SMALL UAV COALITION
A Partnership for Safety & Innovation

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COMMERCIAL DRONE ALLIANCE

April 3, 2025

Honorable Brendan O. Crighton, Chair
Honorable Paul W. Mark, Vice Chair
Honorable Brian Murray, Vice Chair
Joint Transportation Committee

Honorable Bruce Ayers
Massachusetts State House

Re: MA HB 3618

Dear Senators Crighton and Mark, and Representatives Murray and Ayers:

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 Massachusetts receive the many benefits drone operations will bestow on individuals and businesses. We acknowledge the intent of HB 3618 to protect students and teachers from various nefarious uses of drones, but we do not believe commercial drone operators pose any such risk. Accordingly, we ask that this bill be revised in one respect.

The bill would prohibit the operation of a small drone within a vertical distance of 400 feet in a school zone without authorization of the school superintendent. Our member companies are responsible operators that fly in compliance with strict requirements imposed by the Federal Aviation Administration (FAA). A commercial drone flight over a school zone by a commercial drone operator, without remaining or hovering above or engaging in any misconduct, should not be subject to a fine. Commercial drone operators are required to be equipped with remote identification (akin to an electric license plate), allowing local officials to monitor overflights for any evidence of misconduct.

The drone industry is growing and the potential benefit to Massachusetts residents is significant. Any restriction on the routes commercial operators can fly could hinder the state's ability to take advantage of this emerging technology. Moreover, such restriction would likely run afoul of federal law. Section 40103 of Title 49, United States Code, provides that a citizen of the United States has a public right of transit through the navigable airspace. 14 C.F.R. Part 107 authorizes commercial operations of drones under several limitations, including the requirement to operate under 400 ft. above ground level (AGL). 49 U.S.C. 44807 allows for commercial package delivery and the operations of drones over 55 lbs. in the national airspace with federal government authorization.

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 aircraft operations. Although the federal government is the only authority over the national airspace, we understand the Commonwealth's legitimate interest in protecting its schools from misconduct from outsiders. Creating a narrow exemption for commercial drone operations that simply traverse the airspace over a school zone would not disserve that interest. Instead, such an exemption would help bring the manifest benefits of drone deliveries, inspections, and other uses to the residents of Massachusetts.

We thus suggest adding a new subsection (d):

> (d) This section does not apply to an unmanned aircraft system that traverses the airspace above the school zone without remaining or hovering above if the operation is authorized by Federal Aviation Administration rules, waivers, or exemptions and the operation is in compliance with such rules, waivers, or exemptions.

Thank you for your consideration of this recommendation. We are available to work with you on any similar revision to address the concerns in this letter.

Respectfully submitted,

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