WSDOT Aviation Division: Airport Legislation Update

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WSDOT Aviation Division
Highlighted Legislations

- **Substitute Senate Bill 6054/ House Bill 2241**
  - Regarding aeronautic safety
- **Substitute House Bill 2178**
  - Concerning unmanned aircraft
- **Substitute Senate Bill 6172**
  - Protecting Washington citizens from warrantless surveillance, reducing liability, and establishing clear standards under which agencies may utilize unmanned aerial vehicles
- **Engrossed Senate Bill 5430**
  - Modifying the distribution and use of aircraft excise taxes
• **What is a MET tower?**

A Meteorological Evaluation Tower (MET) is a free standing tower which carries measuring instruments with meteorological instruments such as thermometers and wind velocity measurers. These towers are erected in remote and rural areas, often are less than 200 feet above ground level (AGL), and fall outside of FAA regulations governing tall structures and their impact on navigable airspace.

• **Why are MET towers a problem?**

Many METs fall just below the 200-foot Federal Aviation Administration (FAA) threshold for obstruction markings. They can be erected quickly and without notice to the local aviation community, depending upon their location.

Because of their size and nondescript color, pilots have reported difficulty seeing METs from the air. METs could interfere with low-flying aircraft operations, including those involving helicopter emergency medical services, law enforcement, animal damage control, fish and wildlife, agriculture, and aerial fire suppression.
Typical MET Tower
Brief Summary of Substitute Bill

Any temporary or permanent guyed tower 25 feet or more in height located outside an incorporated city or town, not governed by an existing state or federal law or regulation, and on land that is primarily rural, undeveloped agricultural, or desert must be lighted, marked, and painted, or otherwise be visible in clear air during daylight hours from 2000 feet. Specific requirements related to marking and lighting the guyed tower are prescribed in the act.
It is the intent of the legislature that pilots that engage in low flying activities, such as aerial applicators and search and rescue pilots, are provided with an as safe as possible flying environment. It is also the intent of the legislature to create a mechanism for alerting pilots of guyed towers that may be erected at short notice and may be otherwise difficult to see from the air, posing an air safety hazard.
Exceptions

- Guyed towers used for military purposes;
- Power poles or non-guyed tower structures owned and operated by an electric utility
- Any structure for which the primary purpose is to support telecommunications equipment, such as equipment for amateur radio and broadcast radio and television services regulated by the federal communications commission;
- Any guyed tower that is within fifty feet of a structure or vegetation of equal or greater height; and
- Any guyed tower that is attached to a large mobile motorized machine with a large visible base equipped with wheels, tracks, or skids and with winches and utilized to lift or pull heavy loads, such as a tower used to yard logs.

Status: Passed by the Senate March 10, 2014
Passed by the House March 7, 2014
Unmanned Aerial Systems (UAS)
Substitute HOUSE BILL 2178
Concerning unmanned aircraft

Brief Summary of Substitute Bill

• Prohibits operation of an unmanned aircraft in Washington airspace if the unmanned aircraft has active sensory devices onboard that collect personal information about any individual without the individual's consent, unless the federal government has provided "specific authorization" for such operation, or certain conditions are met.

• Establishes a criminal penalty for violation with intent to capture any type of personal information.

• Establishes a private right of action for an individual whose reasonable expectation of privacy is violated.

• Includes a disclaimer that no provisions apply to prohibit, authorize, or regulate in any manner the use of unmanned aircraft by a public agency.

• States that the "reasonable expectation of privacy" is presumed violated when a person's image has been captured by an unmanned aircraft equipped with an active sensing device, and such image could not have been captured from an ordinary vantage point outside the boundaries of the property on which the person is located without the use of the unmanned aircraft.
Substitute HOUSE BILL 2178
Bill Language

The legislature finds that technological developments in unmanned aircraft have expanded the vehicles' capacity to be widely deployed in our state and in our communities. The legislature further finds that the recreational use of certain small unmanned aircraft is exempt from federal regulation under the federal aviation administration modernization and reform act of 2012. The potential for these small unmanned aircraft to be operated in close proximity to human dwellings and activities presents opportunities for widespread recreational use and enjoyment. At the same time, the recreational use of unmanned aircraft increases the likelihood of physical trespass onto private property and invasions of personal privacy. The legislature intends to prohibit the unauthorized use of unmanned aircraft in the airspace above private property.

Status: Passed by the House February 17, 2014
Senate Returned to House Rules Committee March 13, 2014
Brief Summary of Substitute Bill

- It is the intent of the Legislature to provide clear standards for the lawful use of unmanned aerial vehicles by state and local jurisdictions.
- It is unlawful to operate a Public unmanned aircraft system (PUAS) except as provided.
- For PUAS operations, a state agency must obtain approval from the Legislature and a local agency must obtain approval from the local governing body of the local agency.
- The approval must be explicit and specific to a PUAS and a particular purpose.
- All PUAS operations must be conducted to minimize collection and disclosure of personal information.
- All unmanned aircraft systems must comply with FAA requirements.
- The state may establish a test range for the integration of unmanned aerial vehicles into national airspace.
- A law enforcement officer or public official may use a PUAS and disclose personal information gathered by a PUAS without a warrant if the officer reasonably determines that an emergency situation exists which presents immediate danger of death or serious physical injury to any person.
The legislature finds that technological advances have provided new, unique equipment that may be utilized for surveillance purposes. These technological advances often outpace statutory protections and can lead to inconsistent or contradictory interpretations between jurisdictions. The legislature finds that regardless of application or size, the use of unmanned aerial vehicles, without public debate or clear legal authority, creates uncertainty for citizens and agencies throughout Washington state. As stated in the congressional research service report entitled 'Integration of Drones into Domestic Airspace,' "the extent of their potential domestic application is bound only by human ingenuity. . .the full-scale introduction of drones into U.S. skies will inevitably generate a host of legal issues. . .With the ability to house high-powered cameras, infrared sensors, facial recognition technology, and license plate readers, some argue that drones present a substantial privacy risk." The legislature finds that drones do present a substantial privacy risk potentially contrary to the strong privacy protections enshrined in Article I, section 7 of the Washington state Constitution that reads "No person shall be disturbed in his private affairs, or his home invaded, without authority of law."

The legislature further finds that the lack of clear statutory authority for the use of unmanned aerial vehicles may increase liability to state and local jurisdictions. It is the intent of the legislature to provide clear standards for the lawful use of unmanned aerial vehicles by state and local jurisdictions.

Status: Placed in 'X' File (On-hold)
Funding to Preserve and Improve Airports

Aircraft Excise Tax & Registration Fees

Airport Aid Grants

Washington State Department of Transportation
## Aircraft Excise Tax – As It Exists Today

### Registration + Excise Tax

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### Aircraft Excise Tax

- **$550,000 Biennium**
  - **Aeronautic Fund 10%**
  - **General Fund 90%**
Top aviation-related legislative items

- Senate Bill 5430: 100% aircraft excise tax revenue to the aeronautics account
- Funding increase for WSDOT Airport Aid Grant program

Bottom-line
Increases funding for airports... without increasing ANY taxes or fees.
Brief Summary of Engrossed Bill
Directs all revenues from the aircraft excise tax to be deposited into the aeronautics account and to be used for state grants to airports and other specified administrative purposes.

Status: Passed the Senate March 4, 2014
House returned to the Senate March 13, 2014– No vote
Legislation Results

- Substitute Senate Bill 6054/House Bill 2241: PASSED
- Substitute House Bill 2178: Did Not Pass
- Substitute Senate Bill 6172: Did Not Pass
- Engrossed Senate Bill 5430: Did Not Pass
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