



**Association for Uncrewed Vehicle Systems International Comment on New York City Police Department Proposed Rule – Take-off and Landing of Unmanned Aircraft**

July 7, 2023

**Submitted electronically via [rules.cityofnewyork.us](https://rules.cityofnewyork.us)**

**New York City Police Department  
Legal Bureau  
One Police Plaza, Room 1406  
New York, NY 10038**

**RULE TITLE:** Issuance of Permits for Takeoff and Landing of Unmanned Aircraft in New York City

**REFERENCE NUMBER:** 2023 RG 034

**RULEMAKING AGENCY:** New York City Police Department

To Whom It May Concern:

Thank you for the opportunity to comment on the proposed rules to allow for permitting drone flights within New York City. Understanding the realities of commercial operations from a planning and safety perspective, we are both encouraged by the progress of a system to allow operations in the face of the antiquated aviation law, but also discouraged by the specific stipulations proposed. We understand that the city presents some of the most complex airspace and densely populated area in the country. That being said, drones provide a host of opportunities to improve the lives of New Yorkers. There are many commercial and first response uses for uncrewed systems in the air, on the ground, or in the waters around the city.

We are writing on behalf of the Association for Uncrewed Vehicle Systems International (AUVSI). AUVSI is the world's largest non-profit organization dedicated to the advancement of uncrewed systems, autonomy, and robotics. We represent corporations and professionals from more than 60 countries that are involved in industry, government, and academia. AUVSI's primary markets span the defense, civil, and commercial industries. Uncrewed systems represent an expansive market within the transportation system, and it is our mission to ensure all types of uncrewed systems, autonomy, and robotics companies that work with us have access to the resources they need to be successful in such a highly competitive industry.

A notification-based, performance-based, and risk assessment-based system can shorten the timeline from request to operation. This system is more realistic for most operations and reduces the burden on city employees for permitting operations than the one proposed.

Uncrewed systems-based logistics, such as drone deliveries, are not considered in the current application process and structure. These operations, which are authorized by FAA and used for various purposes, including medical deliveries, are environmentally friendly and reduce road traffic, but there is no clear path for them to occur in New York City.



We are keenly concerned about enabling safe drone operations in the city because we work closely with our Empire State Chapter, which is filled with hard working residents and business owners. See below some key issues we would like to point out:

- The notice requirement of 30 days under proposed § 24-03 is unrealistic for most commercial and likely all emergency operations. While there are many elements of planning for regular drone operations, that planning period can safely be undertaken in a matter of a few days or hours, depending on the specific operation.
- The specific pieces of information requested by proposed § 24-03 go too far. It is reasonable to want to know operators, purpose of the flight, and proposed flight area, but requiring insurance information for operations in public spaces is onerous and not a requirement placed on certificated remote pilots by FAA.
- Submitting registration information is duplicative to the upcoming effective date for Remote Identification of September 16, 2023. All registered drones are required to have the registration number on the body of the aircraft, and they will also be electronically visible during operation. Many operators apply for and receive waivers or authorizations in digital format close to the proposed operation time, and would likely happily present this documentation on request, but asking for it upon submission to be approved by the police department is not scalable or necessary.
- Data Privacy and Cybersecurity policies are not standard practice in the industry. It would be better to point towards ensuring that operators safeguard the data they collect.
- A mandatory permitting fee sets a dangerous precedent about requiring payment for access to airspace that is otherwise not required around the rest of the country or universally for other small aircraft.
- A \$150 fee is prohibitively high for most commercial operations.
- The city would benefit from legal and safe drone use for real estate, façade inspections, events, business promotion, just to name a few.
- Posting notification requirements is onerous and overly burdensome. Photographers in Time Square are not required to apply for the privilege of taking pictures or to post notices, or to notify neighborhood leadership.

Thank you again for this opportunity to contribute and work together. It is at the core of AUVSI's mission to enable the safe expansion of drone operations around this country. We effectively do so by collaboration with lawmakers and officials across all levels of government. We look forward to future partnership across the City and State of New York. Please do not hesitate to reach out to AUVSI and the Empire State chapter.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike J. Smitsky". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Mike Smitsky, Esq.  
Vice President, Government Affairs  
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Specific section notes and suggestions can be found attached.



## Drafting Review of Proposed Sections

### § 24-01 Definitions

Operator definition does not contemplate that an unmanned aircraft could be flying autonomously, a type of operation FAA is currently enabling around the country.

### § 24-02 Unmanned Aircraft Permit Requirement

As suggested above, a notification process, rather than an application and permit process would be preferable and reduce the needed city resources to administer such an enabling opportunity for drones in the city.

What will the process for listing, updating, or applying for designated areas for takeoff and landing sites be within New York City?

### § 24-03 Applications

- a) 30 days (about 4 and a half weeks) is far too long for a submission requirement. Also, as worded, there is no timeline set for expected approval or denial timing after submission.
- b) Application
  - 1) Government identification is already vetted by the Transportation Security Administration as part of the background check required when someone applies for their Part 107 Remote Pilot Certificate, submitting it to the city ahead of time is duplicative.
  - 3) The level of detail about the intended operation is unclear that would be required to be submitted for an application. What is the definition of the term “capture” as used in this context? While most drones are capable of capturing and storing images in some form of memory, some use visual data as part of the navigational decision making and do not store images.
  - 4) Given the potential weather limitations for safe flight, a proposed window would need to be acceptable for scheduled operations. Also, during an operation, especially when filming, multiple take-off and landings may occur within the same geographic space. Will operators be required to note if they expect to take-off and land multiple times?
  - 7) Many uncrewed aircraft can carry different payloads and sensors, and their weight could change over the course of an operation, this is especially true in the growing market for drone delivery. Does the department want the standard takeoff weight, maximum takeoff weight, or some other number?
  - 8) Operators should be allowed to present waiver or authorization documents upon request to appropriate local officials. This is the standard procedure for presenting documents to an FAA inspector in the field.
  - 13) The proposed notice required by section 24-05 is onerous and unnecessary. No such notice is required when individuals capture still images or videos throughout the city every day.
  - 14) This additional materials request section is so broad that it could be interpreted in an endless loop, not providing operators any sort of certainty that their application would ever be approved or denied. Our view is that the extensive list of previous items should help NPYD feel comfortable in their determination to approve or deny a permit. Thus, this section should be removed, and specific recurring requests should be added as amendments to the rule.
- d) The proposed nonrefundable fee of \$150 is far too expensive, not backed by specific programmatic cost explanations, and should be greatly reduced, if not, eliminated completely.
- e) There is no expected review timeline listed



#### **§ 24-04 Approval/Disapproval Procedures**

- b)8) As previously mentioned weather can be a determining factor in whether or not an operation will take place. In many operations it may be necessary to plan for an operation to take place across a multi-day window where fully safe conditions exist and the required application submission timeline would not be met, or the cost of multiple applications as a contingency would be too high in the aggregate.
- d) While an appeals process is contemplated, there are no more details about how an appeal will progress.

#### **§ 24-05 Permit Conditions**

- c) The inform requirement does not list a minimum harm or damage threshold like what currently exists under Part 107 for reporting incidents to FAA or NTSB
- e) The notification process is unreasonable and not sized correctly for the overwhelming majority of operations. Most of the people listed as required to receive notification have larger issues to concern themselves with than the everyday occurrence of someone capturing photos or video in public.
- f) The health or safety risk that could rise to revoking a permit is not qualified as needing to be “unreasonable,” the standard from 24-04(b)(6)

#### **§ 24-06 Insurance**

While most commercial operators carry relevant commercial general liability and UAS specific coverage, it is unreasonable to ask for the city to be listed as an additional insured. The level of insurance required is usually dictated by the client and the operation. The suggested minimum coverage amounts are higher than the normal \$1,000,000 per occurrence and \$2,000,000 aggregate used by most.