



January 17, 2024

Submitted electronically to Leif Elder, leider@utah.gov; Becky Lewis, blewis@utah.gov; and James Godin, jamesjgodin@agutah.gov

Admin. Code Reference: R914-5, Filing ID: 56221
Division of Aeronautics, Utah Department of Transportation
Administrative Suite, 1st Floor, Calvin Rampton Building
4501 South 2700 West
Taylorsville, UT 84129

Re: Commercial Drone Alliance Comments to the Utah Notice of Proposed Rule on Advanced Air Mobility Aircraft Registration

To Whom it May Concern:

The Commercial Drone Alliance (CDA) appreciates the opportunity to respond to the Utah Department of Transportation's (UDOT) request for comment on its notice of proposed rule on Advanced Air Mobility Aircraft Registration (hereafter the "Proposed UAS Registration Rule").¹

The CDA is an independent non-profit organization led by key members of the commercial drone industry. The CDA actively participates in legislative, regulatory, and policy efforts to facilitate the safe and secure development and expansion of commercial drone operations. The CDA works with all levels of government to collaborate on policies for industry growth and seeks to educate the public on the safe and responsible use of commercial drones to achieve economic benefits and humanitarian gains, including the countless public benefits enabled by uncrewed aircraft systems. We bring together commercial drone end-users, manufacturers, service providers, advanced air mobility companies, drone security organizations, and vertical markets including oil and gas, precision agriculture, construction, security, communications technology, infrastructure, newsgathering, filmmaking, and more.²

As recognized just a few months ago by the Utah Division of Aeronautics, UAS and Advanced Air Mobility (AAM) technology have significant societal benefits, including for Utah.³ As described in the Utah report: "AAM presents clear and compelling economic and

¹Advanced Air Mobility Aircraft Registration, Utah Admin. Code Reference: R914-5, <https://adminrules.utah.gov/public/rule/R914-5/56221/Proposed%20Rules?searchText=undefined>.

²Learn more at www.commercialdronealliance.org.

³See [Advanced Air Mobility | UDOT \(utah.gov\)](https://www.udot.utah.gov/connect/employee-resources/uas/) available at <https://www.udot.utah.gov/connect/employee-resources/uas/>.

environmental benefits. Economic impact studies and industry operators project thousands of high paying jobs associated with vehicle manufacturing, maintenance and vertiport operations. In Utah, [UAS companies] hire[] FAA certificated drone pilots out of high school to help the students pay for college. Since electric aircraft do not produce any carbon emissions, Utahns will be able to move people, goods, and services without adding to air quality concerns.”⁴

The UAS and AAM industries look forward to bringing well-paying jobs, safety-enhancing aviation technologies, and sustainable transportation solutions to Utah. Unfortunately, UDOT’s Proposed UAS Registration Rule will have the opposite effect – it will deter these exciting industries from doing business in the state.

The CDA therefore respectfully urges UDOT to rescind the Proposed UAS Registration Rule in its current form. As presently drafted, the proposed rule creates economic disincentives for Utah’s emerging UAS and AAM industries and raises significant federal preemption questions.

1. The Proposed Rule Creates Economic Disincentives for Utah’s Emerging UAS and AAM Industries.

Given the significant safety, economic, sustainability and public health benefits of UAS and AAM technologies, Congress has tasked the federal government with efficient integration of civil UAS operations throughout the national airspace system (NAS).⁵ Across the country, the federal government, states, localities, tribes and industry are working together to bring the benefits of UAS and AAM technologies to the American people.

Unfortunately, implementation of the Proposed UAS Registration Rule threatens to disrupt this evolving regulatory regime and policy framework in the state of Utah.

The Federal Aviation Administration (FAA), which regulates the federal UAS registration process, currently imposes a \$5 registration fee per commercial drone, once every three years.⁶ Conversely, Utah’s proposed rule seeks to impose a \$15 registration fee per aircraft for UAS that weigh less than 55 pounds, and a \$100 registration fee per aircraft for UAS that weigh 55 pounds or more – not once every three years, but every year.

This additional operator fee will create numerous economic disincentives for Utah’s emerging UAS and AAM industries and greatly inhibit the vast benefits of these technologies from reaching the state’s constituents. It will also make Utah less welcoming to these technologies and companies involved in the space vis-à-vis other States. The deterrent effect of the proposed rule’s high registration fees is substantial.

2. The Proposed Rule Raises Significant Preemption Questions.

FAA’s intentionally modest ministerial fee for UAS registration was developed pursuant to Congress’ express direction to the FAA to safely and efficiently accelerate the integration of civil UAS into the NAS, including through establishing standards and requirements for UAS registration.⁷ If enacted, however, UDOT’s proposed rule will frustrate Congressional intent

⁴*Id.* at 1.

⁵Public Law 112-81, National Defense Authorization Act for Fiscal Year 2012.

⁶https://www.faa.gov/uas/getting_started/register_drone.

⁷49 U.S.C. § 44802; 14 C.F.R. Part 48 (Registration and Marking Requirements for Small Unmanned Aircraft).

around FAA-led UAS integration, inhibit reasonable access to the NAS by UAS operators, and interfere with the federal regulatory regime governing UAS registration. It therefore raises significant federal preemption questions. Any assertion that this proposed rule solely advances non-safety or efficiency objectives does not mitigate such preemption concerns given that these substantial and recurring registration fees—9x or 60x the amount that the FAA itself has imposed—will inevitably impair the reasonable use of the NAS by UAS operators in Utah.⁸

Accordingly, the CDA strongly recommends that the UDOT rescind the Proposed UAS Registration Rule in its current form. We would be happy to work with UDOT to help safely and responsibly attain the benefits of UAS and AAM in the State of Utah.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lisa Ellman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lisa Ellman
Executive Director
Commercial Drone Alliance

⁸See Updated Fact Sheet (2023) on State and Local Regulation of Unmanned Aircraft Systems (UAS), <https://www.faa.gov/sites/faa.gov/files/State-Local-Regulation-of-Unmanned-Aircraft-Systems-Fact-Sheet.pdf> (affirming that “state or local laws aimed at other objectives that impair the reasonable use by UAS of the airspace” are still subject to federal preemption).