

Drone regulations fly with City Council

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Christopher Morrison, of Robo Aerial, showed off a Phantom drone during a City Council committee meeting. | Rich Hein/Sun-Times

The City Council tried Wednesday to strike the appropriate balance between protecting public safety and encouraging innovation and technology that has turned Chicago into “one of the top drone cities” in the nation.

One week after a marathon hearing on the subject, aldermen agreed to make Chicago the first major city to adopt “intelligent” regulations.

Although licensing provisions were dropped in deference to the federal government’s pending regulations, the watered-down ordinance that, if adequately enforced, could sharply restrict recreational use of drones as well as commercial use not granted FAA exemption.

Prior to the final vote, Ald. Edward Burke (14th), co-sponsor of the ordinance, recalled a series of near-misses involving drones. He noted that pilots nationally report over 100 drone sightings every month while more and more consumers purchase camera-equipped drones on the Internet for anywhere from \$20 to \$1,000.

“It’s clear that government regulations have simply not kept pace with drone technology,” Burke said.

“Notwithstanding those proposals being discussed in Washington, Chicago simply needs local laws in place to authorize the city to take action against those who operate drones recklessly and threaten public safety.”

Burke noted that safe and responsible drone use is an “increasingly popular recreational activity and promotes technological innovation” and economic growth.

“This ordinance acknowledges the beneficial effects of drone use and intends to codify commonsense operating regulations,” he said.

Two years ago, Chicago Police Supt. Garry McCarthy raised eyebrows by telling aldermen he was intrigued by the idea of using drones to fight crime instead of buying more helicopters.

That prompted Ald. Scott Waguespack (32nd) to try to get ahead of the curve by introducing a pair of ordinances, one imposing a five-year moratorium on drones in Chicago, the other restricting their use.

Both ordinances were grounded.

Four months ago, Waguespack tried again, this time with Burke as his powerful partner.

They came back with an ordinance that would have required operators to register their drones with the city and carry up to \$300,000 in insurance against personal injuries and \$50,000 worth of insurance against property damage.

Both of those requirements were dropped from the ordinance approved Wednesday out of deference to the U.S. Department of Transportation, which has its own plans to register recreational drone users to track rogue drones that pose a burgeoning threat to aviation security.

And instead of banning drones within a quarter-mile of a school, hospital, open-air stadium, police station or place of worship, the new version prohibits drones from flying “over” those facilities.

But a host of other restrictions survived the re-write.

The ordinance still draws a five-mile protective ring around O’Hare and Midway airports. Drones would also be prohibited between dawn and dusk; during inclement weather; outside the line of sight of the operator; higher than 400 feet above ground level or within 500 feet of any electric generation facility or substation.

They would also be banned “directly over” any nonconsenting person as well as over “property the operator does not own.”

The ordinance would also prohibit drones equipped with a firearm or other weapon and drones launched with the intention to cause “harm to persons or property” or the “purpose of conducting surveillance unless expressly permitted by law.”

Last week, a joint City Council committee held a marathon hearing on the proliferation of drones and aired out the pros and cons.

During the hearing, Burke encouraged Colin Hinkle, the owner of Soaring Badger Productions, to perform a demonstration with the \$1,200 and \$3,000 drones that Hinkle had brought to the City Council chambers. Burke asked Hinkle to fly one of them to hover over the engineer in the sound booth above the chambers.

Hinkle declined.

“I would rather not. All of these cameras here. That sound like the YouTube moment of the week,” Hinkle said.

Hinkle did weigh in on the need for local regulation. He said he already operates by a set of rules and has drones that are programmed to “stay at 400 feet” and hit a “virtual wall” if he goes anywhere near Soldier Field.

“And when I get client that comes to me, I have to explain those rules to them. It’s not uncommon for me to get someone to ask, ‘Can you fly to the virtual 80th floor of a building that we’re going to build and show me what it’s going to look like. And I had to tell them, ‘No. It’s not possible. If you want to do that, I can make it happen, but we have to get a helicopter,’ ” Hinkle said.

“That’s why it’s important that there are rules in place — like what you’re proposing. Because I have noticed in the past several months, an increase in rogue commercial operators in the city of Chicago. People that go out and buy a drone online and they start to try to make money immediately off of it. They don’t get an [FAA] exemption. They don’t get insurance. They just use it and make a little money.”

Hinkle added, “I’m all for people wanting to earn a living. But those people can then come in and they’ll do things without any fear or concern for the laws or restrictions that I have. I’ve seen companies come to me, ask me to do something, then go to someone like them instead because I told them I couldn’t do it. There does need to be some accountability out there.”

Henry Perritt Jr., a professor from the Chicago Kent College of Law, praised the aldermen for crafting “basically a good ordinance” that appears to strike the appropriate balance between “intelligent” local regulation and an overly rigid ordinance that could have a “chilling” effect on innovation.

That seemed particularly important after aldermen were told that Chicago is “one of the top drone cities in the country” and that only three other states are home to more companies granted FAA exemptions to use drones. That includes State Farm Insurance.

Ald. Michele Smith (43rd) asked whether the ordinance goes far enough toward protecting personal privacy and the “right to be left alone.”

Perritt replied that there are “lots of law” already on the books that protect personal privacy.

“I don’t think it matters very much whether the peeping Tom is flying one of those [drones] or using binoculars or a long lens on a camera or has his face pressed up against your bedroom window. All of those are an invasion of privacy, and all of those are criminal. They also give rise to a civil right of action,” he said.

“It’s certainly appropriate to be concerned about privacy, and we all are losing it rapidly with the new Internet technology, red-light cameras, other such things. But I think it is misplaced to think that some particular tool like drones changes the basic balance to be struck for privacy.”

Matthew Bieschke, president of the UAS America Fund, called the ordinance an excellent start. But he urged aldermen to draw a sharper distinction between “recreational, impulse hobbyists — everyone getting a drone for the holidays — and the experienced, safe commercial operators.”