



January 24, 2025

Testimony in Opposition of House Bill 1428

Chairman Beltz and members of the House Agriculture Committee,

My name is Mason Sisk, and I serve as Director of Government Affairs at the Association for Uncrewed Vehicle Systems International (AUVSI). AUVSI is the world's largest nonprofit organization dedicated to the advancement of uncrewed systems, autonomy, and robotics. Our association represents leaders from more than 60 countries across industry, government, and academia in the defense, civil and commercial sectors.

Although we appreciate the bill sponsor's effort to exempt commercial operations, "reasonable commercial or agriculture purpose" is not clearly defined. The real issue that makes this bill unworkable is that attempts by the state to regulate the national airspace directly conflicts with established federal law which grants exclusive authority over the national airspace to the federal government.¹

This federal control of the airspace—delegated by Congress to the Federal Aviation Administration (FAA)—is a bedrock principle of aviation law that dates back well over 50 years and is one of the reasons that the United States maintains an aviation safety record that is the envy of the rest of the world. A federal court has affirmed the FAA's regulatory authority over the national airspace, finding for the plaintiff, and UAS operator, Michael Singer in *Singer v. City of Newton*². The court held that "aviation safety is an area of exclusive federal control," and "Congress has given the FAA responsibility of regulating the use of airspace for aircraft navigation and to protect individuals and property on the ground," along with the mandate to safely integrate UAS into the national airspace.

The role of the FAA is clearly defined as being responsible for developing plans and policies for the use of navigable airspace and assigning its use to ensure safety and efficiency³. Proposals such as HB 1428 have the potential to create a complicated patchwork of laws that may erode, rather than enhance, safety. To ensure uniformity and avoid a patchwork of state regulations, the statute establishes that citizens have a public right of transit through the navigable airspace⁴. Contradicting this statute also poses risks to the growth and innovation of U.S. drone operators.

¹ According to 49 U.S. [Code § 40103\(a\)\(1\)](#), "[The United States Government has exclusive sovereignty of airspace of the United States](#)"¹

² [Singer V. City of Newton - 2057-2064 Online.pdf](#)

³ [49 U.S. Code § 40103\(b\)\(1\)](#) – Sovereignty and use of airspace

⁴ [49 U.S. Code § 40103\(a\)\(2\)](#) – Public right of transit

In conclusion, HB 1428 is in direct conflict with federal law, which grants exclusive regulatory authority over the national airspace to the federal government. Allowing states to impose their own regulations would create a fragmented and inefficient airspace system, jeopardizing safety, efficiency, and national security. I urge you to reject this bill and uphold the established federal framework for airspace regulation. I'd also like to encourage every member of the assembly to use AUVSI as a resource. We'd be happy to answer any and all questions on this issue.

Respectfully,

Mason Sisk

Director, Government Affairs

Association for Uncrewed Vehicle Systems International