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DRONED AND CONFUSED: LEGAL CONSIDERATIONS FOR UAS DETECTION AND MITIGATION

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Recent Detection and Mitigation Provisions

- FAA Extension, Safety, and Security Act of 2016, Section 2206 Pilot Program
- 2017 and 2018 National Defense Authorization Acts
- 2018 FAA Reauthorization
- FAA's Remote ID and UTM Initiatives



Federal Aviation Safety/Security Law Examples

- Aircraft Sabotage Act, 18 U.S.C. Sec. 32 — damaging, destroying aircraft
- Air Piracy Act, 49 U.S.C. Sec 46501, *et seq.*
- 49 U.S.C. 46308 – interference with navigation facilities
- Some exceptions for DoD, DOJ, DHS, etc., but NOT airports



Federal Communications Laws

- Wiretap Act, 18 U.S.C. Sec. 2511 — wiretap prohibitions
- Computer Fraud and Abuse Act, 18 U.S.C. Sec. 1030 — illegal access to computers
- FAA Act, 47 U.S.C. Sec. 301 — licensing of radio transmitters
- FCC Act, 47 U.S.C. Sec. 302(b) — use of unlicensed jammers
- FCC Act, 47 U.S.C. Sec. 333 — Interference with radio communications





Grant Assurance Considerations

- Assurance 19 — O&M
- Assurance 20 — Airport Hazards
- Assurance 29 — ALP
- Part 77





Other Considerations

- Tort Law/State sovereign immunity waivers
- State law regarding theft, hacking, unauthorized access
- Fifth Amendment (and State equivalent) takings
- Common law doctrine of necessity
- Prosecutorial discretion

