



August 14, 2015

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

CC: Office of Governor Jerry Brown
State Capitol, Suite 1173
Sacramento, CA 95814

SB 142 (Jackson): Oppose

Dear Honorable Jackson:

On behalf of the Small UAV Coalition, including the 11 members with employees in California,¹ we express our deep concern regarding SB 142, as amended on June 30. We share your goal of protecting consumer privacy; however, this legislation makes limited strides in that direction, particularly in light of California's existing invasion of privacy law, which was enacted less than a year ago and provides privacy protections on a technology-neutral basis at any altitude.² If enacted and enforced, SB 142 would needlessly and dramatically obstruct the growth of an industry that currently employs thousands of Californians and inhibit the safety benefits this technology offers.

California's economy stands to benefit immensely from small unmanned aerial vehicle (UAV) technology advancement. It is reported that five of the 10 most well-financed commercial small UAV companies in the world are headquartered in California.³ These companies have created, and continue to create, high-paying jobs in a wide variety of California industries. For example, the Federal Aviation Administration (FAA) has approved operators to use drones in California to increase the state's yield of specialty crops and for use in land and property photography, delivering much needed boosts to the agricultural and real estate industries. In fact, a recent American Farm Bureau report indicated that farmers can see a \$12 per acre return on investment when using drones to enhance crop scouting.⁴ UAVs also stand to play a role in California's current water crisis. Farmers can use thermal cameras mounted in UAVs to monitor thousands of acres of drip irrigation lines in an hour, something that would take humans days to accomplish. Farmers can also monitor whether their crops are receiving too much or

¹ The 25 members of the Small UAV Coalition include Airmap, Amazon, DJI, DroneDeploy, EHANG, Google[X], GoPro, Kespri, Verizon Ventures, 3D Robotics, and Intel all of which have offices in California. More information on the Small UAV Coalition is available at <http://www.smalluavcoalition.org/overview/>.

² California Civil Code Section 1708.8(b).

³ CB Insights, "Game of Drones: Drone Startup Funding Hits High. Have Raised More in 2015 than Last 3 Years Combined." <https://www.cbinsights.com/blog/drone-startup-venture-capital/>

⁴ American Farm Bureau, "FACT SHEET: Quantifying the Benefits of Drones in Precision Agriculture." <http://measure32.com/wp-content/uploads/2015/07/AFBF-Fact-Sheet.pdf>



too little water.⁵ SB 142 will harm Californians by limiting these operations and ultimately impeding the economic growth that this industry is expected to provide to the state.

Moreover, this bill does not provide meaningful protections for consumer privacy because it restricts UAV operations that pose no threat to privacy, while providing no recourse against an individual who is actually engaged in privacy invasion just outside a victim's property line. By requiring express permission to traverse property, this legislation would inhibit the ability of UAVs to be deployed for emergency purposes, such as search and rescue missions, and preclude future uses of UAVs, like delivery. The Small UAV Coalition is currently working with privacy advocates, universities, geospatial mappers, agricultural interests, and other members of the UAV industry and with the U.S. Department of Commerce on its effort to establish UAV privacy best practices. We encourage California state officials to join these constructive efforts and delay efforts to create new laws before that process is complete. In the meantime, we encourage California to enforce existing laws that prevent trespassing and provide remedies for privacy violations, such as California Civil Code Section 1708.8(b), which was updated less than a year ago and protects persons from all instances where they have a reasonable expectation of privacy.

Finally, the bill's altitude limit is inherently impractical when taking into account current regulations. SB 142 would extend liability for persons who operate UAVs below 350 feet above ground level (AGL) without express consent. This limit is arbitrary and does not consider FAA limits, which currently provide for operation up to 400 feet AGL.⁶ If enforced, SB 142's altitude limit would create a narrow zone in which small UAVs would be permitted to operate. In addition, this legislation will likely be ruled preempted by Federal law as the FAA has plenary control of the navigable airspace.

The Small UAV Coalition values consumer trust and looks forward to finding constructive solutions to protect privacy in California and the United States. SB 142, as amended, is unfortunately a step in the wrong direction.

Best,

Michael Drobac
Executive Director
Small UAV Coalition
1333 New Hampshire Ave, NW
Washington, DC 20036

⁵ KQED Science, "Drones: The Newest Water Saving Tool for Parched Farms."
<http://ww2.kqed.org/science/2014/04/21/drones-the-newest-water-saving-tool-for-parched-farms/>

⁶ Under section 333 of the FAA Modernization and Reform Act, operators who receive an exemption from the FAA are able to operate up to 400 feet AGL. The FAA's proposed rule for small UAS allows operation up to 500 feet AGL.