

# Look! Up in the Sky!

By Debbi Sellers

It's a bird! It's a plane! No, wait...it's an Unmanned Aircraft System!?

Yes, more and more as you look up into the sky you will see Unmanned Aircraft Systems (UAS), also known more commonly as drones. The Federal Aviation Administration (FAA) estimates sales of drones for recreational purposes will more than double from 1.9 million in 2016 to a whopping 4.3 million in 2020. As sales increase, Members can expect to see an increased use of drones in the airspace, especially over parks and recreational areas.

As spring turns into summer, Members see an increase in usage of their parks and recreational areas. Members are also reporting an increase in recreational drone use. As families enjoy the sunshine and outdoor activities, the potential risks associated with drone use are amplified. Members may hear complaints from citizens about noise from drones, interference with their ability to use and enjoy the park as well as reports of injuries or property damage caused by drones. What should Members do? How can Members address the concerns of their citizens?

WCIA recommends against Members banning UAS over Member-owned property or right-of-way. The FAA has issued a policy statement saying any such local government bans will be "strictly scrutinized" and may be invalidated under preemption law. Instead, for Members who are concerned with the use of UAS in parks and recreational spaces, we recommend instituting rules and safety recommendations which align with the FAA's recommendations for recreational drone users. These rules should be added to existing rules posted in parks as well as be posted on Members' websites.

Signage should include these FAA requirements for recreational drone users:

- Read and understand all safety guidelines
- Be a U.S. citizen or legal permanent resident

In addition, the posted rules should include, but not be limited to, these safety and operational guidelines:

- Fly at or below 400 feet
- Always keep your drone within sight
- Operate drones in daylight hours only
- Never fly near other aircraft, especially near airports
- Never fly over groups of people
- Never fly over stadiums or sports events
- Never fly near emergency response efforts such as fires
- Never fly under the influence
- Be aware of airspace requirements

- No careless or reckless operations
- Drone operators are responsible for any injury or damage caused by the drone

Members who wish to restrict the use of drones over parks or other Member-owned property, should ensure that all related legislation has a good, factual basis in the record to support a public purpose related to the health, safety, welfare or economic welfare of the Member.

For further information on UAS, please refer to the WCIA risk management guideline ADM.40, UNMANNED AIRCRAFT SYSTEMS, or call your assigned WCIA Risk Management Representative. You can also find additional resources by visiting: [www.faa.gov/uas/getting\\_started/](http://www.faa.gov/uas/getting_started/).

Please note that WCIA has recently updated ADM 21, INSURANCE AND INDEMNITY REQUIREMENTS FOR CONTRACTS, in the Liability Resource Manual to add insurance requirements for contractors using a UAS. See Exhibit II, p. 10, Special Provisions, for Construction and Service Contracts. The Liability Resource Manual is available through the Member Resources page on the WCIA website: <http://www.wciapool.org/member-resources>.