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Proposed Int. No. 589-B

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 aircrafts 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 14-168 to read as follows:

§ 14-168 Department use of unmanned aircraft. 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.

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

Unmanned aircraft. The term "unmanned aircraft" 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 avigation of unmanned aircrafts executed or overseen by the department. Such policies, procedures, review and authorization shall ensure that each such operation 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 applicable laws.

c. A person employed by the department or otherwise acting on behalf of the department may avigate an unmanned aircraft over the city only after obtaining prior written authorization pursuant to the internal policies and procedures established under subdivision b of this section.

d. All unmanned aircraft avigated by or on behalf of the department shall be equipped with GPS technology, and the department shall maintain a record of GPS tracking logs for each such avigation in the preceding five years.

e. The commissioner shall promulgate a data retention policy in accordance with section 19-910.

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§ 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

§ 19-901 Definitions. As used in this chapter, the following terms have the following meanings:

Agency unmanned aircraft. The term "agency unmanned aircraft" means an unmanned aircraft 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.

Control station. The term "control station" means an interface used by an operator to control the avigation of an unmanned aircraft.

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 an unmanned aircraft.

Surveillance. The term "surveillance" means the unreasonable monitoring of or intrusion on the privacy of an individual, a group of individuals or real property.

Unmanned aircraft. The term "unmanned aircraft" means an aircraft that is avigated without a human pilot on board.

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Unmanned aircraft incident. The term "unmanned aircraft incident" means a collision, accident or near miss involving one or more unmanned aircraft.

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.

§ 19-902 Applicability. The provisions of this article apply only to agency unmanned aircraft.

§ 19-903 FAA operator certificate required. No person may avigate an agency unmanned aircraft unless such person has a valid unmanned aircraft operator certificate from the federal aviation administration in such person's possession at the time of the avigation.

§ 19-904 Avigation plan required. No person may avigate an agency unmanned aircraft without having provided the department with an avigation plan at least 48 hours before such operation in accordance with section 19-905.

§ 19-905 Avigation plan contents. a. An avigation plan shall be in a form prescribed by the commissioner and shall include 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 operation, including a description of any data the agency intends to collect;

3. The names and federal aviation administration unmanned aircraft operator certificate numbers of all operators for the particular operation;

4. The make, model and serial number, as applicable, of the unmanned aircraft to be avigated;

5. The geographic location and approximate routes where the unmanned aircraft will be avigated;

6. The operation'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 unmanned aircraft will be attached to the unmanned aircraft during any

portion of the operation and, if so, a description of such objects;

8. A safety plan for the operation;

9. The date of the department's most recent inspection of the unmanned aircraft; and

10. A certification by the avigating agency that the unmanned aircraft is in good working order.

b. Notwithstanding subdivision a of this section, the police department may avigate an agency unmanned aircraft without providing the department of transportation with an avigation plan if the operation is for a law enforcement purpose and complies with section 14-168.

§ 19-906 Restrictions and requirements. a. All agency unmanned aircraft shall be equipped with GPS location transmission technology, and the commissioner shall make available to the public on the city's website:

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

2. A log of all instances of avigation of each agency unmanned aircraft in the preceding year.

b. No person may avigate an agency unmanned aircraft that is equipped with a weapon or dangerous instrument.

c. Each person avigating an agency unmanned aircraft shall comply with the requirements of the fourth amendment of the United States constitution, section 12 of article I of the New York constitution and all other applicable laws.

d. An unmanned aircraft avigated by or on behalf of an agency shall be, at all times during such avigation, under the control of a human operator, except that:

1. An unmanned aircraft may be outfitted with an autonomous avigation system designed to assume control and land such unmanned aircraft safely in the event of a communication failure between the unmanned aircraft and its control station;

2. An unmanned aircraft may be outfitted with other autonomous systems designed to assume control of an unmanned aircraft on a temporary basis in order to avoid an imminent collision; and

3. An unmanned aircraft may be avigated autonomously whenever permitted or required by federal law

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or federal aviation administration regulations.

e. Notwithstanding subdivision a of this section, the police department, when avigating an unmanned aircraft in compliance with section 14-168, is not required to provide the commissioner of transportation with the location of an unmanned aircraft that is or was avigated for a law enforcement purpose.

§ 19-907 Annual inspection. No person may avigate an agency unmanned aircraft unless such aircraft has passed the department's annual unmanned aircraft inspection.

§ 19-908 Unmanned aircraft incidents. An operator of an agency unmanned aircraft shall notify the commissioner within 10 days of any unmanned aircraft incident in which such agency unmanned aircraft is involved.

§ 19-909 Rules. a. The commissioner shall promulgate rules necessary for the execution of this article and the safe and orderly avigation of agency unmanned aircraft. Such rules shall include:

1. A uniform system of registering and marking agency unmanned aircraft such that the markings are visible to an onlooker on the ground, from the furthest practicable vantage point below the unmanned aircraft during avigation;

2. A system for conducting annual inspections of agency unmanned aircraft;

3. Procedures for protecting the privacy of the public during operations involving the avigation of agency unmanned aircraft;

4. Procedures for transmitting the GPS locations of agency unmanned aircraft to the department during avigation;

5. Uniform technical specifications for agency unmanned aircraft, including, but not limited to, maximum permitted dimensions and weight, which maximum weight shall not exceed 55 pounds; and

6. Rules for the avigation of agency unmanned aircraft by city contractors.

b. An agency may develop additional policies and procedures for the avigation of unmanned aircraft by such agency, subject to the rules of the commissioner promulgated under subdivision a of this section.

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c. The police department:

1. Is exempt from the uniform technical specifications established by the department of transportation pursuant to paragraph 5 of subdivision a of this section where the police department avigates an unmanned aircraft for a law enforcement purpose, except that the police department may not avigate an unmanned aircraft that exceeds 55 pounds;

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

3. Shall comply with section 14-168 and the policies and procedures promulgated pursuant to such section.

§ 19-910 Data retention. a. Data collected by an agency during the avigation of an agency unmanned aircraft (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 an unmanned aircraft to collect data shall promulgate an agency-specific policy governing the retention of such data in compliance with subdivision a of this section.

§ 19-911 Reporting. 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 unmanned aircraft owned and leased by each agency of the city;

2. The number of times each agency avigated an agency unmanned aircraft during the preceding 12 months;

3. The number of agency unmanned aircraft 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 authorization to avigate an agency unmanned aircraft has been suspended or revoked, including the names of such persons and the grounds on which such authorization was suspended or revoked.

§ 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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