

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: January 11, 2016

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

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 15-0002-S105  
Chief Legislative Analyst Assignment No: 15-11-0901

SUBJECT: Resolution (Wesson – Englander - Martinez) in support of S. 2157 (Boxer)

CLA RECOMMENDATION: Adopt Resolution (Wesson – Englander - Martinez) to include in the City’s 2015 – 2016 Federal Legislative Program SUPPORT for S. 2157 (Boxer), the Safe Drone Act, which would make it a misdemeanor to operate a drone in certain areas.

SUMMARY

On October 23, 2015, a Resolution (Wesson – Englander - Martinez) was introduced in support of S. 2157 (Boxer), which would make it a misdemeanor to operate an Unmanned Aircraft System (UAS), often referred to as a drone, within two miles of a fire, airport, or near other restricted airspace. The Resolution states that drone usage has dramatically increased over the last few years, and with increased usage has come numerous sightings of these devices being operated over forest fires and near airports, endangering manned aircraft.

The Resolution states that one drone flying over a forest fire can delay manned aircraft from operating over fires, and that a drone striking a manned aircraft could have catastrophic results as aircraft take off and land. The Resolution states that legislation is needed to address these concerns. The Resolution, therefore, seeks an official position of the City of Los Angeles to support S. 2157 (Boxer), the Safe Drone Act, which would make it a misdemeanor to operate a drone within two miles of a fire, airport or near other restricted airspace.

BACKGROUND

Over the last couple of years, the use of recreational drones has increased significantly across the United States. With this increase in usage has come an uptick in sightings of drones in areas they should not be operated, such as over forest fires or near airports. Drones operating in restricted areas pose a significant threat to the safety of manned aircraft and to the public. A drone striking a firefighting aircraft over a forest fire, or a manned aircraft taking off or landing at an airport, could cause significant damage to the manned aircraft, and could result in serious injury or deaths.

In an effort to deter individuals from operating drones where they should not, various pieces of legislation have been introduced, and the Federal Aviation Administration (FAA) has been working to clarify the rules safely operating a drone. S. 2157 (Boxer), referred to as the Safe Drone Act, would make it a misdemeanor for an individual to operate a drone within two miles of the outermost perimeter of an active forest fire, an airport, or near other restricted airspace. An individual who violates this prohibition could be fined, imprisoned for no more than one year, or

both fined and imprisoned. This legislation does not apply to drones being operated by federal, state, or local governments for firefighting or emergency response.

S. 2157 would act as a deterrent against the reckless use of drones, and ensure that individuals who still decide to pilot these devices in a reckless manner near restricted areas are punished appropriately.

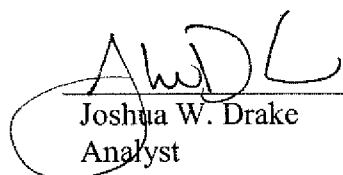
DEPARTMENTS NOTIFIED

Police Department  
City Attorney's Office

BILL STATUS

10/07/2015

Bill introduced, read twice and referred to the Senate Committee on the Judiciary

  
Joshua W. Drake  
Analyst

SMT:MF:jwd

Attachment: Resolution (Wesson – Englander - Martinez)  
S. 2157 (Boxer)

RESOLUTIONS, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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, the use of Unmanned Aircraft Systems (UAS), also known as drones, has exploded in recent years across the United States; and

WHEREAS, as the use of drones has grown, so too have sightings of these devices flying over forest fires and near airports; and

WHEREAS, drones flying in these areas pose a serious threat to the safety of manned aircraft engaged in firefighting activities, or to aircraft attempting to land or take off from an airport; and

WHEREAS, a collision between a drone and a manned aircraft could have catastrophic results, and because of this, manned aircraft engaged in firefighting efforts have had to delay flying in areas until the drone left the airspace; and

WHEREAS, legislation is needed to address this growing problem; and

WHEREAS, S. 2157 (Boxer) would make it a misdemeanor to operate a drone near a forest fire, an airport, or near other restricted areas; and

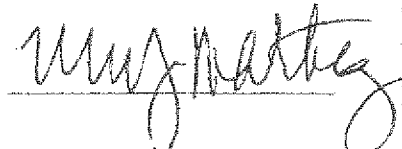
WHEREAS, S. 2157 is needed to ensure that the use of drones does not continue in areas where they pose a threat to manned aircraft;

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 Federal Legislative Program SUPPORT for S. 2157 (Boxer), the Safe Drone Act of 2015, which would make it a misdemeanor to operate a drone within two miles of a fire, airport or near other restricted airspace.

PRESENTED BY:   
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

PRESENTED BY:   
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

  
OCT 23 2015

SECONDED BY: 

ORIGINAL

114TH CONGRESS  
1ST SESSION

# S. 2157

To amend title 18, United States Code, to provide a criminal penalty for operating drones in certain locations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2015

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide a criminal penalty for operating drones in certain locations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safety for Airports  
5 and Firefighters by Ensuring Drones Refrain from Ob-  
6 structing Necessary Equipment Act of 2015” or the  
7 “SAFE DRONE Act of 2015”.

1 **SEC. 2. CRIMINAL PENALTY FOR OPERATING DRONES IN**  
2 **CERTAIN LOCATIONS.**

3 (a) **IN GENERAL.**—Chapter 2 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 40A. Operating drones in certain locations**

7 “(a) **OFFENSE.**—Whoever knowingly operates a  
8 drone in a restricted area shall be fined under this title,  
9 imprisoned not more than 1 year, or both.

10 “(b) **EXCEPTION.**—Subsection (a) shall not apply to  
11 operations conducted for purposes of firefighting or emer-  
12 gency response by a Federal, State, or local unit of govern-  
13 ment (including any individual conducting such operations  
14 pursuant to a contract or other agreement entered into  
15 with the unit).

16 “(c) **DEFINITIONS.**—In this section—

17 “(1) the term ‘drone’ has the meaning given the  
18 term ‘unmanned aircraft’ in section 331 of the FAA  
19 Modernization and Reform Act of 2012 (49 U.S.C.  
20 40101 note);

21 “(2) the terms ‘large hub airport’, ‘medium hub  
22 airport’, and ‘small hub airport’ have the meanings  
23 given those terms in section 47102 of title 49; and

24 “(3) the term ‘restricted area’ means—

1           “(A) within a 2-mile radius of a small hub  
2           airport, medium hub airport, or large hub air-  
3           port;

4           “(B) within 2 miles of the outermost pe-  
5           rimeter of an ongoing firefighting operation in-  
6           volving the Department of Agriculture or the  
7           Department of the Interior; or

8           “(C) in an area that is subject to a tem-  
9           porary flight restriction issued by the Adminis-  
10          trator of the Federal Aviation Administration.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 2 of title 18, United States  
13 Code, is amended by adding at the end the following new  
14 item:

“40A. Operating drones in certain locations.”.

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