



## Drone Use and Regulation in the Public Sector

This *issue brief* provides an overview of public sector use of unmanned aircraft systems (UAS), commonly known as drones, including federal and state regulations, and current applications in Colorado.

### Overview

Drones are unmanned aerial vehicles that are operated from the ground through remote controls or on-board computers. Both federal and state governments have increasingly been using drones for a variety of public sector purposes. Governmental entities use drones for law enforcement, disaster management, infrastructure inspection, land management, border security, and more.

The Federal Aviation Administration (FAA) maintains rules governing the use of drones in both the private and public sector. States may also regulate drones as long as laws do not conflict with FAA regulations.

### Federal Regulation and Public Use

Public entities, such as state and local government agencies, law enforcement, and institutions of higher education, may elect to either operate drones under federal rules, or apply for a Certificate of Waiver or Authorization Application (COA) from the FAA. Exceptions to these rules may also apply in certain public safety circumstances.

### Federal Rules

In 2016, the FAA adopted the first operational rules for the public and private use of drones in [Part 107 of the Code of Federal Regulations](#). The rules outline:

- drone pilot certification requirements;
- altitude restrictions during drone flight;
- restrictions on the operation of drones in certain airspaces, such as airports and stadiums;
- restrictions on the operation of drones over human beings and vehicles; and
- requirements to operate drones in daylight within line of sight, unless certain conditions are met.

### Certificate of Waiver or Authorization

Federal, state, and local government agencies can apply for a COA to operate drones with less restrictions. A COA may authorize a deviation from certain Part 107 rules, such as:

- visual line of sight requirements;
- operation of drones over people or moving vehicles;
- operation of drones in restricted airspaces; and
- operation of drones at night without anti-collision lights.

Any governmental entity may apply for COA by submitting an application to the FAA, which then conducts a comprehensive operational and technical review of the respective drone program. COAs are

# Drone Use and Regulation in the Public Sector

generally granted for a prescribed period of time and include special provisions unique to the proposed request.

## Public Safety Organization Exemption

As of 2024, public safety organizations, including law enforcement, fire departments, and emergency medical services, are exempt from certain regulatory requirements in Part 107 when operating actively tethered UAS.<sup>1</sup>

Actively tethered drones are powered and controlled through a flexible wire or cable linked to a ground-based source.

Public safety personnel may operate actively tethered drones:

- without a remote pilot certification;
- within zero-grid airspaces (i.e., restricted airspaces like airports); and
- without a COA.

## Colorado Law and Regulations

The Colorado General Assembly passed legislation to study and restrict drone use in recent years

### Studying Drone Use

[Senate Bill 19-020](#) provided funding to the Center of Excellence for Advanced Technology Aerial Firefighting (CoE) within the Department of Public Safety to develop a system to patrol the airspace above wildland fires using drones.<sup>2</sup>

The CoE researched and tested the use of drones to assist with public safety, and their findings can be found on the [CoE Unmanned Aerial Systems webpage](#).

### Restrictions on Drone Use

State law prohibits the use of a drone when it obstructs a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer in a manner that puts public safety at risk.<sup>3</sup>

The Colorado Code of Regulations prohibits the operation of drones in state parks, except in designated areas.<sup>4</sup> The Colorado Code of Regulations also prohibits the use of drones to look for, scout, or detect wildlife as an aid in the hunting or taking of wildlife.<sup>5</sup>

## Drone Laws in Other States

The [National Conference of State Legislatures tracks legislation](#) in other states addressing drones. As of March 2023, at least 44 other states have enacted laws addressing drones, while an additional three states have adopted resolutions.

Common issues addressed in state legislation include:

- how drones may be used by law enforcement or other state agencies;
- privacy restrictions; and
- prohibitions on hunting or fishing.

---

<sup>1</sup> 49 USCS § 44806

<sup>2</sup> Section 24-33.5-1228, C.R.S.

<sup>3</sup> Section 18-8-104, C.R.S.

<sup>4</sup> 2 CCR 405-1

<sup>5</sup> 2 CCR 406-0