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27.1 UAS/Drone Use Policy

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27.1.1 Purpose

The purpose of this policy is to establish guidelines for (1) the use and maintenance of small unmanned aircraft systems, sometimes abbreviated as “UAS” and popularly known as “drones,” by Weber County offices and departments other than the Weber County Sheriff’s Office, and (2) the storage, retrieval, and dissemination of video, images, and other data captured by a county-operated UAS.

27.1.2 Definitions

In addition to the definitions below, the definitions found in Utah Code § 72-14-102 and 14 CFR Part 107 apply to this policy.

- **Aircraft** means a device that is used or intended to be used for flight in the air. This includes a UAS.
- **Certificate of Authorization (COA)** means an authorization issued by the FAA to a public operator for a UAS. After a complete application is submitted, the FAA conducts an operational and technical review. If necessary,

- provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users.
- **Crew Resource Management (CRM)** means the effective use of all available resources including human, hardware, and information resources and coordination in the use of those resources by the RPIC, Remote Pilot, and Visual Observer.
 - **FAA** means the Federal Aviation Administration.
 - **Flight Team** means the RPIC, along with any remote pilots and visual observers participating in a UAS mission.
 - **Image** means any captured and recorded sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on, about, or above real property or an individual located on that property. Imagery may include depictions of or data about people, property, organizations, events, incidents, or objects as well as metadata.
 - **Remote Pilot in Command (RPIC)** means the person who holds a remote pilot certificate with a UAS rating and has the final authority and responsibility for the operation and safety of a UAS operation conducted under 14 CFR Part 107.
 - **UAS** means a small unmanned aircraft system, as defined by the FAA in 14 CFR Part 107, consisting of a small unmanned aircraft and all of the associated support equipment, such as the control station, data links, telemetry, communications, navigation equipment, etc., necessary to operate the unmanned aircraft. The aircraft's flight is controlled either autonomously, by software and hardware within the aircraft, or under the remote control of a remote pilot on the ground.
 - **Visual Flight Rules (VFR)** means the set of regulations under which a pilot operates an aircraft in weather conditions clear enough to allow the pilot to fly solely by visual reference.

27.1.3 Policy

The operation of a UAS by the County shall minimize risk to people, property, and aircraft, and shall also safeguard people's right to privacy.

In the event of a conflict between FAA regulations, the Utah Code, any part of this policy, or a COA issued to Weber County, the most restrictive shall apply. It should be noted that the FAA regulations grant emergency command authority to an RPIC, and that emergency command authority shall be honored and respected.

27.1.4 Procedure

27.1.4.1 Program Requirements

An office or department of Weber County may seek authorization from the Information Technology Director, or the Director's designee, to establish a UAS

program. If approved, the office or department must create a program that, at minimum, designates the following roles and responsibilities:

27.1.4.1.1 Program Coordinator

If desired, and if approved by the Information Technology Director, a qualified employee of the Information Technology Department may serve as the Program Coordinator for the UAS program of another office or department.

The Program Coordinator shall have the following authority and responsibilities:

- Be licensed under 14 CFR Part 107 and show proficiency in basic aeronautical knowledge as it relates to the use and operation of a UAS.
- Resolve conflicts or disputes that arise related to policy.
- Approve missions before a UAS is deployed.
- Establish protocols to prevent violations of policy, law, and public privacy.
- Ensure that approved flight checklists and emergency protocols are established and used according to the flow and verify method. Applicable checklists shall be stored with each UAS.
- Establish and oversee UAS maintenance.
- Assess the knowledge, skills, and abilities of RPICs, Remote Pilots, and Visual Observers. The Program Coordinator shall ensure that all such individuals receive the necessary training and/or certifications to ensure satisfactory compliance with this policy, both initially and on an ongoing basis.
- Control the dissemination of any information or images produced by the program's use of a UAS.
- Ensure compliance with reporting and data retention requirements.
- Ensure that property coverage is obtained to cover damage to the UAS, by making sure it is listed on the County's property coverage schedule with the Utah Counties Indemnity Pool.

27.1.4.1.2 Remote Pilot in Command (RPIC)

The RPIC is the individual who has ultimate responsibility for the overall flight operations for a specific mission, including responsibility for the safety of the flight.

An RPIC may only be assigned to one UAS at a time, so each UAS in use shall have its own RPIC assigned. An RPIC may also act as either Remote Pilot or Visual Observer. However, an RPIC may not delegate responsibility for the flight operation.

The RPIC shall have the following authority and responsibilities:

- Provide the preflight briefing to the Flight Team and the mission debrief to the Program Coordinator.
- Initiate the flight only when confident the flight can be conducted safely.
- Operate any UAS model for which the RPIC is trained and current.

- Be licensed under 14 CFR Part 107 and show proficiency in basic aeronautical knowledge as it relates to the use and operation of a UAS. Checklists shall be utilized according to the flow and verify method.
- Be familiar with, and follow, all requirements of the National Airspace System (NAS). The NAS applies to all airspace inside the United States and is defined through air navigation facilities, equipment and services, airports or landing areas, and aeronautical rules, regulations, and procedures. There are two types of airspace within the NAS: controlled and uncontrolled. Operation of a UAS in controlled airspace adds another layer of responsibilities and requirements that must be met.
- Show proficiency operating the specific UAS model in flight, including emergency procedures. The RPIC's proficiency shall be evaluated by the Program Coordinator or his/her designee who has mastered aeronautical knowledge and training as it pertains to the use of an unmanned aircraft.
- Exercise command ability to make life saving decisions when necessary. Included in the command ability, the RPIC must show proficiency in communication and Crew Resource Management, with the Flight Team members demonstrating satisfactory communications between Team members. The RPIC's communications will be evaluated at all stages of the flight continuum: pre-flight inspection, flight operations, and post-flight procedures.

27.1.4.1.3 Flight Team

The Remote Pilot need not be 14 CFR Part 107 certified if the pilot is under the direct supervision of an RPIC who is in a position to take over control of the UAS immediately.

Flight Team members should demonstrate basic knowledge of the 14 CFR Part 107 regulations, including basic operations of the UAS being used. This demonstration can be accomplished and shown to the Program Coordinator at any of the Team's scheduled training events. However, an RPIC has discretion to designate and properly brief any person to operate on a Flight Team for that particular mission.

27.1.4.2 UAS Deployment

All missions shall be flown in accordance with FAA regulations, 14 CFR Part 107 and/or Certificate of Authorization, applicable portions of 14 CFR Parts 61 and 91, current FAA National Policy regarding Unmanned Aircraft Systems Operational Approval, and this policy.

All UAS mission requests shall be authorized by the Program Coordinator. In granting or denying approval, the Program Coordinator shall consider, foremost, the health, safety, and welfare of people or property within Weber County and the State of Utah.

A UAS shall not be used:

- to conduct random surveillance, unless with the permission of a property owner or pursuant to a letter of agency;
- to target any person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability;
- to harass, intimidate, or discriminate against any individual or group;
- for law enforcement purposes, except by a law enforcement officer as defined in Utah Code § 53-13-103; or
- to conduct personal business of any kind.

A UAS shall not be weaponized.

Any payload used on a UAS shall be approved by the Program Coordinator or, under exigent circumstances, the RPIC. Payloads shall comply with FAA regulations. Use of nonstandard payloads shall be reported to the Program Coordinator for informational purposes.

All flights shall be conducted under Visual Flight Rules (VFR) conditions as established in FAA regulations.

Due to the prevalence of mountainous terrain in our county, night flights should be conducted with thermal cameras on board. If the mission does not involve mountainous terrain, night flights shall be conducted with an approved UAS equipped with spotlights, complying with all 14 CFR Part 107 regulations pertaining to night flight.

The Program Coordinator shall oversee protocols for use in the event of an emergency, for example, loss of command-and-control link with a UAS or loss of UAS power.

Accident Notification and Investigation. The RPIC must comply with Part 107 Regulations pertaining to accidents/incidents.

County employees may not use a privately-owned UAS for County-related flights.

27.1.4.3 UAS Maintenance

Timely maintenance and accurate reporting is required to enhance mission availability and safety. Accurate maintenance logging is the responsibility of the Program Coordinator in accordance with the manufacturer recommendations.

When maintenance is performed, a test flight shall be conducted and documented. Maintenance must be up to date prior to mission launch. An RPIC

shall not fly a UAS that he/she suspects does not meet airworthiness requirements following the preflight inspection.

27.1.4.4 Data Retention

UAS use implicates privacy concerns. High standards shall be maintained to ensure that operators and observers adhere to state and federal law as well as applicable regulations. Operations shall be limited to approved missions, balanced with the reasonable privacy expectations of the public.

The Flight Team shall take reasonable precautions to avoid recording or transmitting images of areas where there is a reasonable expectation of privacy and the area is unrelated to the approved mission.

The Program Coordinator shall ensure that images collected by a UAS are retained or deleted in accordance with applicable retention schedules and with the requirements of the Utah Government Records Access and Management Act (GRAMA) and other applicable federal, state, or local laws.

Flight log data and telemetry shall be maintained for every UAS deployment, subject to applicable retention schedules and the requirements of GRAMA and other applicable federal, state, or local laws. If destruction of such data is not required by law, then it shall be retained at least until all applicable statutes of limitation have run, such that the data will no longer be potentially needed for any legal purpose.

Reviewed and approved as to form and as being consistent with current law.

By: Courtney P. Erickson

Date: 2-22-2024 (Use month/day/full year)

Passed and adopted on _____ by the Board of Weber County
Commissioners. (Use month/day/full year)

Commission Chair

Attest: _____
Weber County Clerk/Auditor