

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: September 11, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations and
Neighborhoods Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 15-0002-S23
Chief Legislative Analyst Assignment No: 15-03-0253

SUBJECT: Resolution (Englander - Martinez) to support and/or sponsor legislation to update
the California Aeronautics Act

CLA RECOMMENDATION: Adopt Resolution (Englander - Martinez) to include in the City's 2015 - 2016 State Legislative Program SUPPORT for or SPONSORSHIP of legislation that would update California's definition of "aircraft" found in the State Aeronautics Act to include Unmanned Aircraft Systems (UAS).

SUMMARY

On March 24, 2015, a Resolution (Englander - Martinez) was introduced to support or sponsor legislation to update the State Aeronautics Act to include Unmanned Aircraft Systems (UAS) in the definition of "aircraft." The Resolution states that the Federal Aviation Administration (FAA) is responsible for regulating the use of UAS by commercial entities, similar to its regulation of manned aircraft, but that usually the FAA brings civil penalties against individuals who improperly operate aircraft while local law enforcement agencies are responsible for enforcing criminal penalties. However, the Resolution states that in California local law enforcement agencies have no ability to bring charges against individuals who recklessly pilot UAS, as the State Aeronautics Act does not include UAS in its definition of aircraft.

The Resolution states that updating the definition of aircraft contained in state law to include UAS would enable local law enforcement agencies to engage in parallel enforcement with the FAA. The Resolution, therefore, seeks an official position of the City of Los Angeles to support or sponsor legislation that would update the definition of "aircraft" found in the State Aeronautics Act to include Unmanned Aircraft Systems.

BACKGROUND

Under current state and federal laws that regulate the use of aircraft, the Federal Aviation Administration (FAA) and local law enforcement agencies engage in parallel enforcement actions against pilots who violate FAA rules and regulations while operating an aircraft. The FAA generally attempts to enforce civil penalties, such as monetary fines and the suspension or revocation of pilot licenses, while local law enforcement agencies pursue criminal charges against individuals who violate the relevant rules and regulations. Dual enforcement is possible because the California State Aeronautics Act imposes criminal penalties for violations of provisions that are similar to the rules and regulations set forth in federal law, including prohibitions against operating an aircraft in a careless or reckless manner or without appropriate FAA authorization.

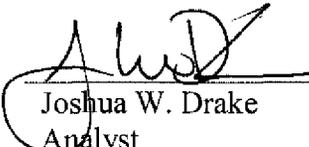
However, under current law, local law enforcement agencies in California cannot bring criminal charges against an individual who operates an UAS in a careless or reckless manner, even though the FAA can bring civil penalties against them. This is because the State Aeronautics Act does not define "aircraft" to include UAS, while the federal definition for "aircraft" does. An update to the definition of "aircraft" in California law would enable local law enforcement agencies to bring charges against individuals who operate UAS in a careless or reckless manner, as well as to engage in parallel enforcement efforts against these individuals in conjunction with the FAA.

DEPARTMENTS NOTIFIED

Police Department

Fire Department

City Attorney's Office



Joshua W. Drake
Analyst

SMT:jwd

Attachments: Resolution (Englander - Martinez)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Unmanned Aerial Systems (UAS), often referred to as drones, have become increasingly popular in recent years; and

WHEREAS, the Federal Aviation Administration (FAA) recently proposed rules for the commercial use of UAS, setting the stage for increased commercial use of these systems; and

WHEREAS, while the FAA can bring civil penalties against commercial entities that recklessly or carelessly operate UAS, they are prohibited from bringing criminal charges; and

WHEREAS, the FAA and local law enforcement agencies engage in parallel enforcement actions against pilots who violate FAA rules when operating manned aircraft, as the State Aeronautics Act imposes criminal penalties for violations that are similar to the FAA's rules; and

WHEREAS, this is the model for enforcement that should also be applied to UAS operators in California who operate these systems in a reckless or careless manner; and

WHEREAS, California's definition for "aircraft" only applies to manned aircraft, and does not include UAS; and

WHEREAS, because of this, law enforcement agencies in California have no ability to bring charges against UAS operators who violate FAA rules; and

WHEREAS, updating the state's definition of "aircraft" to include UAS would enable local law enforcement agencies to engage in parallel enforcement actions with the FAA against reckless UAS operators;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for or SPONSORSHIP of legislation that would update California's definition of "aircraft" found in the State Aeronautics Act to include Unmanned Aerial Systems (UAS).

PRESENTED BY 
MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY 


jwd
MAR 24 2015

ORIGINAL