



CITY OF SALEM

585 Liberty St SE
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Staff Report

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Item #: b.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Kristin Rutherford, Director, Urban Development Department

SUBJECT:

State and Local Regulation of Unmanned Aircraft Systems

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

State and Local Regulation of Unmanned Aircraft Systems

RECOMMENDATION:

Information only.

SUMMARY AND BACKGROUND:

Unmanned aircraft systems (UAS) are remotely-operated, unmanned aircraft which are subject to regulation by the Federal Aviation Administration (FAA) to ensure safety of people and property on the ground. States and local jurisdictions are increasingly exploring regulation of UAS or proceeding to enact legislation relating to UAS operations. The FAA has developed a fact sheet (Attachment 1) which is intended to provide basic information about the federal regulatory framework for use by states and localities when considering laws affecting UAS. State and local restrictions affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework pertaining to the control of the airspace, flight management and efficiency, air traffic control, aviation safety, navigational facilities and the regulation of aircraft noise. The fact sheet provides general principles of federal law as they relate to aviation safety, and provides examples of state and local laws that should be carefully considered prior to any legislative action to ensure that they are consistent with applicable federal safety regulations.

FACTS AND FINDINGS:

Incidents involving unauthorized and unsafe use of UAS have risen dramatically. Pilot reports of interactions with suspected unmanned aircraft increased from 234 sightings in 2014 to 780 through August, 2015. In summer 2015 the presence of multiple UAS in the vicinity of wildfires in the western U.S. prompted firefighters to ground their aircraft on several occasions. In 2015, approximately 45 states considered restrictions on UAS.

Congress has vested the FAA with authority to regulate the areas of airspace use and ensuring the maintenance of a safe and sound air transportation system and navigable airspace free from inconsistent restrictions. As such, FAA has regulatory authority over all matters pertaining to aviation safety.

Substantial air safety issues arise when state or local governments attempt to regulate the operation or flight of aircraft. If one or more municipalities enact ordinances regulating UAS in navigable airspace the result would be a fractionalized control of the airspace with differing restrictions, which could limit the flexibility of the FAA to control airspace and flight patterns and ensuring safety and efficient traffic flow. A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system.

Consultation with the FAA is recommended when contemplating laws for UAS restrictions on flight altitude, flight paths, operational bans, and/or any regulation of the navigable airspace.

Laws traditionally related to state and local police powers, including land use, zoning, privacy, trespass and law enforcement operations are generally not subject to federal regulation. Examples include:

- Requirement for police to obtain a warrant prior to using UAS for surveillance
- Specifying that UAS may not be used for voyeurism
- Prohibitions on using UAS for hunting or fishing, or to harass an individual who is hunting or fishing
- Prohibitions on attaching firearms, explosives, or similar weaponry to UAS

The fact sheet provides contact information for the FAA's Office of the Chief Counsel and several Regional Counsels so that local and state jurisdictions can seek consultation prior to the contemplated enactment of any UAS regulation.

John Paskell
Airport Manager

Attachments:

1. FAA Fact Sheet - State and Local Regulation of Unmanned Aircraft Systems

06/06/2016

