

Dear ULC Committee

I appreciate the efforts that the committee has put into the Uniform Tort Law Relating to Drones Act. As I have stated in previous comments to the committee regarding the act **I completely oppose the act** and the provisions that have been outlined. I believe the act is detrimental to the drone industry as a whole and does not offer any additional protections for persons, their property, and privacy. Most of the provisions are in direct conflict with established FAA regulations and attempt to substantiate claims by overstating established privacy rights already established by the by the Supreme Court, United States Code, and FAA regulations. The FAA, the regulating body over the airspace has established both commercial and recreational rules regarding Small Unmanned Aircraft within the United States National Airspace System this Act is in direct conflict with what has already been established and would bring undue burdens onto persons who would be operating legally under FAA Guidelines. This committee has been debating this Act for over 2 years and has been grasping at straws to come up with an act that will hold any merit. I would suggest you lay this issue to rest and focus efforts on other potential tort laws.

As a drone Pilot when operating a drone, the operation falls under federal jurisdiction as the drone operator would be operating within federal airspace. This airspace has exclusively been defined by the FAA starting from the surface and outlined in various classes such as Class A, B, C, D, E, and G (see Attachment A below). Furthermore, State or Local Government do not have claim to any rights to control the airspace as outlined in *U.S. Code Title 49. TRANSPORTATION Subtitle VII. AVIATION PROGRAMS Part A. AIR COMMERCE AND SAFETY Subpart i. general Chapter 401. GENERAL PROVISIONS Section 40103. Sovereignty and use of airspace (Attachment A)*. Section A(1) states **“The United States Government has exclusive sovereignty of airspace of the United States.** “section B(1) states **“Use of Airspace.—The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.”** The use of drones has been established is provision by the creation of the FAA Part 107 and recreational guidelines.

Regards,

Benjamin Buss

Part 107 Drone Operator

Attachment A

Class A Generally, airspace from 18,000 feet mean sea level (MSL) up to and including flight level (FL) 600, including the airspace overlying the waters within 12 nautical miles (NM) of the coast of the 48 contiguous states and Alaska. Unless otherwise authorized, all pilots must operate their aircraft under instrument flight rules (IFR).

Class B Generally, airspace from the surface to 10,000feet MSL surrounding the nation’s busiest airports in terms of airport operations or passenger enplanements. The configuration of each Class B airspace area is individually tailored, consists of a surface area and two or more layers (some Class B airspace

areas resemble upside-down wedding cakes), and is designed to contain all published instrument procedures once an aircraft enters the airspace. An air traffic control (ATC) clearance is required for all aircraft to operate in the area, and all aircraft that are so cleared receive separation services within the airspace.

Class C Generally, airspace from the surface to 4,000 feet above the airport elevation (charted in MSL) surrounding those airports that have an operational control tower, are serviced by a radar approach control, and have a certain number of IFR operations or passenger enplanements. Although the configuration of each Class C area is individually tailored, the airspace usually consists of a surface area with a 5 NM radius, an outer circle with a 10 NM radius that extends from 1,200 feet to 4,000 feet above the airport elevation and an outer area. Each aircraft must establish two-way radio communications with the ATC facility providing air traffic services prior to entering the airspace and thereafter maintain those communications while within the airspace.

Class D Generally, that airspace from the surface to 2,500 feet above the airport elevation (charted in MSL) surrounding those airports that have an operational control tower. The configuration of each Class D airspace area is individually tailored and when instrument procedures are published, the airspace will normally be designed to contain the procedures. Arrival extensions for instrument approach procedures (IAPs) may be Class D or Class E airspace. Unless otherwise authorized, each aircraft must establish two-way radio communications with the ATC facility providing air traffic services prior to entering the airspace and thereafter maintain those communications while in the airspace.

Class E Generally, if the airspace is not Class A, B, C, or D, and is controlled airspace, then it is Class E airspace. Class E airspace extends upward from either the surface or a designated altitude to the overlying or adjacent controlled airspace. When designated as a surface area, the airspace will be configured to contain all instrument procedures. Also in this class are federal airways, airspace beginning at either 700 or 1,200 feet above ground level (AGL) used to transition to and from the terminal or en route environment, and en route domestic and offshore airspace areas designated below 18,000 feet MSL. Unless designated at a lower altitude, Class E airspace begins at 14,500 MSL over the United States, including that airspace overlying the waters within 12 NM of the coast of the 48 contiguous states and Alaska, up to but not including 18,000 feet MSL, and the airspace above FL 600.

Class G Airspace not designated as Class A, B, C, D, or E. Class G airspace is essentially uncontrolled by ATC except when associated with a temporary control tower.

Attachment B

U.S. Code Title 49. TRANSPORTATION Subtitle VII. AVIATION PROGRAMS Part A. AIR COMMERCE AND SAFETY Subpart i. general Chapter 401. GENERAL PROVISIONS Section 40103. Sovereignty and use of airspace

(a) Sovereignty and Public Right of Transit.—

(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation

Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals.

(b) Use of Airspace.—

(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

(A) navigating, protecting, and identifying aircraft;

(B) protecting individuals and property on the ground;

(C) using the navigable airspace efficiently; and

(D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall—

(A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and

(B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

(4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.