



Albemarle County

Legislation Text

File #: 17-210, **Version:** 1

AGENDA DATE: 3/1/2017

TITLE:

Resolution to Authorize the County's Acceptance of Two Unmanned Aircraft Systems in Search and Rescue Operations

SUBJECT/PROPOSAL/REQUEST: Resolution to authorize the acceptance of two unmanned aircraft systems to be used by the Sheriff's Office in its search and rescue operations

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Walker, Kamptner, Farley, Harding

PRESENTER (S): Sheriff Chip Harding

LEGAL REVIEW: Yes

REVIEWED BY: Douglas C. Walker

BACKGROUND: In recent years, the use and ownership of unmanned aircraft systems ("UAS") in the United States has substantially grown. On December 21, 2015, the Federal Aviation Administration (the "FAA") required all UAS owners to register their aircraft with the FAA by February 19, 2016. Over 325,000 individuals registered their UASs with the FAA, eclipsing the 320,000 airplanes registered with the FAA.

As UAS ownership has expanded, the potential uses for the aircraft have also broadened. UASs are utilized by both private and public sector entities for a variety of activities, including but not limited to, deliveries, photography, training, farming, mapping, and surveying.

James R. Stone and Steve Trotta are offering to donate UASs that weigh approximately 3 pounds each without attachments to the Albemarle County Sheriff's Office (the "Sheriff") to assist the Sheriff's search and rescue capabilities. Federal regulations require that the County own the UASs in order for the aircrafts to receive a public use Certificate of Authorization from the FAA.

STRATEGIC PLAN: Goal 7. Operational Capacity: Ensure County government's ability to provide high quality service that achieves community priorities.

DISCUSSION: The Sheriff's Search and Rescue Division performs search and rescue functions for missing persons cases in the County. Virginia Code § 19.2-60.1 permits the use of UASs by law enforcement agencies to assist the agencies' search and rescue efforts during Amber Alerts, Blue Alerts, Senior Alerts, or to alleviate an immediate danger to any person. Additionally, as permitted by Virginia Code § 19.2-60.1, the Sheriff's Office may perform incident situation awareness and incident scene documentation functions with the UASs that are not for law enforcement purposes.

In order to use a UAS for search and rescue operations, a public use Certificate of Authorization must be obtained from the FAA. Pursuant to 49 U.S.C. § 40102(a)(41), only a political subdivision, such as the County,

may receive a public use Certificate of Authorization to own and operate a UAS. The Sheriff's Office is not a political subdivision of Virginia.

On June 21, 2016, the FAA released new regulations for drones. The FAA now has a "UAS registration" process for drones weighing between .55 pounds and 55 pounds. All UASs that weigh less than .55 pounds do not need to register with the FAA. All UASs that weigh more than 55 pounds will have to follow the FAA traditional aircraft registration process. However, these rules are not applicable to public entities, as they are already covered by the public use Certificate of Authorization process.

In order for the Sheriff's Office to operate a UAS for search and rescue functions, the UAS must be owned by the County. If the County accepts the donation of the UASs from James Stone and Steve Trotta, the County can then apply for public use Certificates of Authorization. Virginia Code § 15.2-951 authorizes counties to receive gifts of personal property.

The County will also need to execute the attached Memoranda of Understanding ("MOUs") with the Sheriff's Office in order to allow the Sheriff's Office to perform search and rescue functions with the UASs. The County Attorney and the Sheriff have reviewed and approved the attached MOUs (Attachments B and C), and the County Attorney has prepared the attached Resolution (Attachment A) authorizing the County's acceptance of the UASs and authorizing the County Executive to execute the MOUs once they have been approved as to form and substance by the County Attorney.

BUDGET IMPACT: There is no budget impact related to the County's acceptance of the UAS.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment A) authorizing the County's acceptance of the UASs and authorizing the County Executive to sign the MOUs.

ATTACHMENTS:

- A - Resolution Authorizing Acceptance of UASs
- B - Memorandum of Understanding for Stone Donation
- C - Memorandum of Understanding for Trotta Donation