

# **STATE OF RHODE ISLAND REPORT**

Of the

## **SPECIAL LEGISLATIVE COMMISSION TO STUDY AND REVIEW REGULATION OF DRONES AND UNMANNED AERIAL VEHICLES**

May 12, 2016

### **ACKNOWLEDGMENT**

The Special Commission expresses its appreciation to the staff for their hard work and assistance in all aspects of the Commission's meetings and the preparation of this report. The Special Commission further thanks the members of the public who attended the meetings and participated in this important process.

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Representative Stephen Ucci  
Commission Chair

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- Exhibit A – H5293
- Exhibit B - Presentation of Dean Griffith - 12/17/15
- Exhibit C – Fact Sheet – State Regulation of UAS – 12/17/2015
- Exhibit D - Presentation of James Warcup – 1/28/16
- Exhibit E – James Warcup – Proposed Changes – 1/28/16
- Exhibit F – RI ACLU – Written Testimony - 2/25/16
- Exhibit G - American Chemistry Council - Testimony – 2/25/2016
- Exhibit H – RI Coalition to Defend Human & Civil Rights -  
Testimony – 2/25/16

## **THE COMMISSION AND ITS CHARGE**

The Commission was created pursuant to House Resolution H5293, which provided in pertinent part:

*The Special Legislative Commission will meet to make a comprehensive study, analysis, and recommendations for potential laws, rules, and/or regulations pertaining to the regulation of drones and unmanned aerial vehicles in Rhode Island.*

Thereafter, pursuant to the language of the House Resolution, the following individuals, some as designees, were appointed to the commission:

Representative Stephen Ucci (District 42) Co-Chair

Representative Arthur Corvese (District 55) Vice-Chair

Representative Katherine Kazarian (District 63) Secretary

Representative Joseph Solomon (District 22)

Representative Daniel Reilly (District 72)

Joe Lindbeck, RI Attorney General's Office

William Facente, RI League of Cities & Towns

Tom McMahon, Association of Unmanned Vehicle Systems

Alan Andrade, RI Airport Corporation

Stephen Licht, University of Rhode Island

Marc Pappas, RI Emergency Management Agency

## **INTRODUCTION**

Unmanned Aircraft Systems (UAS), commonly called unmanned aerial vehicles (UAVs) or drones, have a host of applications including law enforcement, land surveillance, wildlife tracking, search and rescue operations, disaster response, border patrol and photography.

State legislatures across the country have begun to debate if and how UAS technology should be regulated, taking into account the benefits of their use, privacy concerns and their potential economic impact. According the National Council of State Legislatures, to date - 27 states have enacted laws addressing UAS issues and an additional six states, to include Rhode Island, have adopted resolutions. Common issues addressed in the legislation include defining what a UAS, UAV or drone is, how they can be used by law enforcement or other state agencies, how they can be used by the general public and regulations for their use in hunting game.

### **GATHERING INFORMATION ON DRONE ISSUES**

The Special Commission met for the purposes of hearing testimony consistent with its charge on multiple dates, to include October 22, 2015, December 17, 2015, January 28, 2016 and February 29, 2016. The Commission heard or received testimony from subject matter experts and a host of individuals representing various industry and civic organizations, including: Dean Griffith, Office Chief Counsel, Federal Aviation Administration, James Warcup, Aeronautics Inspector, RI Airport Corporation, the American Civil Liberties Union (RI - ACLU), Rhode Island Coalition to Defend Human and Civil Rights, Occupy Providence, the American Chemistry Council, the Academy of Model Aeronautics and the Narragansett Bay Commission. In addition, many of the comments from Commission members, subject matter experts in their own right, were heard during the public comment hearing.

The hearings began in October 22, 2015 with the election the Commission Chair, Vice-Chair and Secretary. Commission members noted the words of the Commission Chair, Representative Stephen Ucci that Rhode Island hoped to be a “thought leader” in the area of drones and unmanned aerial vehicles. He and other commission members announced a goal that legislators would work with all stake holders in this burgeoning area of commerce, while still respecting the privacy rights and public safety concerns of all Rhode Islanders in this ever-expanding technological field.

In separate presentations, the Special Commission heard testimony from Dean Griffith, Office of Chief Counsel, Federal Aviation Administration Paragraph and James Warcup, Aeronautics Inspector, RI Airport Corporation. Mr. Griffith offered a thorough analysis of existing federal law on the topic of UAS/UAV/Drones. The presentation included the basics of § 333 of the FAA Modernization and Reform Act of 2012 (Public Law No. 112-95) for larger UAS and also offered the FAA's proposed rules for smaller UAS which includes the requirements that the UAS must: weigh less than 55 pounds, only operate during standard daylight hours and within visual sight, fly no higher than 500 feet and go no faster than 100 mph, be operated by a person at least 17 years or older that has passed a FAA knowledge test, and be registered.

Mr. Warcup focused his presentation on the always increasing number of drones/UAS/UAV in Rhode Island and their potential impact on not just TF Green Airport seven (7) other airports and 33 total Landing Fields. He further noted recent drone mishaps and how common-place such accidents have become. He then offered existing federal guidance and pointed out the nearly total lack of state law or regulations specifically applicable to drones/UAS/UAV devices. He concluded his presentation with legislative recommendations to include the creation and/or expansion of definitions, prohibitions and certain exceptions for the use of drone/UAS/UAV devices.

### **DRONE ISSUES OFTEN CITED**

The following represents the topic areas heard by the Special Commission regarding drones/UAS/UAV devices and the issues for Rhode Island law makers to consider moving forward:

- ***Economic*** – The Special Commission heard testimony that the drone/UAS/UAV industry is one that could lead to thousands of jobs for Rhode Islanders and millions more in economic impact. Twenty-five different industries were identified as presently using drone technology for commercial use, to include: utilities inspection, construction monitoring,

farmland analysis, filmmaking, photography and news gathering. Additionally, the Commission heard testimony regarding the ability for package delivery for large scale commerce operations.

- ***Privacy*** – the Special Commission heard testimony from a number of witnesses as to the privacy concerns that are triggered with drone technology. Those concerns included the expanding use of unmanned aerial vehicles by law enforcement for criminal investigations. Beyond the concern of warrantless searches by UAS devices for law enforcement was the issue of the impact that drone surveillance may have on untargeted individuals who are captured by UAS devices.
- ***Law Enforcement*** – While no member of law enforcement addressed the Special Commission, many presenters spoke of the manner in which law enforcement could benefit from always developing technology in the area of investigative surveillance. Specifically noted was the impact that drone technology could have in the area of homeland security and domestic anti-terrorism actions.
- ***Public Safety*** – Commission members and speakers offered testimony regarding their concerns about the impact of drone technology on the safety of the Rhode Island community as a whole. Specifically, drone use in the vicinity of TF Green Airport and any other Rhode Island Airport garnered a great deal of discussion. In addition, the commission heard multiple speakers' concerns about the drone use in air space over areas of public gatherings, wastewater treatment facilities and hazardous chemical facilities. Finally, the Commission heard testimony regarding the recent disturbing trend in drone/UAS/UAV technology in which these devices were weaponized in various forms.

- ***Miscellaneous*** – The Commission heard testimony from various organizations which promoted the interests in model airplane and recreational UAS/UAV device use. These speakers urged lawmakers to ensure that protections be carved out to allow their members to maintain their passion in safe and responsible fashion.

## **RECOMMENDATIONS**

Consistent with live the testimony heard and written submissions received over the months of its hearing schedule, this Special Legislative Commission makes the following recommendations:

- **Expansion of R.I.G.L §1-4. Uniform Aeronautical Regulatory Act.**  
**Definitions.** There was a consensus amongst commission members and presenters that existing Rhode Island law on UAV/UAS devices was in dire need of revision or addition. As such, the Commission recommends revision and expansion of the Uniform Aeronautical Regulatory Act R.I.G.L §1-4, to include: the creation of a clear definition of drones and UAV/UAS devices, the establishment of an age limit for drone use and registration and licensing requirements for individuals to operate drones/UAS/UAV devices.
- **Expansion of R.I.G.L §1-4. Uniform Aeronautical Regulatory Act.**  
**Expanded prohibitions.** This commission recommends the revision of the Act to create specific violations for the flying of drones or UAV/UAS over the power plants, public utilities or wastewater treatment facilities without the express consent of the landowner. The Commission further recommends defined offenses for drone use which result in injury to others, infringe upon another's right to privacy or are used to harass or threaten another in some form.

- **Expansion of R.I.G.L §1-4. Uniform Aeronautical Regulatory Act. – Increased Penalties.** The Commission further recommends an increase in penalties for certain offenses under the Act.
- **Expansion of R.I.G.L §1-4. Uniform Aeronautical Regulatory Act.– Jurisdiction.** The Commission recommends that violations of the Act be actionable at the Rhode Island Traffic Tribunal for certain specified offenses.
- **Expansion of R.I.G.L §1-4. Uniform Aeronautical Regulatory Act.– Protections.** The Commission recommends that the Act specifically create designated areas for hobbyists and recreational drone and UAS/UAV operators to use their devices without fear of arrest or prosecution.

## **CONCLUSION**

The developing technology of drones/UAS/UAV devices has led to a dramatic increase in drones in our state and across America. The potential for drone/UAS/UAV use is far-reaching in various areas of commerce. While Rhode Island’s embrace of the drone industry could provide a boon to our economy, the General Assembly will continue to strive to find the balance between the goal of economic progress and the privacy rights and public safety concerns of Rhode Island citizens. In any analysis, drones/UAS/UAV devices will play in integral role in our state’s future, hopefully for the betterment of all Rhode Islanders.