

ENGLISH 101

By Jeff English, CFEE

It's a Bird, It's a Plane..... Wait, What in the Heck is That?



In the summer of 2014 a video was posted on YouTube showing a much different and fantastic view of a fireworks show than what most of us had ever seen before. It was such a unique video that so far it's garnered over 11 million views! As an object lifts off and flies towards a river, a flash appears on the screen and it's then you realize this flying object is directly in the middle of a fireworks explosion! The video is of a drone with a GoPro camera strapped to it flying through the middle of the fireworks show at SunFest. To say the least, it has become a certified social media sensation. So much so, that the video has become Exhibit A for the event industry as policies and procedures try to keep pace with our technologically changing times.

What I've learned over the last year while researching the issue of Unmanned Ariel Systems (Drones) is that local, state and federal authorities are doing their very best to find a balance between the desires of recreational drone users, commercial demand for drone use, and the potential safety threats of drones at large public events. In preparation for Kentucky Derby Festival's Thunder Over Louisville, an event that hosts 500,000 people on a venue that spans over two miles on both sides of the Ohio River, I did extensive research and attended several meetings trying to understand FAA policy and KDF's limitations on regulating drones at Thunder. Thunder includes both an air show and fireworks, neither of which mix well with drones flying overhead!

Because much of the rules regarding drones were as murky as the muddy Ohio river, we gathered together the top officials who assist with Thunder security. They included Metro Safe, Indiana and Jefferson County Sherriff's Departments, Louisville Metro Police, FBI, and the FAA. We learned the following at the meeting:

1. Drone use is a federal issue regulated by the FAA because they fly. The rules regarding drones fall within those developed for model aircrafts.
2. Drones cannot be used within 5 miles of an airport. The Thunder venue is within that 5 mile barrier and also has an air box used for the air show, so any use of drones is strictly prohibited.
3. Any enforcement of drone regulations falls under FAA statutes. Those statutes

allow for fines and civil penalties. Any prosecution would have to be done by a federal prosecutor, which frankly, is unlikely absent someone being injured by a drone.

4. The FAA is limited in the number of people who can monitor drone use at events, so they have asked state and local law enforcement officials to deter, detect, immediately investigate and, as appropriate, take action to stop unauthorized drone use.
5. Our state and local law enforcements agencies were reticent to actually confiscate drones, but had no problem stopping unauthorized use. They also would collect information that could be passed along to federal prosecutors if an incident or injury happened.

From a public relations standpoint, we knew it was going to be absolutely essential to get the word out that Thunder and all of the KDF events were going to be in a "No Drone Zone." Our Vice President of Communications, Aimee Boyd, made the No Drone Zone message a part of her regular media interviews. During those interviews, she emphasized that if a drone was spotted near the venue, the air show would be suspended and the fireworks would not launch.

On Thunder Day there were no drones in the skies above our venue. Neither during the air show or during the fireworks. Moving forward, we at least have an idea of how to monitor this situation, but there's still a lot to be decided. The

FAA is still grappling with the licensing of these aircraft for commercial use. Also, because drones are very commonplace, what fines or penalties can be put in place for unlicensed users? We have even considered the question of whether local ordinances should be enacted to prevent unregulated drone use at events, thereby providing local authorities with the jurisdiction to make arrests and confiscate the aircraft.

To say the least, this issue is very fluid. If you'd like to learn more about this topic, I look forward to examining it in depth even further at a session I'll be presenting at the IFEA 60th Anniversary Convention & Expo this September 21-23, 2015 in Tucson, Arizona, in addition to an IFEA Online Webinar scheduled for Thursday, October 8, 2015. For more information on both of these educational opportunities, go to www.ifea.com.

Jeff English is the Sr. Vice President of Administration/General Counsel of the Kentucky Derby Festival. After graduating from Washburn University School of Law (Topeka, KS) in 2004, Jeff worked in politics and practiced law before joining the KDF staff. He is charged with overseeing all of Festival's legal issues and serving as its risk management officer. He also manages the Merchandise Department and the 501(c)3 not-for-profit Kentucky Derby Festival Foundation.