SMALL UAV COALITION
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COMMERCIAL DRONE ALLIANCE

April 3, 2025

Honorable Brad Christ, Chair
Honorable Tara Peters, Vice Chair
House Emerging Issues Committee

Honorable Dean Van Schoiack
Missouri House of Representatives

Re: MO HB 210

Dear Representatives Christ, Peters, and Van Schoiack:

We, the undersigned, represent the commercial drone industry in the United States. We are committed to promoting the commercial drone industry and ensuring the residents of Missouri receive the many benefits drone operations will bestow on individuals and businesses. In reviewing the proposed Unmanned Aerial Systems Security Act, we note that it is primarily directed to the use of drones by government agencies. Section 542.568, however, would apply to providers of "flight mapping software" or any other program for operating a drone. While well-intentioned, this provision raises several concerns.

This section would require the Missouri Department of Transportation, in consultation with federal authorities, to identify geographic coordinates of "sensitive locations" for the purpose of prohibiting drone operations over sensitive locations. The bill would not directly prohibit such operations. Rather, this bill would require providers of flight mapping software to geofence sensitive locations in Missouri to prevent drone flights over sensitive locations. We believe this section is likely preempted by federal law, as it would conflict with an FAA rule soon to be published and would impose an equipage requirement on drones that only the FAA has authority to impose.

Congress directed the Federal Aviation Administration (FAA) to develop a rule by which owners and operators of certain critical infrastructure fixed-site facilities may seek a designation by the FAA that would restrict drone flights over and in the near vicinity of the facility. A proposed rule is expected to be published soon. The FAA rule will apply to all covered facilities in the United States, preempting state laws addressing the same matter by authority of the Supremacy Clause of the Constitution of the United States.

In the Federal Aviation Act of 1958, Congress granted plenary authority to the FAA to regulate the safety and efficiency of operations in the national airspace system. As the FAA has recently confirmed, the federal government has exclusive authority over flight paths, routes, and the altitude of drone operations, as well as the design, production, and maintenance of drones, including the technology and equipment required to be installed on drones. Given the FAA's exclusive authority over aviation safety, neither Missouri nor any other state may impose such an equipage requirement as it would conflict with the FAA's regulatory framework for drones.

Commercial drone flights are conducted by responsible operators that comply with strict safety regulations. As a general matter, a commercial drone flight does not pose a security risk by simply traversing the airspace above a "sensitive" location without remaining or hovering above or engaging in any other misconduct. As explained, Congress has directed the FAA to adopt a rule to address the risks certain drone flights may pose over critical infrastructure facilities.

Accordingly, the commercial drone industry respectfully requests that section 542.568 be removed in deference to the FAA's exclusive role in this area and the forthcoming FAA rule.

We are available to discuss our recommendations. Thank you for your consideration.

Respectfully submitted,

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