

**OLD PONG GEEZER'S
TRAFFIC TIME
VLOG TWO
MAY 26, 2017**



TALKING POINTS AND RESOURCES

- **HI THERE, THANKS FOR RIDING ALONG WITH ME. WELCOME TO TRAFFIC TIME, EPISODE #2. THE BIG DUCE. THIS EPISODE IS A CONTINUATION OF THE PREMIER TRAFFIC TIME VLOG, WHERE I SPENT A LOT OF TIME REACTING TO THAT FAMOUS YOUTUBER, CASEY NEISTAT'S REVEAL THAT HE WAS BEING INVESTIGATED BY THE FAA!**
- **IF YOU HAVE NOT SEEN IT, YOU MAY WANT TO WATCH OPG'S TRAFFIC TIME VLOG #1 – IT SETS UP WHAT I AM TALKING ABOUT HERE. YOU CAN FIND IT HERE:
[HTTPS://YOUTU.BE/WNHSHT4NRQC](https://youtu.be/WNhsht4NRQc)**
- **I AM NOT A LAWYER, LOBBYIST, LEGAL EXPERT OR SME IN THIS FIELD. THESE ARE JUST MY THOUGHTS. MY RESEARCH AND REASONING. MY RANTS AND GROK.**
- **EPISODE NOTES, INCLUDING LINKS TO EVERYTHING I AM ABOUT TO DISCUSS CAN BE FOUND AT
WWW.OLDPONGGEEZER.COM**
- **FOR TRAFFIC TIME, EPISODE #2, WE ARE GOING TO TAKE A LOOK JUST A FEW OF THE EVENTS OVER THAT LAST 5 YEARS OR SO THAT GOT US SUAS PILOTS INTO THIS HOT MESS.**
- **IN THE CONCLUDING MINUTES OF TRAFFIC TIME #1 CAME DOWN TO THIS:**

- **HOW DO WE AVOID FEELING LIKE A CRIMINAL EVERY TIME WE LIFT OFF?**

CASEY NIESTAT'S FAA TROUBLES

- **LET'S QUICKLY REVIEW CASEY'S MAY 24TH VIDEO.**
- **HE WAS REVIEWING THE NEWLY RELEASED DJI SPARK.**
- **REVEALED HE WAS UNDER INVESTIGATION.**
- **HE STATED HE COULDN'T FLY IN NYC, SO IN THE VIDEO, HE TRAVELED TO SOME OTHER LOCATION.**
- **IN THIS AND PREVIOUS VIDEOS, HE USES DRONE FOOTAGE TO AUGMENTING HIS DAILY VLOG AND ENHANCE HIS STORY TELLING.**
- **PERSONALLY, I AM A FAN OF HIS VIDEO AND HIS ARTISTRY. HE SEEMS LIKE A REALLY GENUINE AND DECENT GUY.**
- **I AM CONCERNED WITH A LOT OF THE SUAS OPERATIONS HE HAS FILMED AND POSTED ON YOUTUBE.**
- **NOBODY REALLY KNOWS IF HE HAS HIS PART 107 OR FLIES WITH ANY PERMISSIONS OR WAIVERS.**
- **I HAVE NOT SEEN EVERY SINGLE MINUTE OF HIS VIDEOS, BUT I WONDER WHAT THE TIPPING POINT WAS FOR THE FAA.**
- **I WONDER IF ANY OF US WOULD, THROUGH ACCIDENT, IGNORANCE, OR EVEN INTENTION, QUICKLY FIND OURSELVES IN CASEY'S EXACT PREDICAMENT.**

2012 FAA MODERNIZATION AND REFORM ACT

- **IN MANY WAYS, THIS ACT GOT THE WHOLE SUAS MESS STARTED. IT WASN'T SUPPOSED TO BE THAT WAY.**
- **THE ACT PROVIDED LONG TERM DIRECTION AND FUNDING TO THE FAA**
 - **THE \$63B BUDGET COVERED 2012 THRU 2015**
 - **INCLUDED "NEXT GEN" ATC SYSTEM**
- **THE ACT WAS SUPPOSED TO ENCOURAGE ACCELERATION OF UNMANNED AIRCRAFT INTO THE U.S. AIRSPACE.**
- **THE ACT RESTRICTED THE FAA'S AUTHORITY OVER MODEL AIRCRAFT.**
- **WHAT HAPPENED AND FAILED TO HAPPEN IN THESE CONGRESSIONAL MANDATES HAS DIRECTLY IMPACTED TO THE CURRENT STATE OF SUAS DRONE LAWS IN THE UNITED STATES.**
- **HINT: THE FAA IS SIGNIFICANTLY BEHIND MANDATED IMPLEMENTATION OF SUAS GUIDELINES.**
- **WE'LL COME BACK TO THIS ACT IN A FEW MINUTES.**

2013 FAA VERSUS RAPHAEL PIRKER

- **THE FAA PROSECUTED PIRKER FOR A VIDEO HE CREATED BACK IN 2011, ASSESSING A \$10K FINE.**

- **AN ADMINISTRATION LAW JUDGE SIDED WITH PIRKER, RULING THE CRAFT WAS A “MODEL” AND THEREFORE OUTSIDE OF THE JURISDICTION OF THE FAA.**
- **THE FAA APPEALED THE ADMINISTRATION LAW JUDGE’S DECISION TO THE NTSB, WHO RULED THE DRONE WAS AN AIRCRAFT (THIS IS STILL THE ONLY DECISION REGARDING THE STANDING OF DRONES IN THE NAS)**
- **PIRKER AND THE FAA REACHED A SETTLEMENT, REDUCING THE FINE TO \$1K WITHOUT ADMITTING ANY GUILT (REMEMBER THAT AS WE TALK ABOUT CASEY NEISTAT LATER).**

SUAS RULES, PARTS 101 / 107 REGISTRATION

- **AUGUST 29, 2016**
- **ENHANCES/EXPANDED FAA SECTION 333 (COMMERCIAL WAIVERS)/ SECTION 336 (MODEL AIRCRAFT)**
- **COMMERCIAL OPERATIONS VS RECREATIONAL /HOBBISTS (VS MODEL AIRCRAFT?)**
- **ESTABLISHED “CLEAR RULES” FOR FLYING DRONES ABOUT 1/2 POUND TO 55 POUNDS**
- **ESTABLISHED WAIVER PROCESSES**
- **A PROCESS FOR COMMERCIAL CERTIFICATION**
- **IT PROMISED THAT LIFE WOULD BE WONDERFUL...**
- **NOT SO FAST...**

SKYPAN:

- **NEW YORK CITY BASED AERIAL PHOTO COMPANY**
- **I THINK THEY OPERATED WITHOUT 333 EXEMPTION (PRIOR TO PART 107)**
- **FAA FINED \$1.9 MILLION IN OCT 2016**
- **REDUCED VIA SETTLEMENT TO \$200K + \$150K IF SKYPAN VIOLATED AGREEMENT - NO LONGER ALLOWED TO FLY IN THE CITY - SOUND FAMILAR?**

NEW YORK CITY:

- **FROM 2015 TO JANUARY 2017, THERE HAS BEEN AT LEAST 4 DRONE CRASHES RESULTING IN PROPERTY DAMAGE OR INJURY**
- **ONLY THIS FOUR SEEMED TO HAVE LED TO MUNICIPAL PROSECUTION/CHARGES OF CRIMINAL MISCHIEF, RECKLESS ENDANGERMENT, OR DISORDERLY CONDUCT.**
- **PUNISHMENTS INCLUDED FINES, RESTITUTION, AND COMMUNITY SERVICE.**

SEATTLE:

- **JANUARY 2017 - GUY FLYS DRONE INTO SPACE NEEDLE.**
 - **HARD TO FIND FOLLOWUP INFO, EXCEPT THE DRONE MANUFACTURER PROVIDED SEATTLE AUTHORITIES WITH OWNERS ID.**
 - **NO CITY ORDINANCE, NO CONTROLLED AIRSPACE (FOR PART 107 PILOTS).**
 - **RULES IF RECREATIONAL?**

- **FEBRUARY 2017 - DIFFERENT GUY (DAVE SKINNER) WAS SENTENCED TO 30 DAYS IN JAIL**
 - **2015 INCIDENT WHERE HIS DRONE EXPERIENCED FLYAWAY, OR HE OTHERWISE LOST CONTROL, CRASHED INTO BUILDING, FELL ON CROWD AND INJURED 2 PEOPLE (ONE UNCONSCIOUS).**
 - **THE CITY LEAD THIS PROSECUTION (NOT FAA) CHARGING HIM WITH RECKLESS ENDANGERMENT.**
 - **COULD HAVE BEEN UP TO ONE YEAR IN JAIL AND \$5K FINE.**
 - **ENDED UP WITH 30 DAYS IN JAIL AND \$1K**
 - **I THINK THIS SENTENCE OR CASE IS BEING APPEALED**

KENTUCKY :

- **DAVID BOGGS HAD HIS DRONE SHOT DOWN OVER PRIVATE PROPERTY BY WILLIAM MERIDITH, AKA DRONE SLAYER.**
- **OCTOBER 2015, KENTUCKY JUDGE DISMISSED CASE AGAINST MERIDITH, WHO HAD BEEN ARRESTED FOR SHOOTING DOWN THE DRONE.**
- **BOGGS THEN SUED MERIDITH IN FEDERAL COURT FOR DAMAGES.**
- **MARCH 21, 2017 FEDERAL JUDGE DISMISSED BOGGS DAMAGE SUIT, DEFERRED TO STATE MATTER.**

- **FAA CLAIMS DRONE ARE AIRCRAFT, YET FAILED TO BRING ACTION AGAINST THE “DRONE SLAYER”**
- **SO THE LAWS AROUND USE OF AIRSPACE ARE STILL UNCLEAR**
- **TRESPASS AND / OR PRIVACY ISSUE. THIS IS A MAJOR UNRESOLVED POINT OF LAW THAT GETS LOST IN MOST PUBLIC ARGUMENTS**

THIS MONTH (MAY 2017)

- **5/19: TAYLOR V. FAA**
 - **FEDERAL DISTRICT COURT IN DC RULED FAA CANNOT REQUIRE REGISTRATION OF DRONES FOR RECREATIONAL USE.**
 - **BASED ON THAT 2012 REFORM ACT. THE FAA, IT WAS RULED, OVERSTEPPED ITS AUTHORITY.**
 - **THIS RULING IS KIND OF A BIG DEAL**
- **5/21: DJI (MAJOR DRONE MANUFACTURE) JUST ANNOUNCED THAT EVERY DRONE THEY MAKE MUST BE REGISTERED THROUGH THEIR APP IN ORDER TO UNLOCK ALL BUT MINIMAL FEATURES.**
- **MAY 19TH (CIRCULATED ON 20TH) PRESIDENT TRUMP'S STAFF CIRCULATED A DRAFT OF AN EXECUTIVE ORDER (?) REGARDING DRONE THREATS**
 - **FIRST REPORTED IN NYT. I SAW ON RECODE TWEET.**
 - **SEE OPG'S WEBSITE FOR PDF**

WITH ALL OF THIS GOING ON, LET'S FIRST CONSIDER THE FAAS INVESTIGATION OF CASEY:

- **THE FAA SEEMS TO BE ONLY CONCERNED WITH AIRSPACE AND PUBLIC SAFETY - AND SECONDARILY ABOUT COMMERCIAL USE OF DRONE, ESPECIALLY AS RELATED TO YOUTUBE.**
- **ASSUME INVESTIGATE CASEY FROM THAT ASPECT.**
- **BASED ON THESE ASSUMPTIONS, ARE THERE ANY SEVERITY LEVELS TO THESE LAWS?**
- **FOR EXAMPLE, IS FLYING AT 50 JUST INSIDE THE OUTER FRINGE OF CLASS D AIRSPACE NOT AS SERIOUS IN THE EYES OF THE FAAS FLYING 400 FEET OR HIGHER RIGHT OUTSIDE THE RUNWAY FENCING AT SFO.**
- **OR IS IT BLACK AND WHITE? THE SAME PENALTIES FOR ANY INFRACTION OF THE RULES?**
- **PIRKER IS PROBABLY THE MOST RELATED CASE, IF THIS IS AN FAA ACTION AND LOCAL AUTHORITIES DO GET INVOLVED WITH ANY PROSECUTION.**
- **THAT COULD MAKE SENSE, AS FAR AS WE KNOW, NO INJURY, DAMAGES OR LOCAL ATC COMPLAINTS.**
- **THE PROCESS AND RESULTS OF THE PIRKER CASE ALSO ALIGNS WITH CASEY'S STATEMENT ON VIDEO.**
- **IF SO, OUTCOMES MIGHT BE A BIG INITIAL FINE LEVIED BY THE FAA, REDUCED BY SETTLEMENT, AND A CONDITION SIMILAR TO SKYPAN LIMITING CASEY'S OPERATIONS SOMEHOW.**

- **DEEPER ANALYSIS: LET'S SUPPOSE, THIS EXAMPLE COULD APPLY TO ANY YOUTUBER WITH SIMILAR VIDEOS ALREADY PUBLISHED:**
- **RESTRICT FLIGHTS IN CERTAIN AREAS, LIKE NYC**
- **MANDATORY EDUCATION AND PERHAPS AN AGREEMENT TO OBTAIN PART 107 WITHIN A CERTAIN AMOUNT OF TIME (90 DAYS)**
- **SETTING EXAMPLE AND PUBLIC OUTREACH IN FUTURE VIDEOS - SERIOUS DRONE SAFETY VIDEOS...(IN CASEY'S CASE, WITH HIS FOLLOWING AND SOCIAL REACH, THIS WOULD BE GREAT]**
- **AGREE TO AND DEMONSTRATE SAFE AND LEGAL FUTURE FLIGHTS**
- **DON'T REPEAT MISTAKE, DON'T BE STUPID. SOME SORT OF NASTY CLAUSE IN THE SETTLEMENT AGREEMENT IF HE DOES**
- **MAY OR MAY NOT KEEP CURRENT VIDS WITH ANY DRONE FOOTAGE MONETIZED**
- **PROBABLY A FINE (A DEVASTATING FINE AT MY INCOME LEVEL, MAYBE JUST A TOKEN FINE FOR OUR FRIEND CASEY...)**

FINALLY, DRONE LANDSCAPE FOR THE REST OF US

- **IS THE FAA COMING AFTER ALL OF US? WILL LOCAL LAW ENFORCEMENT BREAK DOWN OUR DOORS?**
- **FAA SAFETY OF NAS, ACCIDENT REPORTING**

- **RUPPRECHT LAW REPORTED THE FAA HAS ONLY PROSECUTED 48 OPERATORS TO DATE.**
- **A REQUEST VIA THE FREEDOM OF INFORMATION ACT (TAYLOR) RETURNED NO RECORDS OF FAA PROVIDING REGISTRATION NUMBERS TO LAW ENFORCEMENT.**
- **IT DOES NOT SEEM THE FAA HAS THE STAFF OR DESIRE TO POLICE EVERY SINGLE DRONE INCIDENT, NOR DO THEY SEEM TO WANT TO MAKE EXAMPLES OUT OF INDIVIDUALS, WHETHER MANNED OR UNMANNED PILOTS (THINK OF HARRISON FORD)**
- **THE FAA HAS FAR MORE IMPORTANT ISSUES TO ATTEND TO. MORE ABOUT THIS IN FUTURE TRAFFIC TALK EPISODES.**
- **CONTROLLED AIRSPACE, RULES OF THE AIR??**
- **COMMERCIAL VS RECREATIONAL FLYING?**
- **DRONES AS AIRCRAFT???**
- **LOCAL JURISDICTIONS APPLY VARIOUS ORDINANCES AND METHODS OF ENFORCEMENT/PROSECUTION.**
- **SUCCESSFUL USE OF LOCAL LAWS AND LOCAL PROSECUTION (AS IN SEATTLE AND NYC).**
- **FOCUS ON DAMAGES, RECKLESSNESS, PRIVACY AND TRESSPASS. AND THESE ARE BIG PARTS OF A DRONE PILOT'S PROBLEMS RIGHT NOW.**

So, where does that leave us?

- **No one really knows.**

- **THERE HAS BEEN NO DEFINITIVE LAWS OR RULINGS ON ANY OF THIS.**
- **THIS EPISODE DISCUSSES JUST A FEW EXAMPLES OF WHAT WE ARE FACING SIMPLY TRYING TO FLY OUR DRONES.**

NEXT EPISODE:

- **WE WILL FOCUS ON WHAT THE FAA IS NOT DOING**
- **WHAT THE MEMBER ORGANIZATIONS ARE NOT DOING**
- **WHAT THE MANUFACTURERS ARE NOT DOING**
- **HOW THE HIGHER COURTS ARE RESPONDING (OR NOT RESPONDING)...**
- **AND HOW STATE AND MUNICIPAL GOVERNMENT ARE EXTENDING THEIR POWER OVER OUR AIRSPACE.**
- **ALL PROBLEMS DRONE PILOTS MUST NAVIGATE — ALL ON THEIR OWN.**
- **GOOD LUCK TO US ALL IF SOME ENFORCEMENT AGENCY COMES ALONG.**

SEE YA NEXT TIME. DRIVE SAFE. OPG'S OUT.