

Prince William County Unmanned Aircraft Systems (UAS) Policy & Procedures

Purpose

The purpose of this document is to provide operational policies and procedures to govern the safe, effective and lawful operation of Unmanned Aircraft Systems (UAS), commonly referred to as “drones,” by Prince William County Government agencies and contractors operating on behalf of said agencies.

This document, which was created by an interdepartmental UAS Committee comprised of members of agencies across the organization, is a living document that should be maintained, revised and updated as needed to address any changes in legislation, regulations, policies or operations. Policies and procedures contained herein are intended to assure transparency in government use of UAS, to increase the safety of the public and UAS operators, and to protect the legal rights of the public.

Laws Governing Use of Drones by Public Body

Unmanned Aircraft Systems (UAS) use is regulated by the Federal Aviation Administration through the authority granted by Title 14 of the Code of Federal Regulation (14 CFR) Part 107.

(https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs800/afs820/part107_oper/).

Further, Virginia Code § 19.2-60.1 regulates the use of UAS by public bodies in the Commonwealth. (<https://law.lis.virginia.gov/vacode/title19.2/chapter5/section19.2-60.1/>)

Virginia Code §18.2-121.3 regulates UAS use generally.

(<https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-121.3/>)

The County will comply with the United States and Virginia Constitutions, and all applicable federal, state, and County laws, ordinances, regulations and policies. All operations will consider privacy and legal rights of citizens.

UAS Equipment Specifications

UAS systems provide a variety of technology and flight capabilities. The following is a list of specifications, capabilities and requirements that are permissible or required for any UAS operated by Prince William County Government and its contractors or volunteers.

- Must be classified as a Small Unmanned Aircraft System (sUAS) weighing between 0.55 pounds and 55 pounds (this total weight includes any equipment attached to or carried by the UAS).
- Must be registered with the FAA.
- Must have autonomous return to home during loss of signal or reduced battery strength.
- Must be equipped with onboard passive collision detection.
- May provide high definition video and photography.
- May provide thermal imaging/Forward-looking Infrared Radar (FLIR).
- May be capable of carrying an external payload (flotation device, radio, medication, and automated external defibrillator).
- May be programmed to take off and land autonomously.

UAS General Operating Provisions

Unless granted an FAA waiver, any use of a UAS by Prince William County Government, its contractors or its volunteers must follow these general provisions:

- Must have an Airman Certificate to operate as a remote pilot on behalf of Prince William County Government.
- Must obtain clearance for operation for flights in protected airspace through the FAA's UAS Data Exchange (LAANC) - https://www.faa.gov/uas/programs_partnerships/data_exchange/
- Must remain in visual line of sight of the pilot.
- Must fly at an altitude under 400 feet.
- Must be flown during daylight hours.
- Must fly at a speed of 100 mph or less.
- Must yield right-of-way to manned aircraft.
- Must not fly from a moving vehicle.
- Should avoid flying over people when reasonable under the circumstances.

Additional Prohibited Uses

The UAS shall not be used for the following:

- Any UAS use that violates the United States or Virginia Constitutions or any federal, State, or County law, ordinance, regulation or policy, including, but not limited to, Virginia Code § 19.2-60.1.
- UAS flights in airspace prohibited by applicable Federal and State regulations unless a waiver of the applicable restriction is obtained prior to flight through the LAANC system.
- As a weapon or otherwise used to deploy any projectile, chemical agent or electric shock analogous to that of an electronic control weapon.

- To collect or use data in any manner that would discriminate against any person(s) based on their ethnicity, race, gender, national origin, religion, color, sex, age, disability, sexual orientation or gender identity.
- For personal use.
- To intentionally pursue, harass, disturb, or destroy wildlife.

Data Management and Dissemination

All data collected using UAS will be managed, stored, maintained, used and disseminated in compliance with County policies and procedures and applicable Virginia laws and regulations, including, but not limited to, the Virginia Freedom of Information Act, Virginia Government Data Collection and Dissemination Practices Act, Virginia Public Records Act, and Library of Virginia records retention and disposition schedules.

County Agencies Permitted to Operate UAS

Prior to the purchase or operation of a UAS the Department/Agency must receive approval from the County Executive. Any Department or Agency having jurisdiction over criminal law enforcement or regulatory violations pursuant to Virginia Code § 19.2-60.1, must develop a comprehensive policy that is compliant with United States and Virginia Constitutions, and Federal, State and County laws, ordinances and regulations. The departmental policy must be consistent with this Policy and must be approved by the County Executive prior to the purchase or use of UAS by the department/agency.

Protection of Privacy and Legal Rights

UAS is an emergent technology in government use and public safety. Although the potential benefits and enhanced capabilities are substantial, maintaining public trust is essential for any government body.

1. Prior to implementing a UAS program, the agencies will develop and maintain training for staff relevant to applicable law, ordinances, regulations and this Policy to ensure compliance.
2. UAS users shall consider whether data collection (including capturing images and video) is necessary to complete the objective of the UAS mission and should limit data collection to the requirements of the mission.
3. County staff, contractors and volunteers shall take reasonable precautions to avoid inadvertently recording or transmitting images of individuals and properties unrelated to the UAS mission. Onboard UAS cameras should be directed toward the area of interest and away from uninvolved individuals or properties to minimize such inadvertent recording or transmission of images.
4. Recording of data should not begin until the UAS has arrived at the mission location.
5. When used by agencies having jurisdiction over criminal law enforcement or regulatory violations, UAS live feed only transmit capability will be the preferred UAS

use by the Pilot in Command, on-scene commander, incident command post (ICP), Emergency Operations Center (EOC), or another Department Operation Center (DOC). The video or camera capability may be used at the discretion of the requesting agency / incident commander.

6. Agencies should conduct regular audits to ensure that data is retained and destroyed in compliance with Library of Virginia records retention and disposition schedules.
7. Reasonable technological and/or administrative safeguards should be implemented to ensure that data is not used or disseminated in violation of applicable law or this Policy.
8. No County UAS will be paired with facial recognition technology to identify individuals in real-time.
9. The Department Director is responsible for assuring any UAS operator (whether a county employee, contractor or volunteer) flying a UAS on behalf of the department/agency is appropriately trained and certified on the proper use and operation UAS for Prince William County Government.