

7/2/19

Ms. Anita Ramasastry
Mr. Paul Kurtz
Mr. Mark Glaser
c/o Uniform Law Commission
111 N. Wabash Avenue, Suite 1010 Chicago, IL 60602

Dear Ms. Ramasastry, Mr. Kurtz, Mr. Glaser & the entire Uniform Law Commission voting body,

There have been a couple of last minute desperation letters of opposition sent to the ULC's *Tort Law Relating to Drones Committee*. Mr. Henry Smith and JEBURPA sent those letters.

There have also been letters of support sent to the committee that addresses the errors and concerns raised by those letters of opposition. The letters of support were well written and quite diplomatic in both tone and content. And they did a fine job of addressing the technical and legal aspects of the concerns raised by Mr. Smith and JEBURPA. Which frees me up to address different aspects of those letters.

The signers of those letters of support represent 17 industry leaders in one case, and the General Counsel for the NPPA in the other case. Those who signed each letter of support were required to remain professional and diplomatic because of whom they represent. And they did a fine job of staying "in their lane".

I on the other hand do not represent an entity that must remain diplomatic. Instead I represent (unofficially) the voice of thousands of concerned commercial and hobby drone owners. I represent ten's of thousands of people who fly UAS (drones), many on a daily basis. However, the opinions and words chosen below are mine and mine alone. Although I am very certain they would likely be echoed by the vast majority of small and medium sized independent drone business owners if given a chance. And I have no doubt you could poll the drone hobbyist community (& probably a few current Committee members) and find that they would also agree.

Some I (again, unofficially) speak for are hobbyists who fly their drones around their neighborhoods. If this act passes out of the ULC Annual Meeting with the objections of the late comers added, those hobbyists (& I) will be restricted to flying above our own property. And it is virtually impossible to restrict their flights to their own property. About the only way to do that is if you live in the country and on a few acres. Not many in this country do anymore. And many municipalities forbid UAS use in their parks. So our communities are the only option for some.

Commercial drone Pilots also frequently fly in neighborhoods and over property other than the property they're gathering data for. That data could be the likes of video, photos, or even mapping data. We also use our drones for inspections after natural disasters.

In order to get the data we need from a certain property, we must maintain the ability (& right) to fly over adjacent property without the fear of being sued by the “legal possessors” of that property. It’s certainly opinion of the FAA that we have that right. SCOTUS holds that same opinion.

And if any credence is given to the erroneous points raised by Mr. Smith and JEBURPA, hobbyists and commercial drone owners will be severely limited in our ability to use our drones for enjoyment or business. And it has the VERY real prospect of virtually destroying the thriving (\$100B industry by some estimates) UAS industry overnight.

No sane businessperson will invest in a business model that has the potential of a frivolous and disruptive lawsuit each time you perform your job. And that will be the outcome if those who object at this late stage have their way.

This is where I take the opportunity to (further?) deviate from being diplomatic in tone and content.

I have to ask, “Where were these entities when all of these concerns were originally raised (and subsequently and rightly dismissed)? Why should they have the right to come in at the last minute and completely destroy the hard work of the Committee and industry stakeholders?”

It seems to me that they finally pulled their collective heads out of the sand and suddenly realized that their ox is being gored. They’ve seen the possibility of a very lucrative income stream drying up before their very eyes. It’s going to hit them in their pocketbook, and that has finally brought them out of their stupor and to the table, much too late in the process for their opinions to have any validity whatsoever. It’s not like this committee was meeting in private, and their work just now came to light. If they had these concerns, they should have taken the initiative to organize and been at the table since the beginning. We in the UAS industry certainly did. And we’re a group of creative and independent business owners who do not possess a hive mentality. There have been multiple attempts to organize our industry, and it’s been met with much consternation and failure. It’s been appropriately compared to herding cats.

If we felines could organize and have legitimate input in this committee’s work, certainly a group of already organized land rights lawyers should have had the foresight to do so. Or was their plan to be a disruptive agent all along? Did they decide to take the lazy way out and just wait until the final hour to raise their (illegitimate) objections? If so, why?

So instead of being proactive from the beginning of the process, and acting in an adult manner, they’ve thrown a temper tantrum and tried to derail the hard work of the last 19 months.

And the audacity of Committee member to Mr. Willis to ask the Committee to remove the draft from this month's Annual Meeting in Anchorage is beyond the pale.

Mr. Willis was a constant complainer during the scheduled teleconferences, and was insistent on trying to commandeer the Committee's focus on aspects of the original draft that were not only previously discussed, but also subsequently dismissed. He constantly insisted that the draft was becoming nothing more than a protection act for drone operators. His view is counter to the actual truth.

And when he realized he was in the singular minority, he threw a Hail Mary and asked the committee to withdraw the act from consideration at this month's meeting. Committee Chair, Committee Co-Chair, and the ULC leadership did the right thing by not submitting to that outrageous request.

The Committee (& stakeholders) worked hard coming up with the "13-factor test" (Mr. Smith's words) that not only protected drone operators from the needless expense and hassle of nuisance lawsuits, but also gives landowners reasonable and legitimate protection from constant intrusions by bad actors that own drones. We all realize those people exist, but we also realize that states currently have laws on their books that address actions by those bad actors.

There is absolutely zero reason to allow these disruptive and needless objections to be included in the final draft being voted on this month.

While the UAS industry understands there will likely be further legitimate concerns raised at the meeting in Anchorage, we implore the body of the Uniform Law Commission to not allow additions that would fundamentally change the intent of the current draft of the act. That would absolutely eviscerate all of the hard work and invalidate the countless hours of all who had the foresight and maturity to become active at the beginning of this process.

Giving power and substance to the voices of those who remained silent during well-established ULC process would set a horrible precedent for all future ULC Draft Committees. Why would anyone concern themselves with organizing and investing time and energy into being part of a legitimate process when they now realize they can simply charge in at the last minute and destroy that process.

Please allow the hard work of the Committee and stakeholders to remain substantive and paramount in the decision process of your vote.

Thank you for you time.

Vic Moss
Owner/Moss Photography
FAA Remote Pilot