



June 27, 2018

The Honorable John Thune  
Chairman  
Committee on Commerce, Science and  
Transportation  
United States Senate  
512 Dirksen Senate Building  
Washington, D.C. 20510

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

The Honorable Dean Heller  
Senator  
United States Senate  
324 Hart Senate Building  
Washington, D.C. 20510

The Honorable Maria Cantwell  
Senator  
United States Senate  
511 Hart Senate Office Building  
Washington, D.C. 20510

Re: S. 1405 The Federal Aviation Reauthorization Act of 2018

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

On behalf of the national organizations that represent state and local officials, we write to express significant concern regarding the potential for substantial expansion of federal pre-emption of state and local authority included in S. 1405, the Federal Aviation Administration Reauthorization Act of 2018.

We urge you to make the following addition to Section 2136:

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

Section 2136, “Carriage of Property by Small Unmanned Aircraft Systems for Compensation or Hire,” as currently written, would result in a backdoor pre-emption of the authority of state and local governments concerning the operation of small unmanned aircraft systems (UAS) in the national airspace. Furthermore, such a decision would be in direct conflict with the Department of Transportation’s (DOT) recently announced Integration Pilot Program (IPP) that includes projects in both Nevada and Florida. 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 this important rulemaking created in Section 2136, which would promote this exciting technology to spur further innovation. Fortunately, our suggested amendment is a solution that would allow the desired rulemaking to advance, while also avoiding the enactment an all-encompassing pre-emption of state and local governments' authorities in this area. **By removing remove the linkage of small UAS air carriers to Section 105 of the Airline Deregulation Act**, DOT, state and local governments could continue in their joint effort to determine the appropriate role for states in this matter. If Section 2136 goes unchanged, it could allow hundreds of thousands of daily small UAS flights to face few restrictions on where and when they could operate.

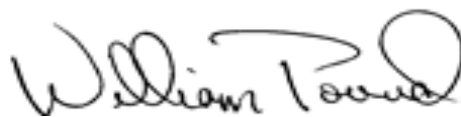
Aviation is a key component of a balanced transportation system, and is vitally linked to regional growth and economic development efforts. While S. 1405 includes numerous provisions that would do much to advance aviation, we remain very concerned that enactment of Section 2136, in its current form, could 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



Tom Cochran  
CEO and Executive Director  
The United States Conference of Mayors



Clarence Anthony  
Executive Director  
National League of Cities



Mark Kimberling  
Chief Executive Officer  
National Association of State Aviation  
Officials

cc: Senator Diane Feinstein, Senator Mike Lee, Senator Tom Cotton, and Senator Richard Blumenthal