
Federal Aviation Administration Announces that Municipalities May Not Regulate Airspace — Even for Drones

The Federal Aviation Administration (FAA) recently issued a press release clarifying the abilities of municipalities to regulate drone operations in the navigable airspace. State and local governments "are not permitted to have their own rules or regulations governing the operation of aircraft," as it would conflict with superseding federal law, according to the release. The FAA reiterated that "[s]tate and local governments are not permitted to regulate any type of aircraft operations, such as flight paths or altitudes, or the navigable airspace."

However, state and local governments *may* utilize laws traditionally related to state and local police powers in order to regulate land use, zoning, privacy, and law enforcement operations. Hence, state and local governments may generally regulate the locations of aircraft takeoff and landing sites through their land use powers, which includes where drones can take off or land.

The FAA and the federal government's approaches on drone operations continue to evolve. Other issues we're monitoring include counter-drone technology, real-time flight waivers applications, and identification sensor systems.

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July 30, 2018

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