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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:

AMENDS:

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

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

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

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

(1) An individual who operates an unmanned aircraft system to fly an unmanned aircraft for

29 recreational purposes shall comply with this section or [14 C.F.R. Sec. 101, Subpart E]
 30 49 U.S.C. Sec. 44809.

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

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

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

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

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

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

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

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

40 (ii) a visual observer.

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

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

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

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

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

52 ~~[(+)]~~ (B) directly above any overhead electric lines used to power a public transit
 53 rail vehicle.

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

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

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

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

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

62 (ii) an individual who is a member of law enforcement operating an unmanned

63 aircraft system in accordance with Section 72-10-802.

64 (6) (a) An individual may not operate an unmanned aircraft over any surface critical
65 infrastructure facility as defined in Section 76-6-106.3, unless the operator of the
66 unmanned aircraft has prior authorization from the facility.

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

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

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

71 [(6)] (7) An individual may not operate an unmanned aircraft in violation of a notice to
72 airmen described in 14 C.F.R. Sec. 107.47.

73 [(7)] (8) [An] Unless a waiver has been granted by the Federal Aviation Administration, an
74 individual may not operate an unmanned aircraft at an altitude that is higher than 400
75 feet above ground level unless the unmanned aircraft:

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

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

78 [(8)] (9) (a) An individual who violates this section is liable for any damages that may
79 result from the violation.

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

83 (c) Except as provided in Subsection [(8)(d)] (9)(d), an individual who violates this
84 section after receiving a written warning for a previous violation of this section is
85 guilty of an infraction.

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

89 Section 2. **Effective date.**

90 This bill takes effect on May 1, 2024.