information Center rules (CJIC)
 - Freedom of Information Act (FOIA)
 - Departmental Policy
- Non LE Agencies:
 - Subject to original collector and contractor agreements
 - MDOT retains bridge inspection documents and imagery per requirements from FHWA
 - All state agencies must comply with Michigan Records Retention Act.

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Data Security

- Information has been obtained through numerous sources that some UAS manufacturers are providing US critical infrastructure data and law enforcement data captured by operators to foreign government.
- Operators who are capturing this data to include railroad, electric, water, and gas utilities. This information is stored on a cloud based service accessible by third parties.

Law Enforcement Privacy

- MSP Policy
 - UAS not used for surveillance without a search warrant
 - UAS not used over personal property to further an investigation without a search warrant
 - Data retention (3 years on all photos and videos)
 - Must follow all rules and regulations set forth by the FAA
- For Task Force Discussion:
 - Should MSP Policy be recommended to county/local LE?
 - How best to push information out to local law enforcement on current state and federal regulations?



UAS Operations Near Airports

Key Facilities / Correctional Facilities

- MCL 750.552 covers Key Facilities and trespassing.
 - Unlawful to:
 - Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.
 - Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.
- At least 3 case of correctional facility or critical site lockdowns due to drone flights
 - Ionia facility pilots recently arraigned
- For Task Force Discussion:
 - Is this adequate for UAS? Posting of signs? Does this cover correctional facilities?
 - State should avoid controlling airspace.

Enforcement Challenges – Federal

- FAA regulations are not enforceable by state, county, or local law enforcement
- FAA lacks ability to uniformly enforce existing regulations.
- FAA examines safety of flight issues and generally avoids local public safety/privacy concerns.
- For Task Force Discussion:
 - How should we strengthen LE ability to enforce state law? Extension of self for existing restrictions? Who is left out of existing restrictions?

Enforcement Challenges – State/Local

- Because of the mobility of UAS, law enforcement has a difficult time locating violators because of their remote location
- If the UAS is located, is there enough preliminary evidence to support a search warrant authorization of their media card?

Enforcement Realities

- UAS flown over someone's home that has skylights, homeowner suspected UAS was looking through skylights
- UAS flown near the window of a woman's home, law enforcement responded and said there was nothing they could do
- UAS flown at hotel 20 floors up, presumably looking in windows of hotel room
- **For Task Force Discussion:**
 - **State law protects reasonable expectation of privacy with UAS. Is this enough? Is it enforceable?**

Law Enforcement Suggestions

- Should all UAS/UAS Data be open to inspection by LE?
 - Should all aircraft be open to inspection by LE?
- Should UAS operations be restricted if occurring from/over private property?
 - Avoid restricting airspace
 - Restrict hobby/allow commercial?
- State UAS Office as point of contact for public.
- State airspace management when appropriate.

Other Issues

- Universities – Local Unit of Government?
 - Singer ruling helps clarify any local government's role in airspace regulation.
- Others?

Report Section Headers

- Education/Outreach/Training to local officials and law enforcement on current regulation.
- Strengthen law enforcement agencies' ability to enforce existing state law
- Others?

Future Meetings – Topics

- Private UAS Use – Opportunities / Challenges
- Public UAS Use – Opportunities / Challenges
- Economic Development and State Support For Growth
 - Need Presentation Leader!
- Others?
- Report Drafting
 - Aero staff in initial phases of report drafting based on previous meetings. We plan to reach out to members for assistance on sections.

Future Meeting Schedule

- October 11
- October 25 (New Addition)
- November 1
- November 8
- November 15
- November 20 – Report Due



Task Force Open Discussion

Questions, Comments, Concerns



Public Comment