

November 14, 2019

The Honorable Roger Wicker  
Chairman  
Committee on Commerce, Science and Transportation  
U.S. Senate  
Washington, D.C. 20510

The Honorable Ted Cruz  
Chairman  
Subcommittee on Aviation and Space  
U.S. Senate  
Washington, D.C. 20510

The Honorable Maria Cantwell  
Ranking Member  
Committee on Commerce, Science and Transportation  
U.S. Senate  
Washington, D.C. 20510

The Honorable Krysten Sinema  
Ranking Member  
Subcommittee on Aviation and Space  
U.S. Senate  
Washington, D.C. 20510

Dear Chairmen Wicker and Cruz and Ranking Members Cantwell and Sinema:

The undersigned organizations strongly oppose S. 2607, the Drone Integration and Zoning Act (DIZA), offered by Senator Lee. This bill compromises safety in the National Airspace System (NAS) and jeopardizes the growth and success of the commercial unmanned aircraft system (UAS) industry through an unwarranted, unnecessary, and unsafe departure from the 40-year standard of federal preemption.

With the passage of the Airline Deregulation Act of 1978 (ADA), Congress preempted state and local governments from regulating the rates, routes, and services of airlines. Through the ADA's preemption provision, Congress established clear unitary federal authority over the national airspace. The preemption provision provides legal certainty for operators and a single set of rules for the inherently interstate activity of aviation. DIZA proposes enabling thousands of local governments in the United States to impose their own restrictions on commercial UAS air carrier operations.

It would be premature to legislate new rules before the U.S. Department of Transportation's (DOT) UAS Integration Pilot Program (IPP) has concluded. One of the program's core missions is to determine how state and local entities can work with the DOT and the Federal Aviation Administration (FAA) to craft new rules that support more complex low-altitude operations.

Uniform federal authority is an essential predicate to maintaining safe and efficient transportation in the nation's airspace. Any changes to this well-understood federal authority will open the door to creating a tangle of state aviation regulatory regimes. Furthermore, once Congress adopts the first exemption to the preemption provision, the precedent will be established for future legislative carve-outs. Finally, any exemption could create uncertainty regarding well-developed legal precedents about federal authority over other aviation activities compiled through court decisions and DOT opinions.

Our industry's first and foremost concern is for safety, the bedrock of our operating principles. Federal airspace preemption allows one national regulatory authority, staffed by professional subject-matter experts, to oversee the NAS. Thanks to the principle of preemption, the US aviation industry operates under a common set of regulations nationwide, understood by all aircraft operators, both manned and unmanned. Individual pilots train to these regulations, and company operators structure their operating procedures based on them. This long-established regulatory structure is an integral component of aviation safety.

UAS are a rapidly growing and important part of general aviation. Drones offer great promise for a variety of applications in many areas of life and commerce, including opportunities for use by entrepreneurs and companies that rely on aviation as part of doing business. The potential benefits are only limited by our imagination. But along with such excitement and optimism, we must also take on the responsibility of ensuring that their integration does not degrade the level of safety in the NAS. This will require all stakeholders to work together to ensure success.

The ADA has provided the foundation for seamless and safe transportation in the national airspace. Congress should not unravel this well-established federal authority over aviation.

Thank you for your attention to this important matter.

Sincerely,

Aircraft Owners and Pilots Association  
Experimental Aircraft Association  
General Aviation Manufacturers Association  
Helicopter Association International  
National Business Aviation Association  
National Air Transportation Association