



**AUVSI CASCADE CHAPTER**  
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Oregon House Committee On Emergency Management, General Government, and Veterans

Attn.: Representative Dacia Grayber,  
900 Court Jason St. NE  
Salem, Oregon 97301

**RE: Opposition to SB 812 - Allows local government to prohibit takeoff and landing of unmanned aircraft systems in parks owned by local government.**

Dear Members of the House Committee On Emergency Management, General Government, and Veterans:

Thank you for this opportunity to comment. We are reaching out today to express our opposition for SB 812. It is important that representatives from the public and private industry work together to foster the growth and regulation of this new industry, and the proposed amendment does not seem to have utilized this approach. As an organization that represents member companies who rely on this technology in Oregon and Washington, we oppose the proposed amendment to ORS 837 and would like to offer our expertise and guidance in moving forward with laws and rules that can negatively affect the industry and important educational programs.

The Cascade Chapter of the Association for Uncrewed Vehicle Systems International (AUVSI) is the largest chapter of the international association that represents the uncrewed aircraft systems (UAS, otherwise known as “drones”) industry in the states of Oregon and Washington.

Our chapter, composed of more than 400 industry leaders, represents a total impact of \$3 billion and 10,000 full-time and part-time jobs in the region we represent, according to a quick estimate prepared by Dr. David Laning, principal engineer and solutions architect at Insitu. We would appreciate more time to consider the proposed rules and provide additional input to aid the commission.

Moving forward, we hope that State Legislature and the AUVSI Cascade Chapter can establish meaningful communications for the future through the reestablishment of the UAS committee. In the short time we have had, we conducted an initial review of the proposed rule and have noted some serious concerns. We are eager to work constructively with you to improve this rule while allowing all the benefits this industry has to offer. We look forward to the opportunity to work with your staff to improve the current draft.

**On the following pages, you will find our specific concerns and suggestions that have emerged from our initial review.**

## **Data Driven Decision-making**

There is no data to support the movement of this Senate Bill. In looking at the raw data from the testimony provided in the Senate committee, of the 39 people who submitted written testimony, only three were in support of SB 812 (In reading all of the testimony). One submittal was neutral specifically stating, " [SB 812] is an "incomplete" document." All of the other submitted testimony was in opposition. The chief petitioner was a lobbyist from the League of Oregon Cities, however, not one single city sent in a letter of support or described the events and measures taken prior to asking for a change to ORS. Currently, there is no statewide effort to centralize data from UAS accidents, injuries or other challenges. Oregon Department of Aviation by ORS only requires public safety and colleges to report accidents. Without the data to support an additional law, this seems like an uncoordinated reaction.

## **Educational Programs Negatively Affected**

Our state is focused on Diversity, Equity and Inclusion. This is part of volunteer applications and questions asked in interviews and grant applications. Furthermore, awareness is also being highlighted on underrepresented populations. If SB 812 is passed, it would clearly affect these core Oregon values. Science Technology Engineering and Math (STEM) educational projects are occurring all over the state. In many cases, they are occurring in underrepresented communities. How are we going to excite our youth, encourage Equity and Inclusion if parks are indiscriminately closed to UAS uses? Preventing this type of development can hurt opportunities. In this next schoolyear, funding for such a program is being supported by the Department of Education, sponsored by Senator Merkley for Workforce Development and STEM education. If this rule were to go into effect, this could negatively affect this program.

## **Limits Recreational Flying Opportunities**

Beyond education, many people enjoy flying drones and model airplanes -- both identified as UAS -- purely as a recreational pursuit. It's a wholesome, safe and educational activity which can pave the way for a career in aviation at a time when there is a strong demand for pilots, aircraft maintainers and other aviation professionals. Even outside the confines of a formal educational program, recreational flying can inspire young people to take an interest in this vital and growing sector of our economy. Allowing local governments to foreclose these opportunities would hinder both the enjoyment, and the inspiration, of all Oregonians.

## **Emergencies During Flight**

As SB 812 is proposed, if a No Take Off and Landing is established in a park, an aircraft experiencing an emergency would be subject to a fine. In aviation, there is little time to make a decision. ADM or Aeronautical Decision Making is a hallmark of pilot training. When an emergency occurs, a pilot is forced to make time sensitive decisions on where to land to protect the aircraft and the public. In some cases, landing in a park may be the safest place to land. This is no different than a private pilot landing on a golf course, highway or parking lot. Private pilots are rarely cited or fined when these actions are taken as a result of an emergency. SB 812 would not be as sympathetic and would be enforced by non-aviation credentialed authorities. Only the FAA should be allowed to determine the validity of an inflight emergency and actions taken. They are the only lawful authority that can regulate what happens in the National Airspace. Therefore, this reason alone should eliminate the continuation of this bill.

## **2021 SB 109 Failure**

In 2021, SB 109 was passed requiring the Oregon Parks and Recreation District to create rules to establish no take-off and landing areas in parks. As of this date, no rules have been created or established. The reason for this is simple. It is a very complex and complicated issue. How will users know where they can and cannot fly? Who is going to enforce this? What determines what park will have no take off and landing areas? At one of the last hearings, our association proposed language to the attorney representing OPRD. We discussed some of the restrictions and its effect on government operations. Most of this is due to a lack of understanding about UAS uses.

## **Abdication Of Authority**

Currently, the State of Oregon is responsible for all rulemaking for UAS. For the time being, this needs to stay this way. The complexities surrounding UAS (Benefits, Research, Education, Inspections, Emergency Response) necessitates a measured approach that is thought out and deliberate. Abdicating this authority to city and county governments who may not have the special knowledge and background on UAS could negatively affect economic development and many other needed uses for these machines. The most important question at the moment is why would our elected leaders knowingly abdicate this authority when the state has not been able to be effective with their own rule making? We believe this would be detrimental, and we ask that this bill not be approved.

## **Unacceptable Restrictions For Government Users**

The proposed new rule does not exempt public safety agencies or all government users from its scope. What is the definition of an emergency? There is no consistency across the state as to what that actually means. Government uses of UAS do not always occur during an emergency. For example, fire investigation, crime scene documentation, accident reconstruction, training for Search and Rescue and many more. With the specialized sensors, some agencies are using UAS to detect water leaks or surveys for plant health, land management and forest research. There can be no dispute that there are times when only a drone, which designed to take off and land reasonably close to its mission area, can provide the required emergency service or data for our government agencies. Sometimes the services are provided by a private nonprofit, and from time to time the operators must engage in training take offs and landings to maximize their capability to do their work. We believe that any future rules include the language "Official government use of UAS, shall be exempt."

## **Destabilizing UAS Amendments**

SB 812 is one of four proposed legislative changes to ORS 837 this session. One in the Senate and three in the House. It is our belief that these proposed changes are not coordinated. This is evidenced by four different topics and changes to ORS 837. This lack of collaboration causes regulatory challenges and lack of true clarity for what the intended UAS laws were originally intended to cover. The lack of clarity and intent will have a significant impact on the UAS industry and could potentially affect future economic development in our state and innovation from the industry. This could create an untenable, destabilizing operations environment for recreational, professional, experimental, and public safety uses of UAS.



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## **A Patchwork Of Drone Rules And Laws**

If SB 812 becomes law, there is a strong likelihood that regulation, use and operability will become inconsistent from city to city, within Oregon's 292 cities, variable from county to county and within Oregon's 36 counties. This risks the creation of an untenable patchwork of regulation regarding appropriate sites for UAS operations take off and landings. Maintaining the FAA and the State of Oregon, as the sole authorities to regulate UAS operations promotes the public interest by maintaining a consistent body of law and regulations that must be consulted for operations. Another specific example of this is cautionary language from the US court of appeals, "Without uniform equipment specifications, takeoff and landing rules, and safety standards, it would be impossible to operate a national air transportation system (*Gustafson v. City of Lake Angeles*, 76 F.3d 778, 792-793 (6th Cir. 1996)(*Jones, N., concurring*)). If SB 812 were to become law, there is no mechanism for the state, counties, and cities to share information so that users in the National Airspace would know where they can or cannot fly. SB 812 does not promote collaboration by local government entities and the state to make this information known. The patchwork of laws simply be untenable for recreational, professional, experimental, and public safety uses for UAS. If there are to be any restrictions of UAS, it needs to be for a very specific reason and targeted location, not broadly applied. More information can be found in an FAA publication at this address [https://www.faa.gov/sites/faa.gov/files/uas/resources/policy\\_library/UAS\\_Fact\\_Sheet\\_Final.pdf](https://www.faa.gov/sites/faa.gov/files/uas/resources/policy_library/UAS_Fact_Sheet_Final.pdf)

## **Conclusion**

It is respectfully submitted that the proposed rule unnecessarily constrains important publicly beneficial uses of UAS technology without corresponding public benefits. AUVSI Cascade encourages this committee to reconvene the UAS Task Force to discuss concerns about the technology and reasonable solutions. However, eroding historic federal and state control over UAS operations is unwise. Thank you for your consideration.

Delivered for your consideration on behalf of the AUVSI Cascade Chapter Board of Directors.

Very Truly Yours,

Jeff Pricher  
Vice President, Cascade Chapter of AUVSI

CC: Scott Shtofman AUVSI (National)  
Cascade Chapter Board, AUVSI