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Gerritsen Beach Fire Department

52 Seba Avenue | Gerritsen Beach | Brooklyn, NY 11229

July 5, 2023

Via Online Submission

Melanie Braverman, Esq.
NYPD Legal Bureau
One Police Plaza
Room 1406
New York, NY 10038

Re: Gerritsen Beach Fire Department and Volunteer Firefighter's Association of NYC Joint Comment on NYPD's Proposed Rules for Unmanned Aircraft

Ms. Braverman,

The Gerritsen Beach Fire Department and Volunteer Firefighter's Association of NYC, in accordance with the Notice of Public Hearing and Opportunity to Comment on Proposed Rules, dated June 2, 2023, hereby jointly submit the following comment for consideration by the NYPD in drafting rules and regulations for drone use within NYC.

The Gerritsen Beach Volunteer Fire Department ("GBFD") is the only volunteer fire department in the borough of Brooklyn. The Department responds to approximately 400 calls annually consisting of about 300 EMS calls and 100 Fire/Emergency calls. The department's response area includes a large area of the Marine Park Salt Marsh and waterways such as Shell Bank Creek. The Volunteer Firefighters Association of NYC ("VFA") represents eight out of the nine remaining volunteer fire departments in NYC. The member departments, in addition to the GBFD, are: the Broad Channel Fire Department; West Hamilton Beach Fire Department; Roxbury Fire Department; Point Breeze Fire Department; Rockaway Point Fire Department (five located in Queens); Edgewater Park Fire Department (located in the Bronx); and Richmond Engine (located in Staten Island). The member departments' response area includes large wild land areas, such as the Jamaica Bay Wildlife Refuge and Gateway National Park, and large areas of water, such as Breezy Point, Jamaica Bay and the Long Island Sound.

Currently two of the VFA's members, including the GBFD, operate a drone program to assist in responding to emergencies. The members who operate drones have obtained Remote Pilot Certificates, in accordance with the Federal Aviation Administration ("FAA") Small UAS Rules, otherwise known as Part 107. The departments' drone programs assist firefighters and EMS personnel with locating brush fires in their response areas, in searches for missing or injured people in the parkland, and providing assistance for water rescues or other maritime emergencies.

In particular, the GBFD's drone usage at brush fires has been successful. The use of drones allows members to get a visual of the fire before attempting to enter and navigate in the Marine

Park Salt Marsh, and to be aware of which direction the fire is heading, ensuring first responders' safety. The drone has helped coordinate the GBFD response with the FDNY and helped members stay safe and avoid the spread of growing fires. It's important to note that the FDNY's drone for response to fires, is only dispatched to higher alarm incidents, and comes to Gerritsen Beach and VFA member departments from a distance. The ability to use a drone quickly at brush fires can help find the fire and extinguish it quickly.

In addition, the leading cause of death amongst firefighter is cardiac related medical emergencies. When firefighters walk to attempt to fight brush fires they can easily be carrying 50 lbs. of equipment and need to walk large distances to reach the fire. The use of a drone at these incidents would prove invaluable in attempting to locate a downed member in the wildland area experiencing a medical emergency by ensuring they are quickly found and medical aid arrives. It would be a travesty if a firefighter, or member of the Gerritsen Beach Community was severely injured or lost their life, when a drone could have been used to help them, but was not because of these regulations.

The current permit options available under the NYPD's rules would require the GBFD to submit an application 30 days in advance and include proposed takeoff and landing locations and times and require the payment of a fee. Such, a process would make the GBFD and any VFA member's use of drones to support emergency response impossible. In addition, members properly certified to handle drones could be liable to NYC for payment of penalties of up to \$1,000 an occurrence for attempting to protect life and safety within their communities.

As such, the GBFD and VFA request that the NYPD amend the final proposed rule to accommodate such drone usage, and waive the pre-flight application and fee requirements for drones used by volunteer fire services. The GBFD's drones are for emergency use, not recreational use. They support the GBFD and VFA's mission to protect life and safety in many neighborhoods throughout NYC.

The GBFD and VFA make the following proposal for addition to the rules:

§ 24-## Drones for use by Emergency Response Organizations

- (a) Any recognized emergency response organization may apply to the Commissioner's Office for permission to operate an unmanned aircraft for the organizations' use within NYC, including for use at emergencies and training. Such an application must include:
 - (1) The identity of the applicant organization and the name, address, e-mail, and telephone number of members who will serve as proposed operators, alternate operators and visual observers.
 - (2) A description of the specific geographic areas where the unmanned aircraft will be operated for use by the organization
 - (3) The make, model, year of manufacture, and weight of any unmanned aircraft to be used
 - (4) Documentation of FAA authorization to operate the unmanned aircraft pursuant to Part 107 of Title 14 of the CFR, including any certifications or waivers, or

pursuant to an exemption authorized in accordance with Part 11 of Title 14 of the CFR, for each proposed operator, including any alternate operator;
(5) A copy of the FAA registration certificate for the unmanned aircraft.

The NYPD's "Statement of Basis and Purpose of Proposed Rules," included in the Notice of Public Hearing and Opportunity to Comment recognizes the important role drones can play in emergency response. The GBFD and VFA request the Department amend its proposed rule to continue to allow the GBFD and VFA's members the ability to support their emergency response in NYC with drones.

Should any member of the NYPD taking these comments into consideration wish to discuss this comment and proposed regulation further please contact me at the email address: Pat.Klein@gbfd.net. The GBFD and VFA thank the NYPD for the opportunity to submit this comment for consideration and for the opportunity to voice out comment in person.

Respectfully Submitted,

/s/ Patrick B. Klein

Patrick B. Klein

Assistant Chief

Gerritsen Beach Fire Department