

MOTION PICTURE ASSOCIATION

To: New York City Police Department

From: Josh Levin, Vice President, Northeast Region, Motion Picture Association

Date: July 7, 2023

RE: Motion Picture Association Comments to NYPD Proposed Rules on Drone Use

The Motion Picture Association (MPA), on behalf of its member companies, is submitting comments to the New York Police Department (NYPD) on their proposed rules on the use of Unmanned Aircraft Systems (UAS)/drones in the city. MPA is the trade association for the leading producers and distributors of movies and television and streaming series. MPA's members include Walt Disney Studios Motion Pictures; Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; and Warner Bros. Entertainment Inc.

The use of UAS is helping moviemakers push creative boundaries and producing the kinds of scenes and shots we could only imagine just a decade ago. Beginning in 2014, the Federal Aviation Administration (FAA) began approving exemptions to the federal prohibition on the use of UAS for commercial purposes. Among the first exemptions granted were those for closed-set filming. These exemptions, issued under Section 333, provided for nearly 30 safety and operational limitations. The Operations Over People rule took effect on April 21, 2021. Drone pilots operating under Part 107 may fly at night, over people and moving vehicles without a waiver if they meet the requirements defined in the rule.

We look forward to the use of UAS in New York City. While UAS are not a complete substitute for manned helicopters in filmmaking, they are safer, more sustainable and cost effective, produce little effect and noise, and are a more flexible alternative in many cases. In order to use this alternative, we have outlined questions and concerns regarding the proposed rules.

Application Process

For the use of film, television, and streaming production this permit period of 30 days is inconsistent with other jurisdictions who have a thriving production community and would be overly restrictive for our productions. In the State of California, those jurisdictions within the domain of the California Film Commission allow up to seven business days for the film commission to process requests for the use of drones. In Los Angeles City, the use of drones is tied to the FilmLA's permit process and the permit approval period is 96 hours. The City of Chicago, which has similar building height and density, requires five business days for permit requests using a drone. These, and other jurisdictions, understand the uniqueness of our industry and have offered a permit period that works for our industry and allows sufficient time for the appropriate departmental review. This timeframe is also inconsistent with the NYC Film Office film permit filing period of two business days and the NYPD Movie and TV Unit's three-to-four-day approval of stunts and driving scenes.



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Permit Conditions

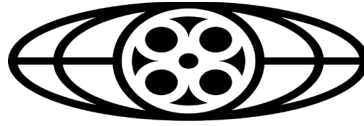
Currently, when a film permit is obtained, the Film Office issues the appropriate street activity and parking notification to the community about when/where filming activities will occur through the Citywide Event Coordination and Management flash notification system. This includes automated notifications to the local state senator, assembly member, borough president, city council member, and community board. Additionally, productions are required to post no parking signage on lampposts, sign poles, and trees for the impacted blocks that include the time and date of the shoot along with the project name, locations department contact name, and a phone number. In the proposed rules, it would require a production to notify each community board for the community district or districts, and each member of the City Council for the council district or districts where a drone is anticipated to capture or transmit still images, audio, or video as well as place signage in the impacted area. Currently, those notification rules do not apply to helicopter scenes that follow an actor or vehicle on the ground making the proposed NYPD drone posting rules redundant and excessive for film productions. We request similar notifications for helicopters, by way of the Notify NYC service, which is New York City's official source for information about emergency alerts and important city service, overseen by Emergency Management.

The proposed rules do not address the issue of delays once an application has been approved. For example, if a production has a permit for a particular day and there are weather conditions or other delays that prevent use of a UAS on the stated permit day, what is the process for rescheduling? Would the production have the flexibility to quickly submit another time/day within the parameter of the current drone permit? Would the production need to reschedule and pay an additional \$150 permitting fee to restart the application process on top of the proposed non-refundable \$150 permitting cost? We seek clarification since production schedules are very tight and, in some cases, could result in an entire project being scrapped because a quick turnaround to reschedule or appeal a rejection are not granted quickly costing productions and studios millions of dollars as well as opportunities for further economic benefits to the city and community.

Take-off and Landing Site

The proposed rules state that take-off and landing mean the locations designated by the Department of Transportation (DOT) pursuant to section 10-126 of the Administrative Code. Does this mean that take-off and landing would only be permitted in locations already deemed for aircraft use by DOT such as heliports and other similar locations? Or does the NYPD mean that other locations will be designated by DOT for the use of UAS? Our productions would need the flexibility to take off and land near where filming activities would be taking place and would contain the flight path for a smaller area. We are also aware that other agencies could be part of the application approval process such as NYC Parks or the Port Authority of New York and New Jersey, which could cause further jurisdictional permitting issues.

We look forward to working with the NYPD on these rules and welcome a meeting to discuss these issues further since we have initial concerns that there will be application processing constraints that would have



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an impact on productions utilizing this much needed tool. We hope to remedy these issues so drone use can help New York City productions soar to new heights while bringing in additional permit fees and tax revenue for New York City. Thank you for your time and consideration.

Sincerely,

Josh Levin
Vice President, State Government Affairs
Northeast Region
Motion Picture Association