

# The FAA's Ongoing Drone Restrictions in Chicago: Airspace, Commercial Disruption, and First Amendment Concerns

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### Key Takeaways: FAA Chicago Drone Restrictions

- Due to “special security reasons,” the Federal Aviation Administration (FAA) has imposed a temporary flight restriction (the TFR) over most of Chicago, IL — through at least October 12, 2025 — prohibiting the operation of nongovernmental drones.
- The TFR bars commercial drone operations in industries such as real estate, construction, film production, and event videography, thereby creating operational and financial disruptions.
- The FAA can impose TFRs for airspace safety, including law enforcement protection.
- Broad restrictions can limit journalists’ and the public’s ability to observe and document government operations, raising transparency and free speech concerns.
- The size and duration of TFRs can affect areas far beyond intended enforcement sites, highlighting the tension between security and the impact of overbroad restrictions.
- Commercial drone operators should monitor TFRs daily, plan alternative operations outside restricted zones, document operational impacts, and stay informed on evolving legal and regulatory developments.

### The FAA's October 2025 TFR Over Chicago

Effective October 1, 2025, the FAA implemented a TFR for nongovernmental drones operating over most of Chicago following a request by the Department of Homeland Security (DHS). The FAA and DHS cited “special security reasons” while Operation “Midway Blitz,” an immigration enforcement operation, remains underway in the city. The TFR affects virtually all nongovernmental drone operators within its bounds, regardless of the operators’ proximity to immigration personnel. Specifically, the TFR covers a 15-nautical-mile radius from downtown Chicago and extends from the surface to 400 feet above ground level (AGL). Since nongovernmental drones are generally prohibited from flying above 400 feet AGL, the TFR acts as a *de facto* ban on operating such drones.

While the TFR is currently set to expire at 7:00 p.m. CDT on October 12, 2025, it is unclear whether the FAA will extend the TFR’s duration while federal immigration operations remain ongoing in Chicago. It remains to be seen if similar TFRs will be implemented in other cities.

### Collateral Impact on Commercial Operators

Importantly, the FAA’s TFR is not limited to journalists. The TFR also affects unrelated industries that have come

to heavily rely on drones. For example, photography and videography performed by drones is now a standard practice for marketing residential and commercial property listings. Operators cannot proceed with shoots inside the area restricted by the TFR, even in neighborhoods far from any immigration enforcement activity. Additionally, construction firms increasingly use drones for surveying, inspections, and project monitoring. These operations, often time-sensitive, are stalled for the duration of the TFR. Similarly, videographers, event planners, and marketers who use drones for weddings, filmmaking, festivals, and tourism promotion face the same disruption. For these businesses, the TFR is not a matter of civil liberties, but rather results in lost opportunity and operational cost.

### **The FAA's Role and Authority**

The FAA has a statutory mission to regulate and oversee civil aviation safety, including through its operation of the National Airspace System (NAS). TFRs are one of the tools the FAA relies upon to fulfill its statutory mission, particularly when it comes to drones. TFRs are routinely imposed around presidential visits, major sporting events, or high-risk incidents. Their rationale is straightforward: a blanket ban is easier to enforce and avoids the operational challenges of separating "safe" from "unsafe" drone flights in real time. From a regulatory perspective, the TFR represents the FAA exercising its existing legal authority to prioritize safety.

### **The First (and Fourth and Fifth) Amendment Perspective**

The TFR implicates several constitutional concerns. As to the First Amendment, civil liberties organizations have raised concerns regarding the potential overuse of TFRs. By grounding all civilian drones in a particular TFR, the TFR may limit the ability of journalists and community groups to observe and document government activity from otherwise publicly accessible spaces.

While the government can impose reasonable time, place, and manner restrictions on speech, a TFR ban lasting weeks and covering areas that might be far beyond federal immigration enforcement activity raises questions about proportionality. This is particularly true where drone imagery has become an important tool for the public and media to report on law enforcement, protests, and public events.

Because the FAA uses its expertise to regulate aviation safety for those in the air and on the ground, as a practical matter it receives a significant amount of deference in determining the necessity and scope of TFRs. However, this deference may unintentionally restrict speech and press freedoms. Courts have not yet fully resolved how far federal airspace restrictions can go without infringing on First Amendment protections.

Moreover, depending on the manner in which law enforcement enforces a TFR against those operating drones over private property, such enforcement may give rise to seizure and takings issues under the Fourth and Fifth Amendments, respectively. It may also result in a reassessment of where property owner's rights end and the NAS begins.

### **Navigating the Potential Conflict**

The TFR highlights two key conflicts:

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Airspace Safety vs. Free Press — The FAA's authority is unquestioned, but its broad TFR in this case may impinge on freedom of the press rights protected by the First Amendment.

- Security Needs vs. Proportionality — Protecting federal and assisting state and local officers is critical; but the breadth and length of TFRs may be more disruptive to the public than necessary to achieve that goal.

## **Practical Guidance for Clients**

For drone operators and businesses, compliance with the TFR is mandatory. But there are ways to mitigate its impact and prepare for similar restrictions in the future:

- Monitor airspace daily. Use FAA tools such as the B4UFLY app, the Notice to Airmen system, and the FAA's TFR website to stay current on TFRs. Restrictions can appear with little or no advance notice, as was the case with the TFR.
- Plan alternatives. If possible, relocate operations outside the restricted zone or rely temporarily on ground-based photography.
- Communicate early. Let clients or stakeholders know when restrictions are beyond your control, and explain the expected timeline for resuming operations.
- Document losses. Keep records of canceled or delayed projects; these may be relevant for future legal challenges to restrictions.
- Stay informed on the law. This area of law is evolving quickly. Watching court cases and regulatory developments can help anticipate how future restrictions may be applied.

## **Conclusion**

The FAA's Chicago drone TFR underscores a growing challenge in the law applicable to U.S. airspace use: how to balance legitimate security concerns with the increasing reliance on drones in everyday commerce and the public's right to information. For now, operators must comply with the TFR and adjust accordingly. But the larger policy question remains unsettled — as drones become more central to journalism, business, and civic life, finding the right balance between safety, constitutional freedoms, and economic activity will be critical.

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