



Legislation Text

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By Council Members Garodnick, Cohen, Constantinides, Cornegy, Cumbo, Dromm, Espinal, Ferreras-Copeland, Koslowitz, Lancman, Torres, Vacca, Van Bramer, Williams and Rose

A Local Law to amend the administrative code of the city of New York, in relation to the avigation of unmanned aerial vehicles for commercial purposes and by city agencies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-133.1 to read as follows:

§ 14-133.1 Department use of unmanned aerial vehicles. a. Definitions. As used in this section, the following terms have the following meanings:

Aircraft. The term “aircraft” means a device that is used or intended to be used for flight in the air, including a captive balloon, except a parachute or other device designed for use as and carried primarily as safety equipment.

Avigate. The term “avigate” means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether from within the aircraft or remotely. The term “avigate” includes managing a computer system that pilots, steers, directs, flies or manages an aircraft.

City airspace. The term “city airspace” means the airspace above the water, waterways and land within the jurisdiction of the city.

UAV. The term “UAV” is an acronym that means unmanned aerial vehicle.

Unmanned aerial vehicle. The term “unmanned aerial vehicle” means an aircraft that is avigated without a human pilot on board.

b. The commissioner shall establish internal policies and procedures for prior review and authorization of all department operations involving the avigation of a UAV. Such policies, procedures and review shall ensure that each such avigation will be performed with minimal risk to the public and will comply with the requirements of the fourth amendment of the United States constitution; section 12 of article I of the New York constitution; all applicable provisions of the criminal procedure law; and all other relevant laws.

c. The department may avigate a UAV in city airspace only after obtaining prior written authorization pursuant to the policies and procedures established under subdivision b of this section.

d. All UAVs avigated by the department shall be equipped with GPS technology, and the department shall maintain a record of GPS tracking logs for all department flights for five years.

e. The commissioner shall promulgate a data retention policy in conformance with section 19-9226.

§ 2. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9

AIRSPACE

Subchapter 1

General Provisions

§ 19-9101 Definitions. As used in this chapter, the following terms have the following meanings:

Agency UAV. The term “agency UAV” means a UAV that either is owned by a city agency or is avigated by any person for an agency purpose.

Aircraft. The term “aircraft” means a device that is used or intended to be used for flight in the air, including a captive balloon, except a parachute or other device designed for use as and carried primarily as safety equipment.

Avigate. The term “avigate” means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether from within the aircraft or remotely. The term “avigate” includes managing a computer system that

pilots, steers, directs, flies or manages an aircraft.

City airspace. The term “city airspace” means the airspace above the water, waterways and land within the jurisdiction of the city.

Control station. The term “control station” means an interface used by an operator to control the avigation of a UAV.

Dangerous instrument. The term “dangerous instrument” means an instrument, article or substance that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

GPS. The term “GPS” is an acronym that means global positioning system.

Operator. The term “operator” means a person who manipulates the control station of a UAV.

Surveillance. The term “surveillance” means the monitoring or close observation of an individual, a group of individuals or real property without the knowledge and consent of such individual or group of individuals or the owner of such real property that is the subject of such monitoring or observation.

UAV. The term “UAV” is an acronym that means unmanned aerial vehicle.

UAV-related incident. The term “UAV-related incident” means a collision, accident or near miss involving one or more UAVs.

Unmanned aerial vehicle. The term “unmanned aerial vehicle” means an aircraft that is avigated without a human pilot on board.

Weapon. The term “weapon” means an instrument, article or substance that is designed to cause death or serious physical injury or to damage or destroy property, including any projectile, chemical, electrical or directed-energy device.

§ 19-9102 Construction of term “commercial purposes.” When this chapter refers to avigation for commercial purposes, such avigation does not include avigation that is solely for hobby or recreational purposes.

Subchapter 2

Unmanned Aerial Vehicles

Article 1

Avigation for Commercial Purposes or of Agency UAVs

§ 19-9201 Applicability. The provisions of this article apply only to the following types of UAVs avigated in city airspace:

- a. Agency UAVs; and
- b. UAVs avigated for commercial purposes.

§ 19-9202 Operator license required. a. No person may avigate an agency UAV or a UAV for commercial purposes without first having obtained from the commissioner a UAV operator license.

b. A person required by this section to be licensed shall keep such license on his or her person at all times while avigating a UAV.

§ 19-9203 Operator license prerequisites. The commissioner shall promulgate rules setting forth prerequisites for obtaining a UAV operator license. Such rules shall specify:

- a. A minimum age;
- b. A minimum standard for visual acuity;
- c. A method for periodically testing an applicant's knowledge of applicable UAV-related federal, state and local laws, regulations and rules;
- d. A method for periodically testing an applicant's ability to avigate a UAV safely; and
- e. Such other prerequisites that the commissioner may deem necessary.

§ 19-9204 Suspension and revocation. The commissioner shall promulgate rules regarding the suspension and revocation of UAV operator licenses.

§ 19-9205 Annual inspection. No person may avigate an agency UAV or a UAV for commercial

purposes unless such UAV has been inspected and approved for avigation by the department and such approval has not expired.

§ 19-9206 UAV-related incidents. An operator shall notify the commissioner within 10 days of any UAV -related incident in which the operator is involved.

§ 19-9207 Penalties. A person who violates section 19-9202, 19-9205, or 19-9206 is subject to a civil penalty of \$500 for a first violation and \$1,000 for a second or subsequent violation.

Article 2

Agency UAVs

§ 19-9221 Applicability. The provisions of this article apply only to agency UAVs avigated in city airspace.

§ 19-9222 Avigation plan required. No person may avigate an agency UAV without having furnished the department with an avigation plan at least 48 hours before such avigation.

§ 19-9223 Avigation plan contents. a. An avigation plan furnished to the department pursuant to this article shall be on a form prescribed by the commissioner and shall provide each of the following:

1. The name of the agency and the name, address, telephone number and e-mail address of the individual within such agency overseeing the avigation;
2. The reason for the avigation, including a description of any data intended to be collected;
3. The names and operator license numbers and expiration dates of all operators for the particular avigation;
4. The make, model and serial number of the UAV to be avigated;
5. The geographic location and routes where the UAV will be avigated;
6. The avigation's approximate duration and start and end times;
7. Whether any equipment, materials, parcels or other similar objects that do not form part of the

standard equipment of the particular UAV will be attached to the UAV during any portion of the avigation and if so a list of such objects;

8. A safety plan for the avigation;

9. A certification by such agency that the UAV is in good working order, and the date of the department's last inspection of the UAV; and

10. Any other information that the commissioner may require.

b. Notwithstanding subdivision a of this section, the police department may avigate an agency UAV without furnishing the department of transportation with an avigation plan if the avigation is for a law enforcement purpose and complies with § 14-133.1.

§ 19-9224 Restrictions and requirements. a. All agency UAVs shall be equipped with GPS location transmission technology. Using such technology, the commissioner shall make available to the public on the city's website:

1. The locations in real time of all agency UAVs while such UAVs are being avigated; and

2. A log of all previous instances of avigation of an agency UAV in the preceding year.

b. No person may avigate an agency UAV:

1. At an airspeed greater than 25 miles per hour;

2. That weighs more than 55 pounds total, including any object carried during avigation;

3. Outside the line of sight of the operator; or

4. That is equipped with a weapon or dangerous instrument.

c. A UAV avigated in city airspace on behalf of an agency shall be, at all times during such avigation, under the control of a human operator. No person may voluntarily give control of a UAV to an autonomous avigation system.

d. Notwithstanding subdivision c of this section:

1. A UAV may be outfitted with an autonomous avigation system designed to assume control and land

such UAV safely in the event of a communication failure between a UAV and its control station; and

2. A UAV may be outfitted with other autonomous systems designed to assume control of a UAV on a temporary basis in order to avoid an imminent collision.

e. Notwithstanding any provision of this section to the contrary, the police department, when avigating a UAV in conformance with section 14-133.1:

1. Is not required to provide the commissioner of transportation with the location of a UAV that is or was avigated for a law enforcement purpose.

2. Is exempt from the airspeed requirement of paragraph 1 of subdivision b of this section when avigating a UAV for a law enforcement purpose.

§ 19-9225 Rules. a. The commissioner shall promulgate rules governing avigation of agency UAVs. Such rules shall include:

1. A uniform system of registering and marking agency UAVs such that the markings are designed to be visible from below the UAV during avigation, from the furthest distance practicable in consideration of the size of the particular UAV;

2. A schedule of annual airworthiness inspections of agency UAVs, which may be staggered;

3. Standards for protecting the privacy of the public during the avigation of agency UAVs;

4. Standards for transmitting the GPS locations of agency UAVs to the department during avigation;

5. Uniform technical specifications for agency UAVs, including, but not limited to, maximum permitted weight and dimensions; and

6. Rules for the avigation of agency UAVs by city contractors.

b. An agency may develop additional policies and procedures for the avigation of UAVs by such agency.

c. The police department:

1. Is exempt from the uniform technical specifications established by the department pursuant to paragraph 5 of subdivision a of this section where the avigation is for a law enforcement purpose;

2. Is not required to transmit to the department of transportation the GPS locations of police department UAVs avigated for a law enforcement purpose, notwithstanding paragraph 4 of subdivision a of this section; and

3. Shall comply with section 14-133.1 and policies and procedures established pursuant to such section.

§ 19-9226 Data retention. a. Data collected by an agency during the avigation of a UAV (i) that identifies any individual from which the agency does not have written permission or (ii) that does not serve a purpose for which the avigation was conducted shall not be retained for more than 30 days from the date of collection.

b. Any agency that uses a UAV to collect data shall promulgate an agency-specific policy governing the retention of such data in conformity with subdivision a of this section.

§ 19-9227 Reporting. a. By October 1 of each year, the commissioner, in consultation with the police commissioner, shall submit a report to the mayor and the speaker of the council that contains the following information and any additional information that the commissioner deems relevant:

1. The number of UAVs owned or leased by each agency of the city;
2. The number of times each agency avigated an agency UAV during the preceding 12 months;
3. The number of agency UAV-related incidents that occurred during the preceding 12 months and a description of each such incident, identifying all parties at fault and indicating whether the incident involved fatalities, personal injuries or property damage; and
4. The number of persons whose permission to avigate an agency UAV has been suspended or revoked, including the names of such persons and identifying the grounds on which such permission was suspended or revoked.

Article 3

Avigation for Commercial Purposes

§ 19-9231 Applicability. The provisions of this article apply only to UAVs avigated in city airspace for commercial purposes.

§ 19-9232 Avigation permit required. No person may avigate a UAV for commercial purposes without first having obtained from the commissioner a permit for each such instance of avigation.

§ 19-9233 Permit application; public access to permits granted. a. An application for a permit under this subchapter shall be on a form prescribed by the commissioner and shall provide each of the following:

1. The name, address, telephone number and e-mail address of the business applying for the permit and of a person in charge of overseeing the avigation;

2. The names, commercial operator license numbers and commercial operator license expiration dates of all operators for the particular avigation;

3. The make, model and serial number of the UAV to be avigated;

4. The geographic location and routes where the UAV will be avigated;

5. The avigation's approximate duration and start and end times;

6. Whether any equipment, materials, parcels or other similar objects that do not form part of the standard equipment of the particular UAV will be carried by the UAV during any portion of the avigation and if so a list of such objects;

7. A safety plan for the avigation;

8. A certification by the applicant that the UAV is in good working order, and the date of the department's last inspection of the UAV; and

9. Any other information that the commissioner may require.

b. The commissioner shall make all permits granted under this section available for public viewing on the city's website.

§ 19-9234 Restrictions and requirements. a. No person may avigate a UAV in city airspace for commercial purposes:

1. At an airspeed greater than 25 miles per hour;
2. That weighs more than 55 pounds total, including any object carried during avigation;
3. Outside the line of sight of the operator;
4. That is equipped with a weapon or dangerous instrument; or
5. For the purpose of conducting surveillance.

b. A UAV avigated in city airspace for commercial purposes shall be under the control of a human operator at all times during such avigation. No person may voluntarily give control of a UAV to an autonomous avigation system.

c. Notwithstanding subdivision b of this section:

1. A UAV may be outfitted with an autonomous avigation system designed to assume control and land such UAV safely in the event of a communication failure between a UAV and its control station; and
2. A UAV may be outfitted with other autonomous systems designed to assume control of a UAV on a temporary basis in order to avoid an imminent collision.

§ 19-9235 Penalties. A person who violates section 19-9232 or 19-9234 is subject to a civil penalty of \$500 for a first violation and \$1,000 for a second or subsequent violation.

§ 19-9236 Rules. The commissioner shall promulgate rules necessary for the execution of this subchapter and the safe and orderly avigation of UAVs for commercial purposes in city airspace. The commissioner has continuing authority to amend such rules.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take any steps necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

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