



June 11, 2018

League Drone Policy

The League believes that Unmanned Aerial Systems (UAS), or “drones,” are an important technology that can be used in a number of beneficial ways for recreational, commercial and governmental purposes. Given the proliferation of this technology, while respecting the jurisdiction of the Federal Aviation Administration (FAA), it is important for local agencies and the state to craft a regulatory framework that provides for the appropriate uses of this technology, while also addressing important public safety, nuisance and other issues that arise as drones are increasingly used for recreational, business, and governmental purposes.

This policy sets out a regulation framework for the state, cities, and counties. There are suggested minimum rules for the state to enact that would be enforceable by local agencies; and other regulations that local agencies would have discretionary authority to pursue. A statewide drone regulatory framework should not limit any power of the state or local agencies to regulate operations of drones if such the regulations do not conflict with the provisions of this framework.

I. Minimum Statewide Standards:

- A. Statewide framework should clarify that no local agency can outright ban drones.
- B. Required Registration: The state should require drone operators to register under the FAA’s registration system. The state should seek approval from the FAA to allow local agencies to enforce the FAA’s registration requirement. If the FAA eliminates drone registration at the federal level, the State should then develop a statewide drone registration system. If the state fails to develop a uniform drone registration system, then local agencies must be able to develop their own. Local agencies should have the authority to require all drone operators to show proof of federal registration to local law enforcement officials. Failure to show proof of registration should be a correctable violation for first time offenders.
- C. The state should establish a statute that grants governmental immunity for local jurisdictions that designate drone recreational areas, as long as signs are posted notifying the public that drones may be flying overhead and they are entering at their own risk.
- D. Safety: An important state goal must be the protection of citizens through the prohibition against careless and reckless operations that endanger life or property.
 - i. No person may operate a drone over a human being unless that human being is:
 - 1. Directly participating in the operation of the drone; or
 - 2. Located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling drone.
 - 3. Located in an area that has been designated as a drone-recreational area by a local agency
 - 4. Clarified exemptions for drone operators who have obtained a Part 107 certificate of waiver from the FAA
 - ii. A person shall not weaponize a drone or operate a weaponized drone.

- E. Prohibit the operation of a drone by a person under the influence of alcohol or drugs that impair the ability of a person to operate a drone.
- F. Require, pursuant to federal law, a person to be 16 years of age or older to operate a drone independently. For those under the age of 16, require a person over the age of 21 and a registered drone operator with the FAA, to be present.
- G. Require a visual line of sight by recreational and hobbyist drone operators to operate a drone.
- H. A statewide framework should incorporate definitions for hobbyists or recreationalists, government, and commercial use of drones pursuant to federal law definitions¹. A commercial definition should encompass commercial uses such as insurance companies, realtors, photographers, etc.
- I. Insurance Requirements: Require the state to establish requirements for minimum insurance coverage that must be maintained by business and government drone operators.
- J. Future uses: A state framework should not prevent or prohibit future drone uses. Cities want to be engaged in the policy discussion on the use of drones for commercial drone deliveries and long distance drone use.
- K. Protection of Privacy: Ensure that the privacy protections in Section [1708.8](#) of the Civil Code apply to all drone operators.
- L. State's framework also needs to establish standards for how video, photo, and sound recordings obtained by government drones are treated under the California Public Records Act, as well as state records retention laws.
- M. Clarify that any state law that allows for the use of drones does not authorize drone use in any areas that are prohibited by federal law.

II. Enforcement: Local agency law enforcement has the authorization to enforce state and local drone laws.

III. Role of Local Regulation:

- A. Time, Place, Manner Restrictions: Local agencies should retain the ability to impose reasonable time, place, and manner limitations on low-altitude, at or under 400 feet, drone operations within their jurisdictions.
- B. Outreach and Education: Local agencies shall ensure that information is readily available so that operators are aware of, and accountable to, local rules.
- C. Local agencies should have the ability to enact and enforce rules of general applicability in a manner that addresses unsafe drone operations, such as trespass, nuisance, or noise, and includes the ability to:
 - i. Appropriately plan for recreational, hobbyist, and commercial drone use during parades, public holiday celebrations or other local agency wide civic events. Designate no fly zones around "critical infrastructure" (such as water treatment or electricity generating facilities) or as otherwise defined by state and federal law.
 - ii. Establish clear rules for hobbyists or recreationalists through the adoption of reasonable "community based safety guidelines." For hobbyists, a local agency could also designate their own areas in parks, open spaces or on beaches for drone operation.

¹ For hobbyists and recreationalists, see Special Rule for Model Aircraft (Public Law 112-95 Section 336). For commercial and government use, see 14 CFR (107).

- iii. Require a public or private entity to apply for an event permit to fly over specified areas with specified date, time, location, and purpose.
 - iv. Local agencies should have the authority to track commercial drone users, by requesting information on drone use from businesses that are required to obtain a business license or pay a business license tax within a jurisdiction. Local agencies should retain the authority to require commercial operators to provide advance notice to the local agency before flying within the local jurisdiction for commercial use. Notice may include, but is not limited to date, time, location of the flight, and operator's contact information.
- D. Local agencies should adopt drone use guidelines in order to inform residents on local agencies' use of drones by including, but not limited to, law enforcement, fire, emergency medical, first responders, and public works officials. These guidelines should be easily accessible to the public.
- E. As technology permits, to promote transparency to the public, local agencies are encouraged to pursue the development and use of real-time drone tracking systems to ensure residents can look up the details of drones operating in a given area.