

September 3, 2015

The Honorable Edmund G. Brown, Jr.
State Capitol, Suite 1173
Sacramento, CA 95814

RE: REQUEST FOR VETO—Senate Bill 142 (Jackson)

Dear Governor Brown:

On behalf of the Small UAV Coalition, including our 11 members with employees in California,¹ we respectfully ask you to veto California Senate Bill 142 (Jackson), which requires express permission to fly small unmanned aerial vehicles (“small UAVs” or “drones”) over all private and public property. SB 142 would not provide Californians with meaningful privacy protections as the bill’s supporters suggest; instead, it would prevent Californians from realizing the benefits of this technology while dramatically obstructing the growth of an industry that employs thousands in this state. As an alternative to the overly-broad language in SB 142, we suggest you support AB 856, which more surgically addresses the privacy expectations of Californians.

California stands to benefit immensely from small UAV technology, in terms of both long-term economic growth and immediate consumer gains. Five of the 10 best-financed small UAV companies in the world are headquartered in California.² These companies are currently creating high-paying jobs and directly benefiting a wide variety of California industries, like agriculture. For example, a recent American Farm Bureau report indicated that farmers can see a \$12 per acre return on investment by using drones to enhance crop scouting.³ Small UAVs also stand to play a role in California’s current water crisis. For example, farmers can use small UAVs to more quickly and efficiently monitor acres of drip irrigation lines to for potential leaks and to determine if their crops are receiving too much or too little water.⁴

Moreover, this bill imposes liability solely based upon the altitude at which a UAV is operated, not what the UAV is doing. Therefore, an operator could be liable if his UAV inadvertently dips below 350 feet while passing harmlessly above property, while a UAV hovering over the property at 351 feet would not be breaking the law. Similarly, a UAV hovering several feet away on adjacent property observing or recording someone’s behavior is also beyond the reach of this bill. In short, the bill provides no recourse

¹ Airmap, Amazon, DJI, DroneDeploy, EHANG, Google[X], GoPro, Kespry, Verizon Ventures, 3D Robotics, and Intel all have offices in California.

² 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/>

³ 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>

⁴ 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/>

against an individual who is actually engaged in privacy invasion, and instead imposes an unworkable and arbitrary altitude limit.

By requiring express permission to traverse property, this legislation would also inhibit the ability of small UAVs to be deployed for emergency purposes, such as search and rescue missions, and preclude future uses of small UAVs, like delivery. To effectively protect its citizens, we encourage California to instead 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.

The Small UAV Coalition values consumer trust and looks forward to finding constructive solutions to protect privacy in California and the United States. Accordingly, we welcome another bill currently under your consideration, AB 856, legislation that thoughtfully and appropriately addresses actual aerial privacy concerns by including meaningful criteria of an offense that a court can use to ensure privacy protections and that we as an industry can support because of its clarity.

Further, we are actively working with privacy advocates, universities, geospatial mappers, agricultural interests, and other members of the industry on the U.S. Department of Commerce's effort to establish privacy best practices. We encourage California state officials to join these constructive efforts and delay efforts to create new, poorly conceived laws before that process is complete.

The Small UAV Coalition applauds the past actions you have taken to protect innovation and ensure the continued success of the small UAV industry in your state. We urge you to veto SB 142, as it is unfortunately a step in the wrong direction.

Best,



Michael Drobac
Executive Director
Small UAV Coalition

CC: Camille Wagner
Legislative Secretary
Office of the Governor

June Clark
Deputy Legislative Secretary
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