



April 23, 2018

The Honorable Paul Ryan  
Speaker  
United States House of Representatives  
H-232, The Capitol  
Washington, D.C. 20515

The Honorable Nancy Pelosi  
Minority Leader  
United States House of Representatives  
H-204, The Capitol  
Washington, DC 20515

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and  
Infrastructure  
United States House of Representatives  
2251 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Peter DeFazio  
Ranking Member  
Committee on Transportation and  
Infrastructure  
United States House of Representatives  
2164 Rayburn Office Building  
Washington, DC 20515

Re: FAA Reauthorization Act of 2018

Dear Speaker Ryan, Minority Leader Pelosi, Chairman Shuster, and Ranking Member DeFazio:

On behalf of the national organizations that represent state and local officials, we write to express significant concern regarding the substantial and unwarranted expansion of federal pre-emption of state and local authority included in the Federal Aviation Administration (FAA) Reauthorization Act of 2018.

We urge you to make the following addition to Section 45510:

*“The provisions of 49 USC 41713 shall not apply to small unmanned aircraft air carriers designated under this section.”*

Section 45510, “Carriage of property for compensation or hire,” as currently written, would result in a backdoor pre-emption of any and all authority of state and local government concerning the operation of

unmanned aircraft systems (UAS) in the national airspace. Such a decision would be in direct conflict with the Department of Transportation (DOT) recently announced Integration Pilot Program (IPP). One of the main questions the IPP is specifically seeking to examine is the impact on the national airspace of allowing states and local governments to set reasonable time, place, and manner restrictions on UAS operations.

We agree that DOT should be encouraged to move forward with the important rulemaking created in section 45510, which would encourage this exciting technology to promote further innovation. Thankfully, there is a solution that would allow the desired rulemaking to move forward while also avoiding the enactment an all-encompassing pre-emption of state and local governments' authorities in this area. **Our proposed amendment would successfully remove the linkage of small UAS air carriers to Section 105 of the Airline Deregulation Act.**

Such an addition would ensure that DOT, state, and local governments could move forward in their joint effort to determine the appropriate role for states in this matter. If Section 45510 goes unchanged, it could allow small unmanned aircraft systems to face little, if any, restrictions on where and when they could operate.

Additionally, we offer our strong support for amendment no. 188 from Representative Jason Lewis (R-Minn.) that aims to codify DOT's IPP program. Such a codification is a step in the right direction toward balancing the appropriate roles of federal, state, and local governments regarding low-altitude drone operations.

Aviation is a key component of a balanced transportation system, and is vitally linked to regional growth and economic development efforts. While the FAA Reauthorization Act includes numerous provisions that would do much to advance our country forward, we remain very concerned that enactment of Section 45510 in its current form would significantly expand federal pre-emption over states and local governments.

We look forward to working with you as the bill moves forward.

Sincerely,



Scott D. Pattison  
Executive Director and CEO  
National Governors Association



William T. Pound  
Executive Director  
National Conference of State Legislatures



Matthew D. Chase  
Executive Director  
National Association of Counties



Clarence Anthony  
Executive Director  
National League of Cities



Mark Kimberling  
Chief Executive Officer  
National Association of State Aviation  
Officials