

Virginia Unmanned Systems Commission
Policy, Regulation, and Culture Work Group Second Meeting
January 27, 2016
Offices of Williams Mullen
8300 Greensboro Dr, Suite 1100, 11th Floor
Tysons Corner, VA 22102

Members Present:

Vicki Cox, Chair of the Policy, Regulatory, and Culture Work Group, Victoria Cox Solutions
Steve Weidner, National Air Traffic Controllers Association

Members Participating Remotely:

Scott Strimple, Captain, United Airlines.

Remote participation was required due to Mr. Strimple's travel requirements. Mr. Strimple joined the meeting via Skype from Hawaii and his video and voice were visible and audible to all attendees. This remote attendance is in accordance with the UMS Commission Remote Participation Policy.

Guests in attendance:

Dave Hinton, Executive Director, Unmanned System Commission, Office of the Secretary of Technology
Kevin Pomfret, Williams Mullen
Nicholas Devereux, Office of Senator Warner

Public Members Present:

Tony Anikeeff, Williams Mullen
Timothy Butters, Federal Aviation Administration, ARP
Patrick Cox, Virginia Department of Emergency Management
Jack King, Virginia Department of Emergency Management
Loginn Kapitan, Unmanned Systems International Corporation

1:04 pm **Welcome by Tony Anikeeff, Partner, Williams Mullen**

1:06 **Call to Order by Victoria Cox and Introductions of Attendees**

1:10 **Approval of minutes of the initial work group meeting held November 5, 2015**

Dave Hinton

A request was made for comments or corrections. None received. A motion to approve the minutes was made by Victoria Cox. The motion was seconded by Scott Strimple. Minutes approved by unanimous vote.

1:15 **Overview of the Commission Interim Report and UAS Bills introduced.**

Dave Hinton

The UMS Commission Interim report is posted to <https://vus.virginia.gov/media/5262/ums-interimreport-01-12-2016-dah-2.pdf> The major points made by the report are (1) establish an

Unmanned Systems focal to foster the industry in Virginia, (2) for marketing purposes, update the 2014 report “The Future of Unmanned System in Virginia”, (3) conduct a deeper analysis of the financial and non-financial Incentives offered to attract and grow the industry, and (4) maintain a UMS-friendly policy and regulatory environment relative to other states.

The second recommendation has been completed with the development of the 2016 report “Unmanned Vehicle Systems in Virginia” posted to the Virginia Unmanned Systems web site at: <https://vus.virginia.gov/media/5279/2016-ums-report-web.pdf> The Commission recommendations are influencing the current legislative session as UAS bills are considered. And industry leaders are now discussing the form and functions of an UMS focal within Virginia.

Question; what is the relationship of the Interim Report to the Commission final report? The interim report is a snapshot of the Commission deliberations after two meetings. It is being used today in the approach to the legislative session and in developing marketing materials. The interim report forms the basis for targeted additional detail to be developed in the time remaining for the Commission, which in turn will be used to develop legislation and budget proposals for the 2017 session.

A high level summary was provided of the roughly dozen unmanned systems bills introduced. Most addressed property rights, trespassing, and privacy issues. There has been discussion around federal preemption over control of airspace and aircraft operations within that airspace as well as existing laws that address privacy issues. The 2016 report “Unmanned Vehicle Systems in Virginia” as well as the FAA Fact Sheet “State and Local Regulation of Unmanned Aircraft Systems (UAS)” dated December 17, 2015 have been provided to each member of the House Courts of Justice Committee for information on the legitimate commercial uses of UAS and Federal role in regulating aircraft operations in the airspace.

1:25: Briefing by Williams Mullen titled “Regulation of Drones: Federal Preemption and the Role of the State regarding Federal Preemption”

Kevin Pomfret, Partner, Williams Mullen

See slides posted at: <https://vus.virginia.gov/ums-commission/past-meetings-materials/>

1:40: Work Group Discussion:

Airports and landing fees, do they apply? How do these aircraft fit in?

Question: Do you see similar issues and legislation with other technologies? Answer: We have seen some regulations around smartphones but not many. But this is evolving. The definition of a “reasonable expectation of privacy” has evolved. For example in your yard in Florida you have a reasonable expectation of privacy if you have taken specific steps such as building privacy fences.

Question: Any hopes to focus on the data, not the platform? Any hope for that?

Answer: yes.

One participant discussed the results of an experiment to highlight the public perception issues of UAS. They took an iPhone on a selfie stick and walked along a path in a public park taking pictures. They received no complaints from individuals present. They then flew a UAS along the same path and received many negative remarks. This participant suggested that the media pushes the

perception; the public only sees the negative in the news and few positive stories. There is a real need here to get this story out.

Suggestions:

1. Draft language to capture idea that the issue is the data, not the technology/platform.
2. Develop a public relations campaign in VA

The activity in Albemarle County to assist in the use of UAS to aid first responders was discussed. VDEM mentioned the use of UAS in the search for Hanna Graham. There is a need for support by robust UAS and robust UAS operators for Life Safety missions.

Do we need a state-wide COA? Probably.

Does a commercial firm become an agent of the public if they fly a UAS for a public purpose? Possession of a Section 333 exemption does not ensure proficiency, skill, currency. A person may take the mission training and not be qualified with respect to the FAA and UAS proficiency.

Vicki Cox suggested that the work group consider issuing a statement of support and recommendation to extend state wide. The lifesaving application is also a public relations opportunity. This is a potential Pathfinder opportunity for beyond line of sight operations. Vicki also suggested that Marketing Work Group consider if this application would be valuable for marketing. Scott Strimple was asked to talk this question to the marketing work group.

Discussion of a Pathfinder program in uses of UAS for commercial purposes and a "full scale review" of laws. The FAA cannot do it alone. We need to consider what is coming in terms of applications and technology. What ordinances are triggered? We need a logical process as well as industry, government, legal, and others in the discussion. The FAA representative present was asked if the FAA might participate in this. Suggestion was to approach the FAA's UAS Integration Office.

Question: Is the NASA UAS Traffic Management (UTM) project looking at this? Steve Weidner. is involved in that work and indicated that they are struggling with some of the same issues with Amazon.

Question from Vicki: do we want to discuss auto regulations and policy? A suggestion was received to invite the Virginia Tech Transportation Institute to brief the work group at the next meeting.

Vicki will take cut at language round the initiatives discussed.

Vicki Cox described a project underway for the Commission by George Washington University students in the Masters of Public Administration Program. Their report out is due in early May with an interim report in the March time frame.

The GWU project description is:

“The Commonwealth’s success in achieving niche recognition will be strongly impacted by federal and state policy and regulations that permit the effective application of UAS to life saving missions.

- (1) Survey current federal (FAA), state and local policy regarding UAS in general and lifesaving applications in particular in Virginia and elsewhere.*
- (2) Develop a policy statement that encompasses the desired lifesaving application.*
- (3) Determine if specific regulatory language is needed at the federal (FAA) or state level. If needed, draft a recommendation.*
- (4) Write and present a report stating your policy and regulatory recommendations and examining your rationale.”*

2:54: Public Comments

Public attendees had opportunity to comment during the meeting and offered no additional comments.

3:00: Adjourn

Attachment:

- 1. Agenda**
- 2. Briefing charts “Regulation of Drones: Federal Preemption and the Role of the State regarding Federal Preemption” – available at <https://vus.virginia.gov/ums-commission/past-meetings-materials/>**

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Agenda

1:00 – Welcome and Opening Remarks

Mr. Kevin Pomfret, Partner, Williams Mullen;
Victoria Cox, Work Group Chair and Chairman and Senior Technical Advisor, Veracity Engineering

1:05 – Review and Approval of Minutes from First Policy Work Group Meeting

Mr. Dave Hinton, Executive Director to the Commission

1:10 – Summary of UMS Commission Interim Report to the Governor and of Unmanned Systems Bills Introduced

Mr. Dave Hinton, Executive Director to the Commission

1:15 – Overview of UMS Policy and Regulatory Environment

Mr. Kevin Pomfret, Partner, Williams Mullen

1:30 – Policy Work Group Discussions

Victoria Cox, Work Group Chair and Chairman and Senior Technical Advisor, Veracity Engineering

3:45 – Public Comment

4:00 – Work Group Meeting Adjourns