

Representative Ryan D. Wilcox proposes the following substitute bill:

RAILROAD DRONE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Wayne A. Harper



LONG TITLE

General Description:

This bill allows the operation of an unmanned aircraft system near public transit facilities or critical infrastructure facilities under certain circumstances.

Highlighted Provisions:

This bill:

- ▶ allows an individual to operate an unmanned aircraft system near or above public transit facilities if the individual is:
 - employed or contracted by a large public transit district to use an unmanned aircraft to examine public transit facilities for safety purposes; or
 - a member of law enforcement with a legitimate law enforcement purpose;
- ▶ prohibits the operation of an unmanned aircraft system near or above certain critical infrastructure facilities, with certain exceptions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **72-10-1002**, as renumbered and amended by Laws of Utah 2023, Chapter 216

28

29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **72-10-1002** is amended to read:

31 **72-10-1002. Safe operation of unmanned aircraft.**

32 (1) An individual who operates an unmanned aircraft system to fly an unmanned
33 aircraft for recreational purposes shall comply with this section or ~~§~~ → [14 C.F.R. Sec. 101, Subpart

34 E] 49 U.S.C. Sec. 44809 ← ~~§~~ .

35 (2) An individual operating an unmanned aircraft shall:

36 (a) maintain visual line of sight of the unmanned aircraft in order to:

37 (i) know the location of the unmanned aircraft;

38 (ii) determine the attitude, altitude, and direction of flight;

39 (iii) observe the airspace for other air traffic or hazards; and

40 (iv) determine that the unmanned aircraft does not endanger the life or property of
41 another person; and

42 (b) ensure that the ability described in Subsection (2)(a)(i) is exercised by either:

43 (i) the operator of the unmanned aircraft; or

44 (ii) a visual observer.

45 (3) An individual may not operate an unmanned aircraft in Class B, Class C, or Class
46 D airspace or within the lateral boundaries of the surface area of Class E airspace designated
47 for an airport unless the operator of the unmanned aircraft has prior authorization from air
48 traffic control.

49 (4) An individual may not operate an unmanned aircraft in a manner that interferes
50 with operations and traffic patterns at any airport, heliport, or seaplane base.

51 (5) (a) ~~[An]~~ Except as provided in Subsection (5)(b), an individual may not operate an
52 unmanned aircraft system:

53 ~~[(a)]~~ (i) from a public transit rail platform or station; or

54 ~~[(b)]~~ (ii) ~~[(i)]~~ (A) under a height of 50 feet within a public transit fixed guideway
55 right-of-way; and

56 ~~[(i)]~~ (B) directly above any overhead electric lines used to power a public transit rail

57 vehicle.

58 (b) Subsection (5)(a) does not apply to:

59 (i) an individual employed or contracted by a large public transit district who may
60 operate an unmanned aircraft from a public transit rail platform or station or near a public
61 transit facility:

62 (A) to examine the public transit right-of-way for impediments or obstructions;

63 (B) to examine a public transit facility for safety concerns; or

64 (C) for any other safety-related purpose related to the operations of a large public
65 transit district; or

66 (ii) an individual who is a member of law enforcement operating an unmanned aircraft
67 system in accordance with Section [72-10-802](#).

68 (6) (a) An individual may not operate an unmanned aircraft over any surface critical
69 infrastructure facility as defined in Section [76-6-106.3](#), unless the operator of the unmanned
70 aircraft has prior authorization from the facility.

71 (b) Subsection (6)(a) does not apply to:

72 (i) a first responder, as that term is defined in Section [53-3-207](#); or

73 (ii) a state or federal agency with regulatory authority over the relevant critical
74 infrastructure facility.

75 ~~[(6)]~~ (7) An individual may not operate an unmanned aircraft in violation of a notice to
76 airmen described in 14 C.F.R. Sec. 107.47.

77 ~~[(7)]~~ (8) ~~§~~→ ~~[An]~~ **Unless a waiver has been granted by the Federal Aviation**

77a **Administration, an** ~~←~~ ~~§~~ individual may not operate an unmanned aircraft at an altitude that is
78 higher than 400 feet above ground level unless the unmanned aircraft:

79 (a) is flown within a 400-foot radius of a structure; and

80 (b) does not fly higher than 400 feet above the structure's immediate uppermost limit.

81 ~~[(8)]~~ (9) (a) An individual who violates this section is liable for any damages that may
82 result from the violation.

83 (b) A law enforcement officer shall issue a written warning to an individual who
84 violates this section who has not previously received a written warning for a violation of this
85 section.

86 (c) Except as provided in Subsection ~~[(8)(d)]~~ (9)(d), an individual who violates this
87 section after receiving a written warning for a previous violation of this section is guilty of an

88 infraction.

89 (d) An individual who violates this section is guilty of a class B misdemeanor for each
90 conviction of a violation of this section after the individual is convicted of an infraction or a
91 misdemeanor for a previous violation of this section.

92 Section 2. **Effective date.**

93 This bill takes effect on May 1, 2024.