

October 26, 2015

Via email mayor.garcetti@lacity.org

Honorable Eric Garcetti
Mayor
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Los Angeles Municipal Code Proposed Section 56.31

Dear Mayor Garcetti,

The Small UAV Coalition¹ opposes the proposed amendment to section 56.31 that would essentially make a violation of the Federal Aviation Act, Federal Aviation Administration regulations, and conditions of FAA exemptions, a municipal crime. We strongly agree with the concerns expressed in the Consumer Electronics Association's October 22, 2015 letter to you.

We write to echo the concern that this proposed amendment would be preempted by Federal law. It is not an answer that this proposed amendment simply criminalizes conduct prohibited by Federal statute or regulation. The FAA has plenary control over the navigable airspace and thus its safety regulations "occupy the field." Therefore, it does not matter that there may not be a "conflict" between Federal and local law.

In fact, this proposed amendment would significantly conflict with Federal law. The proposed amendment would make a municipal crime conduct that may be currently prohibited by FAA rules but may subsequently be permitted, whether by a rule change, an exemption or waiver, or a change to the Federal Aviation Act. The FAA has proposed a set of rules governing operation of small unmanned aerial vehicles (UAVs), which is expected by June 2016. Also, the FAA has granted over 1,800 exemptions for commercial use of small UAVs under section 333 of the FAA Modernization and Reform Act of 2012. Thus, what may now be prohibited or restricted may in a short time be permitted or changed. This raises a significant concern under the Due Process Clauses of the 5th and 14th Amendments to the United States Constitution whether a person has fair notice of the law.

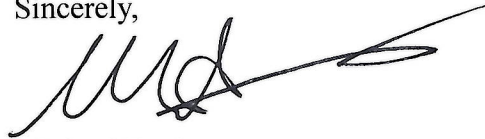
The Coalition believes the FAA has sufficient enforcement authority to take action against unmanned aerial system (UAS) operators who violate the Federal Aviation Regulations. If additional authority is desired, it is up to Congress, or the FAA under its delegated authority, to act, and not up to a State or municipal government.

¹ Members of the Small UAV Coalition include 3D Robotics, AGI, AirMap, Amazon Prime Air, Botlink, DJI Innovations, Drone Deploy, Flirtey, Google [X] Project Wing, GoPro, Intel, InterMedia Development Corporation, Kespry, Parrot, PrecisionHawk, Strat-Aero, Verifly, and ZeroTech.

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For these reasons, and those outlined in the CEA letter, we urge you to veto the proposed amendment.

Sincerely,



Michael Drobac
Executive Director

Gregory S. Walden
Aviation Counsel