



February 5, 2018

The Honorable Bill B. O'Neill
343 Sarah Lane NW
Albuquerque, NM 87114

RE: Opposition to SB 166; Operating unmanned aircraft near prison

Dear Senator O'Neill:

On behalf of the technology industry and companies our organizations represent, we appreciate the opportunity to comment on SB 166, legislation that would regulate the operation of drones near prisons and other state detention facilities. While we understand that reasonable regulations around flight of unmanned aerial vehicles (UAV) is warranted, we respectfully ask that guidance put forth by the Federal Aviation Administration be adhered to during the lawmaking process.

We appreciate the State's commitment to protecting its citizens and facilities; however, regulating the use of airspace is the jurisdiction of the Federal Aviation Administration (FAA). Title 49, Part A, Section 1 of the U.S. Code, states: "*The United States Government has exclusive sovereignty of airspace of the United States.*" Federal control of airspace is what keeps our country safe and allows all aircraft to fly in harmony.

The FAA has authored many letters cautioning against states and municipalities establishing no fly zones. Furthermore, the agency worked with stakeholders to establish Federal no fly zones and when a commercial operator abides by them, they are already required to maintain an established distance from certain areas and structures. In order to help states and municipalities establish new no-fly zones, local governments may petition the FAA, pursuant to section 2209 of the FAA Extension, Safety, and Security Act of 2016, to prohibit or restrict the operation of UAVs to additional pieces of critical infrastructure not already covered by the Act.

By deviating from the pre-existing FAA rules and regulations around commercial UAV flight, the New Mexico legislature could unintentionally bring added confusion to operators, making for an unsafe airspace.

Thank you for your thoughtful consideration of our views on this issue. Our coalition of associations would be happy to discuss our concerns in further detail.

Sincerely,

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