



August 11, 2015

The Honorable Hannah-Beth Jackson
California State Senate
State Capitol, Room 2032
Sacramento, CA 95814

SB 142 (Jackson): Oppose

Dear Senator Jackson:

We are writing today in strong opposition to SB 142, as amended on June 30th. While well-intended, SB 142 attempts to address privacy issues by arbitrarily mandating a statutory property right which could lead to litigation for California consumers and companies, hamper emergency response, and thwart a growing and innovative industry which is based largely in California.

The Consumer Electronics Association (CEA) represents more than 2,000 companies, three quarters of which are small businesses and 20 percent of which are startups. As a champion of innovation, CEA has been a long-time advocate of clear rules authorizing unmanned aircraft systems (UAS) in the national airspace. CEA is involved in the Federal Aviation Administration's (FAA's) current rulemaking on the operation and certification of small UAS.

The Association for Unmanned Vehicle Systems International (AUVSI) — the world's largest nonprofit organization dedicated to the advancement of unmanned systems and robotics — represents more than 7,500 members from 60+ countries involved in the fields of government, industry and academia. AUVSI members work in the defense, civil and commercial markets. In 2013, AUVSI released a study finding that the UAS industry is poised to help create more than 100,000 jobs and have more than \$82 billion in economic impact in the first decade after integration. Currently, 91 California businesses and associations representing more than 7,824 jobs have joined with AUVSI to express their support for the industry and the economic boost it will bring.

CEA and AUVSI are partners with several other organizations and the FAA in the Know Before You Fly campaign which is educating prospective drone users about the safe and responsible operation of UAS, including respect for privacy.

SB 142 is intended to address privacy issues, but its approach is problematic and premature.

SB 142 undermines collaborative efforts by federal and state government and the private sector on drone-related privacy issues. Government, privacy advocates and industry are

The Honorable Hannah-Beth Jackson
August 11, 2015
Page 2

already engaged in a meaningful and organized dialogue to address the privacy, transparency and accountability issues regarding commercial and private UAS. Just recently, on August 3rd, the multi-stakeholder process led by the U.S. National Telecommunications and Information Administration (NTIA) began with the first of four planned meetings. This NTIA process is designed to create best practices, when can then inform both public and private sector actions and policies.

SB 142 thwarts a growing and innovative industry in California.

California is predicted to be the top state to see gains in job creation and additional revenue as production of UAS increases, with more than 12,000 jobs created in three years following integration and over \$14 billion in economic impact created in the first decade. More than 20 industries have received FAA exemptions to operate UAS commercially in the U.S. national airspace, and to date California has received the most with 70 exemptions.

Just a few days ago, at the NASA Ames Research Center at Moffett Field in California, UAS stakeholders gathered to hear and discuss various approaches to managing the low-altitude operations of UAS. Innovators, researchers, NASA personnel, and UAS market leaders – many based in California – laid out their visions for the future. In contrast, a state agency representative reviewed five pending bills in California, including SB 142, aimed at regulating UAS operations, market development and innovation. Not surprisingly, questions were raised among attendees about the impact of certain legislation in the absence of need or well-defined problems, and before current research, policy and multi-stakeholder discussions have concluded. We urge California legislators to avoid rushing to pass SB 142 which would have detrimental impacts on UAS market development and innovation in California.

While taking an arbitrary approach in the name of privacy, SB 142 creates a new opportunity for vexatious litigation harmful to both consumers and innovation.

SB 142 is based on an arbitrary 350-foot above-ground-level limit for airspace above real property. This would effectively mandate a new legal right which in turn would lead to new lawsuits involving, and likely negatively impacting, California consumers, UAS businesses and UAS operators –both private and commercial– due to an implied property right in mid-to-low-altitude airspace. In addition, the 350-foot limit would be detrimental to the future business models of both start-ups and established companies in the UAS market where operations are expected up to 400 feet above ground level. SB 142 also risks triggering lawsuits on federal preemption and Constitutional grounds, which could result in expense and legal uncertainty for the State of California for years to come. Indeed, Congress charged the FAA with integrating UAS into the *National Airspace System*. California should not risk undermining these efforts with SB 142.

The Honorable Hannah-Beth Jackson
August 11, 2015
Page 3

It bears noting that existing laws address many of the privacy concerns commonly raised concerning consumer UAS. Indeed, California amended its “anti-paparazzi” statute just last fall (AB 2306) to address UAS privacy invasions. We understand that SB 142, as originally drafted, was intended to have a similar effect but has since been amended well beyond its conception, and would now include UAS that do not even have cameras.

Unmanned aircraft systems hold incredible promise as an aerial means of infrastructure inspection, search and rescue, air-quality monitoring, commercial delivery, precision agriculture, real estate assessment and surveying, wildfire response, and environmental protection, in addition to other creative and beneficial use cases that are only beginning to be developed. For best practices, research and technology, much will be accomplished during upcoming months that can better inform and support policy development related to privacy.

We urge California lawmakers to reject the flawed and arbitrary approach contemplated under SB 142.

Sincerely,

/s/

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cc: Dana Williamson, Office of the Governor
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