



Honorable John Thune
Chairman
Committee on Commerce, Science,
and Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Honorable Dean Heller
Senator
United States Senate
324 Hart Senate Office Building
Washington, DC 20510

Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
716 Hart Senate Office Building
Washington, DC 20510

Honorable Maria Cantwell
Senator
United States Senate
511 Hart Senate Office Building
Washington, DC 20510

July 10, 2018

Dear Chairman Thune, Ranking Member Nelson, Senator Heller, and Senator Cantwell:

With Federal Aviation Administration (FAA) authorities set to expire on September 30, 2018, the [Small UAV Coalition](#) wishes to express strong support for enactment of long-term FAA reauthorization legislation that will demonstrate Congress' commitment to the continued growth of the commercial unmanned aircraft systems (UAS) industry in the United States. As you prepare S. 1405, the Federal Aviation Administration Reauthorization Act, for the Senate floor, the Coalition underscores its strong support for Section 2136, which would safely enable UAS to carry property for compensation or hire. Further, the Coalition refutes any assertions that Section 2136 would in any way erode the important role that states and localities play in UAS integration efforts.

The United States' lack of a regulatory framework specifically tailored to UAS delivery operations jeopardizes its role as the world's leader in innovative commercial UAS applications. Section 2136, as included in the underlying bipartisan bill, is necessary for the FAA to establish a rigorous, risk-based, air carrier safety certification process for UAS operators without imposing burdensome requirements that while appropriate for manned aircraft, are not appropriate for UAS.

Section 2136 also carries forth longstanding federal economic regulatory authority over aviation operations engaging in interstate commerce. This provision will ensure that operators are subject to one uniform set of economic regulations, while also enjoying the benefits of economic deregulation provided in the Airline Deregulation Act of 1978 (ADA). One of these benefits is the ADA preemption provision in 49 U.S.C. §41713(b). This provision prohibits state and local governments from enacting or enforcing any law relating to the rates, routes, and services of an interstate air carrier.

Several state and local organizations oppose section 2136, contending that if enacted, it would prevent state and local governments from enacting or enforcing laws with respect to privacy, land use, and zoning. This contention is without merit. Subsection 41713(b) pertains only to economic regulation: when Congress eliminated most Federal regulation of rates, routes, and services of air carriers in the ADA, it did not want state and local governments to undercut that objective by re-regulating the airlines.

This provision does not prohibit state and local laws relating to privacy, local land use, or zoning. *See, e.g., Goodspeed Airport LLC v. East Haddam Inland Wetlands Comm'n*, 634 F.3d 206 (2d Cir. 2011); *Hoaglund v. Town of Clear Lake, Fla.*, 415 F.3d 693 (7th Cir. 2005); and *Gustafson v. City of Lake Angelus*, 767 F.3d 778 (6th Cir. 1996). Thus, enactment of section 2136 would not conflict with the UAS Integration Pilot Program (IPP), a program the Coalition strongly supports and through which states and localities, Congress, the FAA, and industry will have an opportunity to evaluate different approaches to reasonable time, place, and manner restrictions.

For these reasons, the Small UAV Coalition strongly supports Section 2136 as written and objects to any efforts to undermine settled Federal preemption of state and local economic regulation of interstate air carriers.

Sincerely,

