Ginger Blaisdell

From: Rep. Shelley Hughes <Rep.Shelley.Hughes@akleg.gov>
Sent: Friday, December 19, 2014 4:32 PM
To: lhschus+newsletter@akleg.gov
Subject: Before you finish wrapping your gifts...
Attachments: AK_KBYF_Drone_Safety_Guidelines.pdf

If unable to view the image below and/or for live hyperlinks, please see the attached PDF.

Greetings,

As some of you may have noticed, drones or small Unmanned Aircraft Systems (UAS) have been "flying" off the shelves as one of the most popular gifts this Christmas and holiday season. If you happen to be one of the many who purchased a UAS as a gift, please stick a copy of the safety guidelines 1-pager below (and attached) in with the package before you wrap it. If you're the gift recipient (or the parent of a gift recipient!), please review it. The Unmanned Aircraft Systems Legislative Task Force created this sheet to help ensure that UAS operate safely in our skies in Alaska, and do not interfere with manned aircraft with pilots and passengers on board. We want Alaskans, whether on the ground or in our skies, to be safe. This is an amazing technology; responsible operation of UAS is a priority. One in four homes in America own a small drone. After this Christmas season, I wouldn't be surprised if it will be one in three – so please feel free to share this info with others! Thank you.

December 5, 2014

Alaska's Know-Before-You-Fly Drone Safety Guidelines

FAA allows the operation of model aircraft, also known as small Unmanned Aircraft Systems (sUAS) or drone recreational purposes under the Special Rule for Model Aircraft. Recreational UAS must be operated in accordance v community-based safety program and the FAA's guidance in Advisory Circular 91-57.

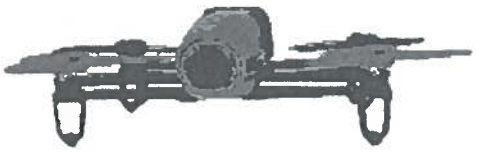
What is recreational use of a sUAS (Drones)?

Recreational use is the operation of a sUAS for personal interests and enjoyment, and not for compensation or hir example, using a sUAS to take photographs for your own personal use would be considered recreational; using the device to take photographs or videos for compensation or sale to another individual would be considered comm· You should check with the FAA for further determination as to what constitutes commercial sUAS operation.

SAFETY GUIDELINES FOR RECREATIONAL USERS OF sUAS (DRONES)

- Users should follow community-based safety guidelines, as developed by organizations such as the Academy Model Aeronautics (AMA)
- Users should fly no higher than 400 feet and remain below surrounding obstacles when possible
- Users must be able to see their sUAS at all times, and use an observer to assist them if needed
- Users should remain well clear and must not interfere with manned aircraft operations, must see and avoic other aircraft and obstacles at all times, must avoid any activity that would cause a manned aircraft pilot tc divert from planned operations, and must give way to all other aircraft at all times.
- Users must not intentionally fly over unprotected persons or moving vehicles, and should remain at least 25 away from individuals and vulnerable property
- Users must contact the airport or control tower before flying within five miles of an airport
- Users should be aware that in addition to public airports, Alaska has many private airstrips as well as bodies waters used for take-off and landing by float planes and should not fly a UAS in the vicinity of these location:
- Users should not fly a UAS weighing more than 55 lbs unless it's certified by an aeromodelling community-b: organization.
- Users should not fly in adverse weather conditions such as in high winds or reduced visibility
- Users must not fly under the influence of alcohol or drugs
- Users should ensure the operating environment is safe and that the operator is competent and proficient in operation of the sUAS
- Users should not operate on or fly over private property without first obtaining permission from the propert owner and/or tenant
- Users should not fly near or over sensitive infrastructure or property such as power stations, water treatmer facilities, correctional facilities, heavily traveled roadways, government facilities, etc.
- Users should not conduct surveillance or photograph persons in areas where there is an expectation of priva without the individual's permission (See AMA's privacy policy)

Additional safety resources:
AMA National Model Aircraft Safety Code
FAA What Can I Do With My Model Aircraft?



This hand-out is a public education resource provided by Alaska's Unmanned Aircraft Systems Legislative Task Force (UASLTF) to raise awareness by providing a brief summary of the laws applicable to sUAS. For more information, contact 907-376-3725 or Rep.Shelley.Hughes@akleg.gov . The UASLTF would like to thank Academy of Model Aeronautics and the Association of Unmann Vehicle Systems for their joint campaign to promote safe operations of UAS and for providing the safety guidelines listed above. sUAS operators are responsible for reviewing and complying with applicable state and federal laws that may apply to flying sUAS

For the most up-to-date information on the work being done by the UAS Legislative Task Force, please visit http://alaskadrones.org/

Warm Christmas and holiday wishes,

Shelley

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FAA to ramp up drone education, regulation

By Sara Fischer, CNN

Updated 10:07 AM ET, Mon December 1, 2014

FAA on drones: Security always a concern 02:29

It's a bird, it's a plane, it's a ... drone?

Story highlights

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More and more often, large commercial airliners are encountering small, unmanned aircraft flying through the sky, sometimes undetected by the human eye, and often invisible from the cockpit of a large airplane.

FAA Administrator Michael Huerta says increased drone regulations are needed to increase safety

Pilots have increasingly seen drones flying higher than the current limit of 400 feet

Drone education and regulation will help prevent accidents with aircrafts, Huerta says

According to Michael Huerta, head of the Federal Aviation Administration, regulations are in place to prevent drones from interfering with large aircraft -- but education about drone safety and regulation enforcement needs to be improved in order to actually keep airways safe.

"That is certainly a serious concern and it is something that I am concerned about," Huerta told Candy Crowley on CNN's "State of the Union" Sunday. "That's why we are very focused on education. That's why we're also focused on enforcement. We've enforced hundreds of these cases where we have seen someone operating one of these things carelessly and recklessly and posing the danger to aircraft, and that can't happen."

READ: Graham search highlights Virginia drone battle

Since drones have entered the commercial market, the FAA reports pilots have seen up to 25 cases per month of drones flying above the regulated limit of 400 feet, with some flying as high as 2,000 feet in the air. Huerta says the FAA is working to educate people about the dangers of flying drones that high, since enforcement of the small, unmanned aerial vehicles can be difficult.

"(A) big part of what we're doing is educating people," Huerta said. "These are very high performance aircraft, and they are difficult to see and this is one of the big challenges, and so that's why the rules require that people stay away from airports."

"We have been working with the Model Aeronautics Association, with the model community and clubs so we can educate people because these are not your typical pilots that may be flying one of these for the first time and they may be unfamiliar with the rules," he added.

In 2012, the FAA set a September 2015 deadline to lay out a concrete list of rules and regulations for flying commercial drones, many of which are operated from the ground by untrained civilians. The current rules prohibit owners from flying drones higher than 400

feet, near an airport, or out of eyesight. But enforcing those regulations can be difficult, especially in light of the increasing rate of commercial use.

Still, proponents of drone use argue the unmanned aerial vehicles have great potential for both surveillance and commercialism, a balance which Huerta says the FAA is working to achieve.

"Yes, there are proponents of unmanned aircraft and they really see huge potential with this technology and for them, we can't move fast enough," Huerta said. "What they would like to see is free and open use of unmanned aircraft as soon as we can get there."

"On the other side, you have pilots, commercial pilots, general aviation pilots, who are very concerned that these are difficult to see, they don't really have a good understanding of how they interact with other aircraft, and bedrock principle of aviation is a principle called see and avoid. The pilots take action to avoid one another. So it's for that reason that we have a plan for a staged and thoughtful integration of unmanned aircraft where we look at lower risk uses first, and then gradually work to others. "

Of course, the added technology also creates a new avenue for national security concerns, mainly terrorism. In response to that potential threat, Huerta says the FAA will be publishing a "rule-making" that takes into consideration the qualifications of the drone operator, and the certification of the aircraft.

"I can't say what is going to be in it but broadly speaking, what we are looking at are all the questions relating to how we certify the aircraft and what are the qualifications of the operator as well as what uses they can be put to," Huerta said.

800 Entries for UAE Drones for Good Award

The UAE Drones for Good Award, launched by His Highness Shaikh Mohammad Bin Rashid Al Maktoum, Vice-President and Prime Minister of the UAE and Ruler of Dubai, during the second Government Summit last February, has received more than 800 local, Arab and international entries.

The award, which aims to make optimal use of technology to serve humanity and create happiness in the community, received submissions from 57 countries.

Spain topped the list with 62 entries, followed by the United States with 47 and India with 34 entries.

Saudi Arabia topped the list of Arab countries with 18 entries, followed by Egypt with eight entries.
The winners of the award will be announced in February based on the results of live demonstrations by qualifiers of the semi-final stage in front of the panel of judges.

Mohammad Abdullah Al Gergawi, Minister of Cabinet Affairs, praised the global response to the UAE Drones for Good Award and commended the creative level of the projects received, and the volume of entries from global educational institutions.

There were 154 entries from educational institutions with a strong presence from UAE universities, as well as international universities such as MIT, Stanford, and the University of Sanjulata.

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Al Gergawi added that the ideas have the potential to improve services in areas such as health, education, civil defence, transport and communications, as well as government services, natural disaster relief, and humanitarian assistance.

The award is also expected to significantly contribute to reduced costs of many services as well as their increased efficiency.

"The UAE government has always been the first to launch initiatives that keep pace with global changes and has harnessed creativity and innovation to serve humanity, identifying them as the real wealth of developed societies," he said.

Relief services topped the list of the entries, accounting for 20 per cent of the entries. Civil defence services came in second with 15 per cent, followed by economic development and the environment at 14 per cent, respectively, and logistics accounting for 13 per cent.

Source: Gulf News

Download article as PDF

Posted in Launchers & Recovery Systems on January 22, 2015 by The Editor. Leave a comment

← MEXICO DEPLOYS UAS TO PROTECT ENDANGERED PORPOISE NORWAY WANTS UAS TO AID SEARCH AND RESCUE →

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The Next Steps to Implementation of Unmanned Aircraft Systems into the National Airspace

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http://www.avinc.com/img/media_gallery/PumaAE_BP_Alaska_lg.png

December 2014

Disclaimer

The following is an accumulation of a student lead research project. The conclusions and recommendations are that of our student team and do not represent the views or opinions of any university, government agency, political office, or commercial entity.

December 2014

Executive Summary

The United States is a leader in the unmanned aircraft industry through our military, but we wait in anticipation for the commercial implementation of unmanned aircraft into our national airspace system (NAS). Through this intensive analysis of the industry, regulation, and policy, our group was tasked with finding the most relevant issues within the unmanned aircraft industry and develop our own recommendations for the upcoming Federal Aviation Administration (FAA) proposed rulemaking standards for small unmanned aircraft systems (sUAS).

Through our research we have found that the integration of sUAS into the NAS is expected to represent an $89 billion industry by 2025 (Table 1 – Market Analysis). While the capability of this industry is virtually limitless; our research focused on the benefits sUAS would bring to private business and commercial operations. As a group we also analyzed the FAA mandated test sites in Alaska, New York, Texas, Virginia, and Nevada. These sites are each responsible for testing specific applications for UAS and through our analysis and interviews with test site directors we created several well rounded recommendations for sUAS implementation. Through our analysis of these policy changes our group developed training, certification, and licensing recommendations for sUAS implementation, piloting, operating, and maintenance. We researched the sUAS operations and regulations in other countries and evaluated the International Civil Aviation Organization (ICAO) policies to determine what did work and aligned with our goals in the United States.

Finally we turned our attention to the air traffic control procedures and sense and avoid tactics for sUAS to operate seamlessly with our manned aircraft in the NAS. We broke down the different technologies sUAS manufacturers are using for commercial applications and developed recommendations for requirements and procedures.

Through this presentation we will share our research and recommendations for the upcoming proposed rulemaking standards regarding sUAS implementation.

FAA Issues UAS Guidance for Law Enforcement

The proliferation of small, relatively inexpensive unmanned aircraft (UAS) presents the Federal Aviation Administration with a challenge in identifying people who don't follow the rules of the air or who endanger the nation's airspace. So, the agency is asking the law enforcement community for help.

The FAA released guidance to the law enforcement community explaining the legal framework for the agency's oversight of aviation safety in the U.S., including UAS operations. The guidance describes how UAS and model aircraft can be operated legally, and the options for legal enforcement actions against unauthorized or unsafe UAS operators. The document also discusses the law enforcement community's vital role in deterring, detecting and investigating unsafe operations.

State and local police are often in the best position to immediately investigate unauthorized UAS operations, and as appropriate, to stop them. The document explains how first responders and others can provide invaluable assistance to the FAA by:

- Identifying potential witnesses and conducting initial interviews
- Contacting the suspected operators of the UAS or model aircraft
- Viewing and recording the location of the event
- Collecting evidence
- Identifying if the UAS operation was in a sensitive location, event or activity
- Notifying one of the FAA's Regional Operation Centers about the operation as soon as possible

The FAA's goal is to promote voluntary compliance by educating individual UAS operators about how they can operate safely under current regulations and laws, but the guidance makes clear the agency's authority to pursue legal enforcement action against persons who endanger the safety of the National Airspace System.

The guidance stresses that while the FAA exercises caution not to mix criminal law enforcement with agency administrative safety enforcements, the public is best served by coordinating and fostering mutual understanding and cooperation between governmental entities with law enforcement responsibilities.

The complete guidance document can be seen here.

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U.S. Department
of Transportation
Federal Aviation Administration

LAW ENFORCEMENT GUIDANCE FOR SUSPECTED UNAUTHORIZED UAS OPERATIONS

Issue

There is evidence of a considerable increase in the unauthorized use of small, inexpensive Unmanned Aircraft Systems (UAS) by individuals and organizations, including companies. The FAA retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to the use of UAS. The agency recognizes though that State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate,[1] and, as appropriate,[2] pursue enforcement actions to stop unauthorized or unsafe UAS operations. The information provided below is intended to support the partnership between the FAA and LEAs in addressing these activities.

Discussion

The general public, a wide variety of organizations, including private sector (e.g., commercial companies), non-governmental (e.g., volunteer organizations), and governmental entities (e.g., local agencies) continue to demonstrate significant interest in UAS. The benefits offered by this type of aircraft are substantial and the FAA is committed to integrating UAS into the National Airspace System (NAS). This introduction, however, must address important safety and security considerations. The increasing number of cases of unauthorized use of UAS is a serious concern for the FAA and, in terms of safety and security challenges, many of its interagency partners.

This document is intended to assist LEAs in understanding the legal framework that serves as the basis for FAA legal enforcement action against UAS operators for unauthorized and/or unsafe UAS operations (Section 1) and to provide guidance regarding the role of LEAs in deterring, detecting, and investigating unauthorized and/or unsafe UAS operations (Section 2).

SECTION 1.

Basic Legal Mandates

The FAA's safety mandate under 49 U.S.C. § 40103 requires it to regulate aircraft operations conducted in the NAS,[3] which include UAS operations, to protect persons and property on the

[1] At least in terms of initial contact with the suspected offender.

[2] Applying any laws falling within the enforcement authority of the LEA in question.

[3] The NAS is "the common network of U.S. airspace, air navigation facilities, equipment and services, airports or landing areas . . . . Included are system components shared jointly with the military." See FAA Pilot/Controller Glossary (Apr. 3, 2014), available at http://www.faa.gov/air_traffic/publications/media/pcg_4-03-14.pdf

ground, and to prevent collisions between aircraft and other aircraft or objects. In addition, 49 U.S.C. § 44701(a) requires the agency to promote safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.[4]

A UAS is an Aircraft that Must Comply with Safety Requirements

A UAS is an "aircraft" as defined in the FAA's authorizing statutes and is therefore subject to regulation by the FAA. 49 U.S.C. § 40102(a)(6) defines an "aircraft" as "any contrivance invented, used, or designed to navigate or fly in the air." The FAA's regulations (14 C.F.R. § 1.1) similarly define an "aircraft" as "a device that is used or intended to be used for flight in the air." Because an unmanned aircraft is a contrivance/device that is invented, used, and designed to fly in the air, it meets the definition of "aircraft." The FAA has promulgated regulations that apply to the operation of all aircraft, whether manned or unmanned, and irrespective of the altitude at which the aircraft is operating. For example, 14 C.F.R. § 91.13 prohibits any person from operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.

Model Aircraft Operations

An important distinction to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012, Public Law 112-95, (the Act) that pertain to "Model Aircraft" operations, which are conducted solely for hobby or recreational purposes. While flying model aircraft for hobby or recreational purposes does not require FAA approval, all model aircraft operators must operate safely and in accordance with the law. The FAA provides guidance and information to individual UAS operators about how they can operate safely under current regulations and laws. Guidance may be found at: http://www.faa.gov/uas/publications/model_aircraft_operators/

Section 336(c) of the Act defines "Model Aircraft" as an unmanned aircraft that is –

(1) Capable of sustained flight in the atmosphere;

(2) Flown within visual line of sight of the person operating the aircraft; and

(3) Flown for hobby or recreational purposes.

Each element of this definition must be met for a UAS to be considered a Model Aircraft under the Act. Under Section 336(a) of the Act the FAA is restricted from conducting further rulemaking specific to Model Aircraft as defined in section 336(c) so long as the Model Aircraft operations are conducted in accordance with the requirements of section 336(a). Section 336(a) requires that—

[4] FAA action on these security concerns support and are informed by the national defense, homeland security, and law enforcement statutory responsibilities and authorities of our interagency partners.

(1) The aircraft is flown strictly for hobby or recreational use;

(2) The aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;

(3) The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and

(5) When flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

Model Aircraft that Operate in a Careless or Reckless Manner

Section 336(b) of the Act, however, makes clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft when the operations endanger the safety of the NAS, even if they are operating in accordance with section 336(a) and 336(c). So, for example, a Model Aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of 14 C.F.R. § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.

UAS Operations that are not Model Aircraft Operations

Operations of UAS that are not Model Aircraft operations as defined in section 336(c) of the Act and conducted in accordance with section 336(a) of the Act may only be operated with specific authorization from the FAA. The FAA currently authorizes non-hobby or recreational UAS operations through one of three avenues:

(1) The issuance of a Certificate of Waiver or Authorization, generally to a governmental entity operating a public aircraft;

(2) The issuance of an airworthiness certificate in conjunction with the issuance of a Certificate of Waiver or Authorization; or

(3) The issuance of an exemption under part 11 of title 14, Code of Federal Regulations that relies on section 333 (Special Rules for Certain Unmanned Aircraft Systems) of the Act for relief from the airworthiness certificate requirement, also in conjunction with the issuance of a Certificate of Waiver or Authorization.

It is important to understand that all UAS operations that are not operated as Model Aircraft under section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated with an

authorized aircraft (certificated or exempted), with a valid registration number ("N-number"), with a certificated pilot, and with specific FAA authorization (Certificate of Waiver or Authorization).

Regardless of the type of UAS operation, the FAA's statutes and the Federal Aviation Regulations prohibit any conduct that endangers individuals and property on the surface, other aircraft, or otherwise endangers the safe operation of other aircraft in the NAS. In addition, States and local governments are enacting their own laws regarding the operation of UAS, which may mean that UAS operations may also violate state and local laws specific to UAS operations, as well as broadly applicable laws such as assault, criminal trespass, or injury to persons or property.

UAS Compliance with Airspace Security Requirements

As an aircraft, UAS operations (including those involving Model Aircraft) must be conducted in accordance with the airspace-centric security requirements prescribed by the FAA's regulations and various implementation tools used by the FAA, specifically including airspace with special flight rules and Notices to Airmen (NOTAM) that define Temporary Flight Restrictions (TFR). It is important that UAS operators and LEAs be familiar with the airspace restrictions respectively relevant to their operations and their enforcement area of responsibility.

Flight restrictions are used to protect, but are not limited to, special security events, sensitive operations (e.g., select law enforcement activity, space flight operations, etc.), and Presidential movement. The most up-to-date list of TFRs is available at http://tfr.faa.gov/tfr2/list.html.

See Attachment A for reference resources.[5]

SECTION 2.

The Role of Law Enforcement

The FAA promotes voluntary compliance by educating individual UAS operators about how they can operate safely under current regulations and laws. The FAA also has a number of enforcement tools available including warning notices, letters of correction, and civil penalties. The FAA may take enforcement action against anyone who conducts an unauthorized UAS operation or operates a UAS in a way that endangers the safety of the national airspace system. This authority is designed to protect users of the airspace as well as people and property on the ground.

However, as noted above, State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate,[6] and, as appropriate,[7] pursue

[5] Attachment A also includes a NOTAM concerning avoidance (including no loitering) over power plants, dams, refineries, industrial complexes, and military facilities. Although not a restriction, this TFR urges aircraft operators to avoid these locations.

[6] At least in terms of initial contact with the suspected offender.

[7] Applying any laws falling within the enforcement authority of the LEA in question.

enforcement actions to stop unauthorized UAS operations. Although the FAA retains the responsibility for enforcing FAAs regulations, FAA aviation safety inspectors, who are the agency's principal field elements responsible for following up on these unauthorized and/or unsafe activities, will often be unable to immediately travel to the location of an incident.

While the FAA must exercise caution not to mix criminal law enforcement with the FAA's administrative safety enforcement function, the public interest is best served by coordination and fostering mutual understanding and cooperation between governmental entities with law enforcement responsibilities. Although there are Federal criminal statutes that may be implicated by some UAS operations (see 49 U.S.C. § 44711), most violations of the FAA's regulations may be addressed through administrative enforcement measures. As with any other civil or criminal adjudication, successful enforcement will depend on development of a complete and accurate factual report contemporaneous with the event.

Although certainly not an exhaustive list, law enforcement officials, first responders and others can provide invaluable assistance to the FAA by taking the actions outlined below:

(1) **Witness Identification and Interviews.** Local law enforcement is in the best position to identify potential witnesses and conduct initial interviews, documenting what they observed while the event is still fresh in their minds. In addition, local law enforcement is in an optimum position to secure all information necessary for our safety inspectors to contact these witnesses in any subsequent FAA investigation. Administrative proceedings often involve very technical issues; therefore, we expect our own safety inspectors will need to re-interview most witnesses. We are mindful that in many jurisdictions, state law may prohibit the transmission of witness statements to third parties, including the FAA. In those circumstances it is extremely important that the FAA be able to locate and conduct independent interviews of these individuals.

(2) **Identification of Operators.** Law enforcement is in the best position to contact the suspected operators of the aircraft, and any participants or support personnel accompanying the operators. Our challenges in locating violators are marked in that very few of these systems are registered in any federal database and rarely will they have identifiable markings such as used for conventional manned aircraft. Likewise, information on few of the UAS operators will be archived in a pilot data base. Many operators advertise openly on the internet. However, in our enforcement proceedings, we bear the burden of proof, and showing who actually is operating the unmanned aircraft is critical. Therefore, evidentiary thresholds must be met even when using data or video acquired via the internet. Likewise, the purpose for the operation (such as in support of a commercial venture, to further some business interest, or to secure compensation for their services) may become an important element in determining what regulations, if any, may have been violated by the operation. Identification and interview of suspected operators early on will help immeasurably to advance enforcement efforts.

(3) **Viewing and Recording the Location of the Event.** Pictures taken in close proximity to the event are often helpful in describing light and weather conditions, any damage or injuries, and the number and density of people on the surface,

particularly at public events or in densely populated areas. During any witness interviews, use of fixed landmarks that may be depicted on maps, diagrams or photographs immeasurably help in fixing the position of the aircraft, and such landmarks also should be used as a way to describe lateral distances and altitude above the ground, structures or people (e.g. below the third floor of Building X, below the top of the oak tree located Y, anything that gives reference points for lay witnesses).

(4) **Identifying Sensitive Locations, Events, or Activities.** The FAA maintains a variety of security-driven airspace restrictions around the country to help protect sensitive locations, events, and activities through Temporary Flight Restrictions (TFR), Prohibited Areas, and other mechanisms such as the Washington, DC Flight Restricted Zone (DC FRZ). UAS operations, including Model Aircraft flights, are generally prohibited within these defined volumes of airspace. LEAs should become familiar with the steady-state airspace restrictions active within their area of responsibility, along with as-needed TFRs, which could be instituted to help protect sensitive events (e.g., major gatherings of elected officials) and activities (e.g., Presidential movements). If there is any question as to whether a TFR has been established in a given location, contact the nearest air traffic facility or flight service station for further information or visit http://tfr.faa.gov/tfr2/list.html for a graphic representation of TFRs locatable by state and effective dates.

(5) **Notification.** Immediate notification of an incident, accident or other suspected violation to one of the FAA Regional Operation Centers (ROC) located around the country is valuable to the timely initiation of the FAA's investigation. These centers are manned 24 hours a day, 7 days a week with personnel who are trained in how to contact appropriate duty personnel during non-business hours when there has been an incident, accident or other matter that requires timely response by FAA employees. A list of these centers and telephone numbers is included as Attachment B to this letter.

(6) **Evidence Collection.** Identifying and preserving any public or private security systems that may provide photographic or other visual evidence of UAS operations, including video or still picture security systems can provide essential evidence to the FAA. Many times these systems do not permanently store information but erase it as the system recycles at a given interval. Local law enforcement is in the best position to inquire and make initial requests to identify and preserve this form of evidence or obtain legal process for securing this evidence in the context of an investigation of a possible violation of state criminal law. In addition, some UAS may be marked with identification numbers ("N-numbers") signifying FAA registration. The presence or lack of these identification numbers may be significant in an FAA investigation. For example, an operator may state that he or she is conducting an approved commercial activity, which usually requires registered aircraft. However, the absence of registration markings on the UAS may indicate that the aircraft is not registered, meaning the operation may not be authorized. Note that identification numbers may not be conspicuous from a distance because of the size and non-traditional configuration of some UAS. The registered owners

of UAS bearing identification numbers can be found by searching for the N-number on the FAA's website: www.faa.gov.

Virtually all of the items listed above are already in the tool box for law enforcement officers. Other investigative methods also may prove useful, such as consensual examination of the UAS, equipment trailers and the like. However, other law enforcement processes, such as arrest and detention or non-consensual searches almost always fall outside of the allowable methods to pursue administrative enforcement actions by the FAA unless they are truly a by-product of a state criminal investigation. We do not mean to discourage use of these methods and procedures where there is an independent basis for them under state or local law. We simply wish to emphasize that work products intended for FAA use generally should involve conventional administrative measures such as witness interviews, "stop and talk" sessions with suspected violators, consensual examination of vehicles and equipment, and other methods that do not involve court orders or the potential use of force by law enforcement personnel.

It is extremely difficult to provide a "one size fits all" guide to cooperative investigation of unauthorized UAS operations considering the myriad jurisdictions and the associated statutory and constitutional restraints and requirements. State and local officials are always urged to use their governmental unit's legal resources and their own management chain to develop acceptable protocols for dealing with these instances. In some situations, there may be legal bars to the sharing of some information or the use of databases designed for conventional law enforcement. However, with appropriate data collection during first responses and early reporting to the FAA, Federal, State and local agencies will be in the best position to both collect and share information that may be of interest to each jurisdiction. FAA aviation safety inspectors are adept at coordination with our own legal resources to ensure unauthorized operators are properly accountable for the potential risk they create to both people and property. In addition, we have specially trained inspectors within the FAA UAS Integration office who can provide expertise in this area.

If you have any questions or your agency would like to pursue advance planning on how to address these situations, please feel free to contact your local FAA Law Enforcement Assistance Special Agent or the FAA's Law Enforcement Assistance Program Office at (202) 267-4641 or (202) 267-9411.

Attachment A.

Excerpts

Presidential Movements

FDC 4/7607 ZBW RI..AIRSPACE PROVIDENCE, RHODE ISLAND..TEMPORARY FLIGHT RESTRICTIONS. OCTOBER 16, 2014 LOCAL. THIS NOTAM REPLACES NOTAM 4/7600 DUE TO SCHEDULE CHANGE. PURSUANT TO 49 USC 40103(B THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. ANY OF THE FOLLOWING ADDITIONAL ACTIONS MAY ALSO BE TAKEN AGAINST A PILOT WHO DOES NOT COMPLY WITH THE REQUIREMENTS OR ANY SPECIAL INSTRUCTIONS OR PROCEDURES ANNOUNCED IN THIS NOTAM:
A) THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVI PENALTIES AND THE SUSPENSION OR REVOCATION OF AIRMEN CERTIFICATES; OR
B) THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER TITLE 49 OF THE UNITED STATES CODE, SECTION 46307; OR
C) THE UNITED STATES GOVERNMENT MAY USE DEADLY FORCE AGAINST THE AIRBORNE AIRCRAFT, IF IT IS DETERMINED THAT THE AIRCRAFT POSE AN IMMINENT SECURITY THREAT.
...
C. THE FOLLOWING OPERATIONS ARE NOT AUTHORIZED WITHIN THIS TFR: FLIGHT TRAINING, PRACTICE INSTRUMENT APPROACHES, AEROBATIC FLIGHT, GLIDER OPERATIONS, SEAPLANE OPERATIONS, PARACHUTE OPERATIONS, ULTRALIGHT, HANG GLIDING, BALLOON OPERATIONS, AGRICULTURE/CROP DUSTING, ANIMAL POPULATION CONTROL FLIGHT OPERATIONS, BANNER TOWING OPERATIONS, SIGHTSEEING OPERATIONS,MAINTENANCE TEST FLIGHTS, MODEL AIRCRAFT OPERATIONS, MODEL ROCKETRY, UNMANNED AIRCRAFT SYSTEMS (UAS), AND UTILITY AND PIPELINE SURVEY OPERATIONS.

DC FRZ

FDC 0/8326 ZDC PART 1 OF 10 FLIGHT RESTRICTIONS, WASHINGTON, DC, EFFECTIVE 1012010401 UTC UNTIL FURTHER NOTICE. THIS NOTICE WILL REPLACE NOTAM 0/9477 DUE TO A CHANGE IN RESTRICTIONS. THIS NOTAM AND A NOTAM FOR THE LEESBURG MANEUVERING AREA SUPPLEMENT SUBPART V, 14 CFR PART 93 FOR THE WASHINGTON, D.C. SPECIAL FLIGHT RULES AREA (DC SFRA). PURSUANT TO 49 USC 40103(B), THE FAA HAS ESTABLISHED THE DC SFRA AREA AS 'NATIONAL DEFENSE AIRSPACE. ANY PERSON WHO DOES NOT COMPLY WITH THE REQUIREMENTS APPLICABLE TO THE DC SFRA MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. ANY OF THE FOLLOWING ADDITIONAL ACTIONS MAY ALSO BE TAKEN AGAINST A PILOT WHO DOES NOT COMPLY WITH THE REQUIREMENTS OR ANY SPECIAL INSTRUCTIONS OR PROCEDURES ANNOUNCED IN THIS NOTAM: A) THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND THE SUSPENSION OR REVOCATION OF AIRMEN CERTIFICATES; B) THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER TITLE 49 OF THE UNITED STATES CODE, SECTION 46307; C) THE UNITED STATES GOVERNMENT MAY USE DEADLY FORCE AGAINST THE AIRBORNE AIRCRAFT, IF IT IS DETERMINED THAT THE AIRCRAFT POSE: AN IMMINENT SECURITY THREAT.

...

A. THE FOLLOWING OPERATIONS ARE NOT AUTHORIZED WITHIN THE DC FRZ: FLIGHT TRAINING, AEROBATIC FLIGHT, PRACTICE INSTRUMENT APPROACHES, GLIDER OPERATIONS, PARACHUTE OPERATIONS, ULTRA LIGHT, HANG GLIDING, BALLOON OPERATIONS, TETHERED BALLOONS, AGRICULTURE/CROP DUSTING, ANIMAL POPULATION CONTROL FLIGHT OPERATIONS, BANNER TOWING OPERATIONS, MAINTENANCE TEST FLIGHTS, MODEL AIRCRAFT OPERATIONS, MODEL ROCKETRY, FLOAT PLANE OPERATIONS, UNMANNED AIRCRAFT SYSTEMS (UAS) AND AIRCRAFT/HELICOPTERS OPERATING FROM A SHIP OR PRIVATE/CORPORATE YACHT. B. IT IS HIGHLY RECOMMENDED THAT A PILOT CONTINUOUSLY MONITOR VHF FREQUENCY 121.5 OR UHF FREQUENCY 243.0 FOR EMERGENCY INSTRUCTIONS WHEN OPERATING AN AIRCRAFT IN THE DC FRZ, EITHER IN AN AIRCRAFT THAT IS SUITABLY EQUIPPED, OR BY USE OF PORTABLE EQUIPMENT.

Avoidance of Power Plans Etc. *(Applied to all Aircraft, including UAS)*

FDC 4/0811 SPECIAL NOTICE. THIS IS A RESTATEMENT OF A PREVIOUSLY ISSUED ADVISORY NOTICE. IN THE INTEREST OF NATIONAL SECURITY AND TO THE EXTENT PRACTICABLE, PILOTS ARE STRONGLY ADVISED TO AVOID THE AIRSPACE ABOVE, OR IN PROXIMITY TO SUCH SITES AS POWER PLANTS (NUCLEAR, HYDRO-ELECTRIC, OR COAL), DAMS, REFINERIES, INDUSTRIAL COMPLEXES, MILITARY FACILITIES AND OTHER SIMILAR FACILITIES. PILOTS SHOULD NOT CIRCLE AS TO LOITER IN THE VICINITY OVER THESE TYPES OF FACILITIES.

Select Sporting Events FDC 4/3621 FDC SPECIAL SECURITY NOTICE. SPORTING EVENTS. THIS NOTAM REPLACES FDC NOTAM 9/5151 TO REFLECT A TSA WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. ANY PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, COMMENCING ONE HOUR BEFORE THE SCHEDULED TIME OF THE EVENT UNTIL ONE HOUR AFTER THE END OF THE EVENT. ALL AIRCRAFT OPERATIONS, INCLUDING PARACHUTE JUMPING, UNMANNED AIRCRAFT AND REMOTE CONTROLLED AIRCRAFT, ARE PROHIBITED WITHIN A 3 NMR UP TO AND INCLUDING 3000 F AGL OF ANY STADIUM HAVING A SEATING CAPACITY OF 30,000 OR MORE PEOPLE WHERE EITHER A REGULAR OR POST SEASON MAJOR LEAGUE BASEBALL, NATIONAL FOOTBALL LEAGUE, OR NCAA DIVISION ONE FOOTBALL GAME IS OCCURRING. THIS NOTAM ALSO APPLIES TO NASCAR SPRINT CUP, INDY CAR, AND CHAMP SERIES RACES EXCLUDING QUALIFYING AND PRE-RACE EVENTS. FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY EVENT, STADIUM OR VENUE AND BROADCAST COVERAGE FOR THE BROADCAST RIGHTS HOLDER ARE AUTHORIZED WITH AN APPROVED AIRSPACE WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. THE RESTRICTIONS DESCRIBED ABOVE DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFETY OF FLIGHT PURPOSES, DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS. ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 9/5151 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0 OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT HTTPS://WAIVERS.FAA.GOV

Disney Theme Parks	FDC 4/XXXX ZZZ SECURITY SPECIAL NOTICE DISNEY WORLD THEME PARK ORLANDO FL THIS NOTAM REPLACES NOTAM 9/4985 TO REFLECT A TSA WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. AN PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, ALL AIRCRAFT FLIGHT OPERATIONS TO INCLUDE UNMANNED AND REMOTE CONTROLLED AIRCRAFT ARE PROHIBITED WITHII A 3 NMR OF 282445N/0813420W OR THE ORL238014.8 UP TO AND INCLUDING 3000 FT AGL. THE RESTRICTIONS DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFET OF FLIGHT PURPOSES, AND DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS. FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY DISNEY WORLD EVEN AND VENUE ARE AUTHORIZED WITH AN APPROVED WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 4/4985 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0 OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT HTTPS://WAIVERS.FAA.GOV

Attachment B.

Facility	States	Office	EMail
Western ROC	AK, AZ, CA, CO, HI, ID, MT, NV, OR, UT, WA and WY	425-227-1999	9-ANM-ROC@faa.gov
Central ROC	AR, IA, IL, IN, KS, LA, MI, MN, MO, ND, NE, NM, OH, OK, SD, TX and WI	817-222-5006	9-asw-operation-center@faa.gov
Southern ROC	AL, FL, GA, KY, MS, NC, PR, SC, TN and VI	404-305-5180	9-ASO-ROC@faa.gov
Eastern ROC	DC, DE, MD, NJ, NY, PA, VA and WV	718-553-3100	7-AEA-ROC@faa.gov
New England ROC	CT, MA, ME, NH, RI and VT	404-305-5156	7-ANE-OPSCTR@faa.gov
Washington WOC		202-267-3333	9-awa-ash-woc@faa.gov

Senators McCain, Flake and Ayotte Introduce UAS Improvement Act of 2015

U.S. Senators John McCain (R-AZ), Jeff Flake (R-AZ), and Kelly Ayotte (R-NH) have introduced *The Unmanned Aircraft System Improvement Act of 2015*, legislation that would provide critical reform to the U.S. Customs and Border Protection's (CBP) mismanaged Unmanned Aircraft System (UAS) programme.

The bill addresses concerns raised in a Department of Homeland Security (DHS) Inspector General Report released last month that highlighted the management failures of CBP's UAS programme to "achieve intended results or recognise all costs of operation." Specifically, the report found that the UAS programme is not meeting current flight hour goals; is not utilizing the most effective available resources; and is failing to accurately determine programme costs.

"Unmanned Aircraft Systems, when properly utilized, are critical in our fight to effectively secure the border," said Senator John McCain. "The findings released in the Inspector General Report highlight exactly where reform is needed, and this bill is an important step to ensuring our border security efforts are effective in preventing future waves of illegal border crossings."

Until DHS can better manage and utilize its current fleet of UAS, *The Unmanned Aircraft System Improvement Act of 2015* would prohibit the procurement of new UAS. In addition, the bill would require DHS to conduct continuous, 100 percent surveillance of the Southern border and coordinate with the Department of Defense to ensure the programme is utilizing "best management practices" to improve national security. Finally, the bill would require DHS to submit a detailed report to Congress regarding the programme's effectiveness.

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114TH CONGRESS
1ST SESSION

S. _____

To improve the operation of the Department of Homeland Security's Unmanned Aircraft System Program.

IN THE SENATE OF THE UNITED STATES

Mr. MCCAIN (for himself, Mr. FLAKE, and Ms. AYOTTE) introduced the following bill; which was read twice and referred to the Committee on

---

A BILL

To improve the operation of the Department of Homeland Security's Unmanned Aircraft System Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ILLEGAL BORDER ACTIVITIES.—The term "illegal border activities" means the illegal trafficking or smuggling of an individual or controlled substances or activities to further a Federal crime relating to United States immigration, customs, con-

trolled substances, agriculture, monetary instruments, or other border controls.

(2) SOUTHERN BORDER.—The term "Southern border" means the international border between the United States and Mexico.

(3) UAS.—The term "UAS" means unmanned aircraft systems.

SEC. 2. PERSISTENT SURVEILLANCE ALONG THE SOUTHERN BORDER.

(a) IN GENERAL.—The Department of Homeland Security shall fully utilize surveillance and detection capabilities developed or used by the various Federal departments and agencies for the purpose of enhancing the functioning and operational capability to conduct continuous and integrated manned or unmanned, monitoring, sensing, or surveillance of 100 percent of Southern border mileage or the immediate vicinity of the Southern border.

(b) PROCUREMENT OF ADDITIONAL UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Secretary of Homeland Security may not procure any additional UAS until after the Secretary provides Congress with written certification that the Department of Homeland Security successfully operated its current fleet of UAS

at least 23,000 hours during the preceding calendar year.

(2) EXEMPTION.—The limitation set forth in paragraph (1) shall not apply to the procurement of unmanned aircraft that do not weigh more than 150 pounds.

(c) USE OF BEST AVAILABLE RADAR AND SURVEILLANCE TECHNOLOGY.—The Department of Homeland Security shall use the best available radar and surveillance technology—

(1) to increase awareness of illegal border activities along the Southern border; and

(2) to identify gaps in surveillance capabilities.

SEC. 3. REPORT TO CONGRESS.

Not later than 90 days after the date of the enactment of this Act, and biannually thereafter, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains, for the reporting period—

(1) the total number of UAS hours required to provide persistent surveillance along the Southern border;

(2) the total number of UAS flight hours planned in support of any Federal or State department or agency;

(3) the number of planned UAS flight hours in support of the goal referred to in paragraph (1);

(4) the number of hours in which UAS were flown in support of the goal referred to in paragraph (1);

(5) the number of planned UAS flight hours in support of the goal referred to in paragraph (1) that were cancelled before takeoff, including the reason for such cancellations;

(6) performance measures regarding—

(A) the number of hours flown by the current fleet of UAS operated by the Department of Homeland Security;

(B) the number of subjects detected though the use of UAS;

(C) the number of apprehensions assisted by the use of UAS; and

(D) the number and quantity of illicit drug seizures assisted by the use of UAS; and

(7) all accumulated cost associated with the Unmanned Aircraft System Program within the Department of Homeland Security, including—

(A) salaries of pilots; and

(B) costs associated with radar and surveillance technology.

SEC. 4. INTERAGENCY COLLABORATION.

The Secretary of Homeland Security shall consult with the Secretary of Defense to identify the best practices used by the Department of Defense that could also be used by the Department of Homeland Security to improve the security of the Southern border by enhancing wide aerial surveillance and fulfilling the requirements set forth in section 2.

SEC. 5. SUNSET.

This Act shall be repealed on the date that is 5 years after the date of the enactment of this Act.

Ginger Blaisdell

From: Binder, John R (DOT) <john.binder@alaska.gov>
Sent: Wednesday, January 14, 2015 8:55 PM
To: Ginger Blaisdell
Subject: FW: Ask NASAO ~ Integration of UAS into the NAS

Categories: Drone

Ginger - Thought you might find the proposed California legislation linked below relating to UAS operation by public agencies interesting. Not in any way advocating for/against, but indicates the direction some states are moving on this issue. My interpretation is that state agency use in performing core missions would be unaffected, which probably begs the question of why then is legislation required?

Fodder for the next meeting.

John R. Binder III
Acting Commissioner
907-465-3901

Alaska Department of Transportation & Public Facilities
Keep Alaska Moving through Service and Infrastructure

From: Stevens, Kim [mailto:kstevens@nasao.org]
Sent: Wednesday, January 14, 2015 9:04 AM
To: Kim Stevens
Cc: carol.glatfelter@dot.ca.gov
Subject: Ask NASAO ~ Integration of UAS into the NAS

California is seeking your help. They are being asked to analyze a state bill on unmanned aerial systems and are seeking input from other states on any similar action you might be taking in regard to the integration of UAS into the NAS.

California Assembly Bill 37 Unmanned Aerial Systems, would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft
systems: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB37

There is a section on the analysis form that says: "What other states are doing" pertaining to this bill or one similar in other states.

Please respond with any information to Carol, carol.glatfelter@dot.ca.gov and copy me. Thank you!

Kim Stevens
Director, Communications/Operations
National Association of State Aviation Officials
8400 Westpark Drive, 2nd Floor
McLean, VA 22102
703-610-0223; Fax 703-995-0837

California LEGISLATIVE INFORMATION

AB-37 Unmanned aircraft systems. (2015-2016)

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL **No. 37**

Introduced by Assembly Member Campos

December 01, 2014

An act to add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 37, as introduced, Campos. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases, including when the use or operation of the unmanned aircraft system achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined.

The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. The bill would generally prohibit images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

The bill would apply its provisions to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.

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Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from disclosure above images, footage, data, and records obtained through the use of an unmanned aircraft system, if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6254.31 is added to the Government Code, to read:

6254.31. (a) Notwithstanding any provision of this chapter, images, footage, or data obtained through the use of an unmanned aircraft system pursuant to Title 14 (commencing with Section 14350) of Part 4 of the Penal Code, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, are public records subject to disclosure.

(b) Notwithstanding subdivision (a), nothing in this chapter or any other law requires the disclosure of images, footage, or data obtained through the use of an unmanned aircraft system, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, to the extent that disclosure of the images, footage, data, or records would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

SEC. 2. Title 14 (commencing with Section 14350) is added to Part 4 of the Penal Code, to read:

TITLE 14. UNMANNED AIRCRAFT SYSTEMS

14350. (a) A public agency shall not use an unmanned aircraft system, or contract for the use of an unmanned aircraft system, except as provided in this title. This title shall apply to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.

(b) A law enforcement agency may use an unmanned aircraft system if it has obtained a warrant based on probable cause pursuant to this code.

(c) A law enforcement agency, without obtaining a warrant, may use an unmanned aircraft system in all of the following circumstances:

(1) In emergency situations if there is an imminent threat to life or of great bodily harm, including, but not limited to, fires, hostage crises, "hot pursuit" situations if reasonably necessary to prevent harm to law enforcement officers or others, and search and rescue operations on land or water.

(2) To assess the necessity of first responders in situations relating to traffic accidents.

(3) (A) To inspect state parks and wilderness areas for illegal vegetation or fires.

(B) For purposes of this paragraph, "wilderness areas" means public lands without permanent improvements or human habitation.

(4) To determine the appropriate response to an imminent or existing environmental emergency or disaster, including, but not limited to, oils spills or chemical spills.

(d) A public agency other than a law enforcement agency may use an unmanned aircraft system, or contract for the use of an unmanned aircraft system, to achieve the core mission of the agency provided that the purpose is unrelated to the gathering of criminal intelligence.

(e) A public agency that is not primarily a law enforcement agency, but that employs peace officers or performs functions related to criminal investigations, may use an unmanned aircraft system without obtaining a warrant to achieve the core mission of the agency provided that the purpose is unrelated to the gathering of criminal intelligence, and that the images, footage, or data are not used for any purpose other than that for which it was collected.

14351. A public agency that uses an unmanned aircraft system, or contracts for the use of an unmanned aircraft system, pursuant to this title shall first provide reasonable notice to the public. Reasonable notice shall, at a minimum, consist of a one-time announcement regarding the agency's intent to deploy unmanned aircraft system technology and a description of the technology's capabilities.

14352. (a) (1) (A) Except as permitted by this title, images, footage, or data obtained by a public agency, or any entity contracting with a public agency, pursuant to this title shall not be disseminated to a law enforcement agency unless the law enforcement agency has obtained a warrant for the images, footage, or data based on probable cause pursuant to this code, or the law enforcement agency would not have been required to obtain a warrant to collect the images, footage, or data itself, as specified in Section 14350.

(B) A public agency that is not primarily a law enforcement agency, but that employs peace officers or performs functions related to criminal investigations, may disseminate images, footage, or data collected pursuant to Section 14350 if the dissemination is to others within that agency.

(2) Except as permitted by this title, images, footage, or data obtained by a public agency, or any entity contracting with a public agency, through the use of an unmanned aircraft system shall not be disseminated outside the collecting public agency, unless one of the following circumstances applies:

(A) Images, footage, or data obtained by a public agency through the use of an unmanned aircraft system may be disseminated to another public agency that is not a law enforcement agency if the images, footage, or data are related to the core mission of both public agencies involved in the sending or receiving of the images, footage, or data.

(B) Images, footage, or data obtained by a public agency through the use of an unmanned aircraft system may be disseminated outside the collecting public agency if the images, footage, or data are evidence in any claim filed or any pending litigation.

(C) Images, footage, or data obtained by a public agency through the use of an unmanned aircraft system may be disseminated to a private entity if both of the following conditions are satisfied:

(i) The collecting public agency is not a law enforcement agency.

(ii) The images, footage, or data are related to the core function of the collecting public agency.

(3) A public agency may make available to the public images, footage, or data obtained by the public agency through the use of an unmanned aircraft system if both of the following conditions are satisfied:

(A) The images, footage, or data do not depict or describe any individual or group of individuals, or the activities of any individual or group of individuals whose identity or identities can be ascertained.

(B) The disclosure of the images, footage, or data is required to fulfill the public agency's statutory or mandatory obligations.

(b) Except as permitted by this title, images, footage, or data obtained by a public agency through the use of an unmanned aircraft system shall not be used by the public agency for any purpose other than that for which it was collected.

(c) (1) Images, footage, or data obtained through the use of an unmanned aircraft system shall be permanently destroyed within one year, except that a public agency may retain the images, footage, or data in all of the following circumstances:

(A) For training purposes. Images, footage, or data retained for training purposes shall be used only for the education and instruction of a public agency's employees in matters related to the mission of the public agency and for no other purpose.

(B) For academic research or teaching purposes. Images, footage, or data retained for academic research or teaching purposes shall be used only for the advancement of research and teaching conducted by an academic or research institution and matters related to the mission of the institution and for no other purpose.

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(C) For purposes of monitoring material assets owned by the public agency.

(D) For environmental, public works, or land use management or planning by the public agency.

(2) Notwithstanding paragraph (1), a public agency may retain beyond one year images, footage, or data obtained through the use of an unmanned aircraft system in both of the following circumstances:

(A) If a warrant authorized the collection of the images, footage, or data.

(B) If the images, footage, or data are evidence in any claim filed or any pending litigation or enforcement proceeding.

14353. Unless authorized by federal law, a person or entity, including a public agency subject to Section 14350 or a person or entity under contract to a public agency, for the purpose of that contract, shall not equip or arm an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property.

14354. All unmanned aircraft systems shall be operated so as to minimize the collection of images, footage, or data of persons, places, or things not specified with particularity in the warrant authorizing the use of an unmanned aircraft system, or, if no warrant was obtained, for purposes unrelated to the justification for the operation.

14355. (a) This title is not intended to conflict with or supersede federal law, including rules and regulations of the Federal Aviation Administration.

(b) A local legislative body may adopt more restrictive policies on the acquisition or use of unmanned aircraft systems.

14356. For the purposes of this title, the following definitions shall apply:

(a) "Criminal intelligence" means information compiled, analyzed, or disseminated in an effort to anticipate, prevent, monitor, or investigate criminal activity.

(b) "Law enforcement agency" means the Attorney General of the State of California, each district attorney, and each agency of the State of California authorized by statute to investigate or prosecute law violators.

(c) "Public agency" means and includes each state agency and each local agency.

(d) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and the components that control the unmanned aircraft, that are required for the pilot in command to operate safely and efficiently in the national airspace system.

14357. Except as provided in this title, the surveillance restrictions on electronic devices described in Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 shall apply to the use or operation of an unmanned aircraft system by a public agency.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 6254.31 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to ensure the safety of persons involved in investigations and to preserve the integrity of those investigations, it is necessary that this act take effect.