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**House Committee On Judiciary
Opposition to HB 3049**

Chair Barker, Vice-chairs Olson and Williamson, and members of the committee:

My name is Jon Linthwaite, I'm a disabled veteran and the owner of a small UAS based aerial imaging company. I'm writing to you to express my opposition to HB 3049. The small UAS market is a very young and not yet established industry. As an aircraft operator, I encounter on a regular bases a great deal of misconceptions and hostility toward our industry. There is a fundamental lack of knowledge towards the tasks we perform and our optical capabilities. If this bill were to become law it would make our operation virtually impossible and further perpetuate the pervasive environment of unfounded fears toward our industry. We oppose this bill for the following reasons.

First the FAA is the only agency with the statutory authority to regulate airspace in the prescribed manner of this bill. Federal courts have strictly scrutinized state and local regulation of overflight rules. Much like the laws that govern the flow of water across the land, the airspace above us is considered a public right of way. The FAA has released several fact sheets and information to assist governing authorities with understanding these rules.

Second, for a FAA licensed commercial operator this bill is virtually impossible to adhere to in any number of commonly performed imaging flight missions. The most common being real estate, construction, emergency response, artistic photography, tree & infrastructure inspections and other types of aerial surveying. When you are flying in the air it can be extremely difficult to determine where property boundaries lay. This is complicated by sometimes very tight maneuvering areas. Also, in many of these cases to safely take the appropriate photographs a pilot must have a degree of standoff from the target area which in urban environments necessitates operating over property boundaries. These types of missions often require lots of stationary hovering to safely operate and make specific adjustments to imaging devices to capture relevant data. Many citizens do not realize that the camera systems are not the same types used by the military. The affordable commonly used civilian camera systems do not necessarily have great resolutions or the ability to make the same type of camera adjustments found in ground based or manned aircraft systems. There is lots of hovering that takes place especially in windier days along with technical adjustments which could easily exceed many minutes of aerial loitering time.

Third, this bill unnecessarily targets a fledgling industry which could prove detrimental to its survival. The Pacific Northwest UAS industry is the fastest growing regions in the U.S. It is a job creating industry ranging from large enterprises like NASA, Garmin, FLIR, Insitu and Boeing to Silicon Valley startups and smaller entrepreneurial startups such as Odin Aerial. Oregon is already home to 3 FAA certified UAS test ranges. Oregon is being marketed as a friendly go to destination for UAS development It is an industry that will benefit everyone from rural farmers to urban developers if allowed to flourish. The small entrepreneurial UAS industry is just now gaining momentum with the release of part 107 and regulations such as these could be crushing and send the wrong message about Oregon's business environment even with Section 2 of this bill.

Fourth, despite the somewhat ambiguous language of Section 2 this bill is detrimental to FAA licensed operators and hobbyists. There is a federally recognized 1st Amendment right covered under the freedom of speech which is applicable here. Often professional pilots begin as amateurs and hobbyists flying and teaching themselves how to best operate the systems. Rules such as these would impinge on citizen's civil liberties, hobbyist's general recreational activities and the professional development of licensed operators.

Fifth, this bill is simply unnecessary. The industry has been working with the FAA, publishing best practices guidelines and internally self-correcting unprofessional behavior through reporting. The small UAS industry receives an inordinate amount of attention from the public and law enforcement already. Rules such as this would only increase the often-daily interactions with sometimes hostile citizens who sometimes are operating under extreme misconceptions and may result in more occurrences of firearms being discharged at aircraft which further increases the risk to public safety. Many pilots already operate under a heightened awareness of public scrutiny and endeavor to prevent these types of interactions through self-moderation.

In conclusion, I urge you to reject this bill and others which prematurely seeks to regulate what has not proven itself yet to be a risk to public safety and allow the industry to continue to work with the FAA to address these fears and risks in a more cooperative manner.

Sincerely,

Jon Linthwaite
President, Odin Aerial
FAA Certified sUAS Pilot & Certified Arborist/Horticulturist