



February 10, 2017

The Honorable Charles Trump, Chair
Senate Judiciary Committee
Room 210W, Building 1
State Capitol Complex
Charleston, WV 25305

Dear Senator Trump:

The undersigned associations represent hundreds of the country's leading technology companies in high-tech manufacturing, computer networking and information technology, clean energy, life sciences, Internet media, ecommerce, education, and sharing economy sectors. Our member companies are committed to advancing public policies and private sector initiatives that make the U.S. the most innovative country in the world.

To that end, we respectfully ask you to consider amending SB 9, your bill intending to regulate the use of unmanned aircraft above certain utility or manufacturing facilities. While we appreciate holding accountable those who fly irresponsibly or for illegal purposes, and we support stricter enforcement of such behavior, we are concerned the bill conflicts with federal aviation rules, which we fear could reduce air safety and deter commercial unmanned aerial systems (UAS) operators from flying in West Virginia airspace.

To avoid conflicting with federal aviation rules, please consider adding the underlined language below:

“Unmanned aircraft system” or “system” means an aircraft that is operated without direct human intervention from inside or on the aircraft and includes the crewmember, the associated support equipment, the control station, data links, telemetry, communications and navigation equipment necessary to operate the unmanned aircraft. It does not include an unmanned aircraft operated by a person for a commercial purpose pursuant to and in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.

As you know, the UAS industry is transforming the way many of our companies do business. These game-changing innovations allow faster delivery of products such as life-saving diagnostic equipment and medicine. UASs are also used to improve crop production, and to make road, bridge and building construction and maintenance safer. They are spurring creation of innovative businesses and generating a host of new jobs. In West Virginia for example, the Association for Unmanned Vehicle Systems International estimates over 2,500 jobs will be created in the state in the first 10 years UAS's are integrated into the national airspace which translates to nearly \$35 million in economic impact.

Commercial UAS operators registered and approved by the FAA to legally operate, must first abide by FAA restrictions on flight altitude, flight paths, operational bans and navigable airspace guidelines. Since the proposed flight restrictions in SB 9 would conflict with FAA rules, UAS operators will find themselves having to choose to either willfully ignore their ability to fly per FAA rules or ignore state law.

Congress gave the FAA sole authority to regulate commercial UAS operators in recognition that one national entity must govern airspace to avoid substantial air safety problems that could ensue if state or local governments adopted a patchwork of differing flight restrictions. Furthermore, the FAA has established a process that takes into account concerns of states and municipalities, while still recognizing the FAA's sole authority to regulate the national airspace. To that end, the FAA Extension, Safety, and Security Act of 2016 allows applicants to petition the FAA administrator to prohibit or restrict the operation of a UAS in close proximity to a fixed-site facility. If West Virginia has concerns about UAS flights around certain buildings or other infrastructure, such as Department of Correction's facilities, we believe the FAA process is the appropriate avenue to address these concerns.

Thank you for considering this amendment that would avoid conflicts with federal aviation rules. Without this change, we fear conflicting state laws could severely limit flexibility and control of airspace and flight patterns, hinder safe and efficient air traffic in the U.S. and unintentionally reduce or eliminate UAS flights in West Virginia.

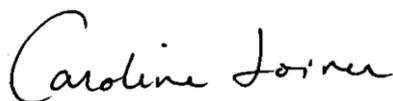
Sincerely,



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cc: Senate Judiciary Committee members