



**SMALL UAV  
COALITION**  
*A Partnership for  
Safety & Innovation*



February 2, 2024

Megan E. Green  
President  
City of St. Louis Board of Alderman  
City Hall, Room 230  
1200 Market Street  
St. Louis, MO 63103

[boa-president@stlouis-mo.gov](mailto:boa-president@stlouis-mo.gov)

Dear President Green:

The undersigned drone organizations have reviewed Board Bill Number 199 (January 12, 2024) (“BB 199”), a proposed ordinance “to regulate the commercial use of drones and impose community based safety regulations and restrictions on the operation of drones and other UAS that do not preempt federal aviation rules or state law[.]” We oppose this ordinance as introduced because several provisions are preempted by the Supremacy Clause of the Constitution of the United States as they would intrude on or conflict with the plenary authority Congress granted the Federal Aviation Administration (“FAA”) in the Federal Aviation Act.

The Association for Uncrewed Vehicle Systems International (AUVSI) and Small UAV Coalition (SUAVC) represent a diverse membership group, including UAS operators, public safety experts, UAS manufacturers, software companies, and more. We work together to advance smart public policy that will help to scale uncrewed aircraft systems (UAS or drones) in a meaningful way.

The FAA recognizes that State and local governments retain limited authority to determine takeoff and landing areas for drones, as well as other aircraft. But this authority does not extend to drone operations in the navigable airspace, except insofar as a drone is used in furtherance of a crime, tort, or violation of the Fourth Amendment (for government-operated drones). Thus, proposed 15.190.020(6), which prohibits a person from operating a drone with a weapon or device attached that is designed to inflict bodily harm or physical damage, and (8), which prohibits a person from operating a drone in a manner that endangers or creates a substantial risk of serious injury to a person or property, are not objectionable.

The FAA regulates commercial drone operations under 14 C.F.R. part 107, waivers granted under this part, and operations of a drone air carrier under part 135 operating under an exemption granted by the FAA under 49 U.S.C. 44807. The FAA regulates: the altitudes a drone may fly (107.51); operations over people (107.37 and Subpart D); the distance from persons, vessels, structures, including airports (107.43, 107.51); operations in controlled airspace (107.41); and requires a drone to give the right of way and remain well clear of crewed aircraft (107.37). Thus, proposed 15.190.020(2) (no drone may be operated within 25 feet of another person), (4) (no operation for commercial purposes over City-permitted public events), (5) (no operation within 1,250 feet of another aircraft), and (7) (no operation over a City-designated no-fly zone), are each preempted as they intrude into the FAA's regulatory ambit.

Proposed 15.190.030(3) would prohibit the use of a drone to "conduct surveillance or observation of any individual or private owned property held by an individual without the express written consent of that individual or property owner." Neither "surveillance" nor "observation" is defined, potentially enveloping everyday innocuous conduct by a person operating a drone on the ground at various elevations. If what the proposed ordinance is attempting to address is an invasion of personal privacy, the ordinance should be appropriately cabined to address such conduct, such as prohibiting the "surveillance" of a person using a drone "in a manner that violates a person's reasonable expectation of privacy." There is no reason to create a different privacy standard for drone operations.

Proposed 15.190.030 purports to set reasonable time, place, and manner restrictions on drone operations. Several of these restrictions ("no-fly zones") are so broad they would restrict drone operations the FAA has approved by rule or authorization and thus are not only unreasonable but also inconsistent with the FAA's regulatory framework. They would needlessly prevent drones from delivering manifold public benefits.

The common fault in these provisions is focusing solely on distance without regard to risk. For example, a drone operating within 500 feet of an emergency vehicle may or may not pose a risk to the emergency vehicle or response. The drone operation may be conducted on the other side of a building where the emergency is present and cause no interference with an emergency operation. The provision could be revised to prohibit an operator from knowingly flying a drone so close as to interfere with or pose a hazard to an emergency response or law enforcement action.

Similarly, drones may be operated well within 500 feet of a school, jail or detention facility, law enforcement facility, or publicly-owned building, without posing any risk to persons, property, or government functions. These prohibitions could be revised, for example, to prohibit an operation of a drone over a jail or detention facility that drops any object or otherwise acts in furtherance of a crime.

These restrictions are also objectionable as they are strict liability offenses. The proposal does not require that the operation of a drone be knowing or willful. In many cases, a drone operator

may not know of the presence of a school or detention facility, much less the location of all publicly-owned buildings. Thus, these provision do not provide fair notice of what operations are prohibited, raising serious concerns under the Due Process Clause of the Fourteenth Amendment.

For the reasons stated above, much of the proposed ordinance is preempted by Federal law and would unduly prevent lawful drone operations to deliver packages, medicines, to inspect and monitor homes and buildings, and to conduct search and rescue operations. We have suggested revisions to avoid conflicting with federal law as well as to limit prohibitions to knowing or willful conduct. We are available to work with City officials on changes to the proposed ordinance.

Sincerely,

Gregory S. Walden  
Aviation Counsel  
Small UAV Coalition

Mike Smitsky  
VP, Government Affairs  
AUVSI

Copy to:

Terry Kennedy, Clerk  
[KennedyT@stlouis-mo.gov](mailto:KennedyT@stlouis-mo.gov)