



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

Fact Sheet

Pending Hawaii UAS Legislation

February 10, 2016

The FAA has exclusive jurisdiction over the navigable airspace and is solely responsible for safety regulations.

In December 2015, the FAA issued a [fact sheet](#) on state and local regulation of unmanned aircraft systems (UAS) that warns a “‘patchwork quilt’ of differing restrictions could severely limit the flexibility of FAA in controlling the airspace and flight patterns, and ensuring **safety** and an efficient air traffic flow.” According to the FAA, “a navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a **safe** and sound air transportation system.”

Many proposed laws, while good-intentioned, would be preempted by Federal law if adopted as currently written because they attempt to prohibit UAV operations in Federally-controlled airspace that are now and will be in the future subject to pervasive FAA regulations.

The current and forthcoming Federal regulatory framework is and will be sufficient to address many of the concerns underlying proposed state UAS laws.

An additional, as well as varying, layer of rules, no matter how well-intentioned, will serve only as a deterrent to an industry that has enormous potential to generate local revenues, create jobs, drive innovation, and reduce the risk of accidents, as well as produce substantial energy savings and environmental benefits. Conflicting or duplicative Federal and State laws and regulations are also a disservice to citizens and consumers who aim to operate within the confines of the law.

The Coalition does not object to State or local prohibitions on criminal behavior and therefore does not oppose the Peeping Tom provisions. The Coalition also does not object to prohibitions on interfering with first responders, provided they are not unduly broad or in conflict with FAA rules, policies, and exemptions. Bills that would prohibit the use of UAS to conduct “observation” without consent are so vague as to raise due process concerns.

FAA regulations prohibit the operation of an aircraft, including a UAS, in a careless or reckless manner. The FAA has sufficient enforcement authority and resources to take action against UAS operators and a person should not be subject to two enforcement schemes for the same conduct.