



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Chairman and Members
Park Authority Board

VIA: Kirk W. Kincannon, Executive Director

FROM: Aimee Vosper, Deputy Director/CBD
Sara Baldwin, Deputy Director/COO

DATE: July 5, 2018

Agenda

Committee of the Whole
Wednesday, July 11, 2018 – 5:30 p.m.
Boardroom – Herrity Building
Chairman: William G. Bouie
Vice Chair: Ken Quincy

1. Authorization to Advertise Notice and Hold a Public Hearing Regarding Changes to the Park Authority's Regulation on Unmanned Aircraft – Action*

*Enclosures



If accommodations and/or alternative formats are needed, please call (703) 324-8563. TTY (703) 803-3354

Board Agenda Item
July 25, 2018

ACTION

Authorization to Advertise Notice and Hold a Public Hearing Regarding Proposed Changes to the Park Authority's Regulation of Unmanned Aircraft (Countywide)

ISSUE:

Authorization to advertise notice and hold a public hearing regarding proposed changes to the Park Authority's regulation on the use of unmanned aircraft on park property countywide.

RECOMMENDATION:

The Park Authority Executive Director recommends authorization to hold a public hearing on proposed changes to the Park Authority Regulation §1.17, *Remote-Control Devices and Powered Models or Toys*.

TIMING:

Board action is requested by July 25, 2018, in order to provide sufficient time to advertise the public hearing, provide a minimum 30-day public comment period, and update the regulation to conform with state law in a timely manner.

BACKGROUND:

During the 2018 Virginia General Assembly session, House Bill 638 and Senate 526 were considered and approved. The legislation, in part, restricts a political subdivision's ability to regulate the use of privately-owned unmanned aircraft within its boundaries. As a political subdivision, park authorities are subject to the new law, which became effective on July 1, 2018.

The new law necessitates changes to existing Park Authority regulation and practice regarding Park Authority Regulation §1.17, *Remote-Control Devices and Powered Models or Toys*. Staff will discuss its coordination with the County Attorney's Office and NOVA Parks on these matters and outline the next steps for the Agency's Unmanned Aircraft program.

A public hearing on the proposed change to the Park Authority regulation is tentatively scheduled for Thursday, September 6, 2018 at the Twin Lakes Golf Course Clubhouse. This will be a jointly-held public hearing in coordination with NOVA Parks.

Board Agenda Item
July 25, 2018

FISCAL IMPACT:

No significant fiscal impact is anticipated from the approval to hold a public hearing.

ENCLOSED DOCUMENTS:

None

STAFF:

Kirk W. Kincannon, Executive Director
Sara Baldwin, Deputy Director/COO
Aimee L. Vosper, Deputy Director/CBD
Judy Pedersen, Public Information Officer
David Bowden, Director, Planning & Development Division
Barbara Nugent, Director, Park Services Division
Andrea Dorlester, Manager, Park Planning Branch
Ryan Stewart, Senior Planner, Park Planning Branch

Unmanned Aircraft Systems (UAS or “Drones”) in Parks

COMMITTEE OF THE WHOLE – JULY 11, 2018

PARK AUTHORITY BOARD – JULY 25, 2018



Overview

- ▶ Overview of 2017 UAS Study
- ▶ Legislative Efforts and Recommended Regulation Changes
- ▶ Public Hearing and Next Steps
- ▶ Discussion/Questions

Project Scope

Provide FCPA Board members and leadership with guidance on:

- Responding to market trends
- Providing opportunities for UAS within the park system
- Protecting public safety and minimizing risk
- Balancing the needs of other park users and activities



Legislative Update

- ▶ HB 638 and SB 526, in part, restrict a political subdivision's authority to regulate unmanned aircraft.
- ▶ Approved May 18, 2018 (additions in red):
 - § **15.2-926.3**. (~~Expires July 1, 2019~~) Local regulation of certain aircraft.
No ~~locality~~ *political subdivision* may regulate the use of a privately owned, unmanned aircraft system as defined in § **19.2-60.1** within its boundaries. *Nothing in this section shall permit a person to go or enter upon land owned by a political subdivision solely because he is in possession of an unmanned aircraft system if he would not otherwise be permitted entry upon such land.*
- ▶ The new law took effect July 1, 2018.

FCPA Regulation

- ▶ Current **Park Regulation 1.17** provides that:

No person shall operate hobby rockets, remote-control gliders or powered remote-control or tethered planes, boats, cars or other like devices in a park except in areas designated by and with the express written permission of the Park Authority.

- ▶ Possible change:

No person shall operate ~~hobby rockets, remote-control gliders or~~ powered remote-control or tethered ~~planes,~~ boats, cars or other like devices in a park except in areas designated by and with the express written permission of the Park Authority. [This regulation does not apply to the use of any privately owned, unmanned aircraft system as defined in Virginia Code § 19.2-60.1.](#)

- ▶ Staff continues to work with the County Attorney's Office

Guidance to Pilots

- ▶ By law, FCPA cannot regulate drones in parks
- ▶ General access restrictions apply (park hours, posted areas, reserved facilities, etc.)
- ▶ Pilots must follow FAA rules and guidance for Washington, DC SFRA
- ▶ Poplar Ford recommended, but pilots should choose sites per FAA guidance
- ▶ Pilots should stay within actively maintained areas (not natural areas)

Next Steps

- ▶ Continuing to analyze impacts of legislation
- ▶ Documentation and Tracking of Issues
- ▶ Public Outreach and Education
- ▶ Classes, Camps, and Events
- ▶ Partnerships



Next Steps

July
Park
Authority
Board

July – Sept
Public
Outreach

September
Public
Hearing

Sept – Oct
Public
Comment

October
PAB Action

Implement
Regulation
Change

Discussion/Questions?