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# Virginia Legislative Initiatives

Virginia Business Aviation Association (VABA)

Wednesday, Oct 17 | 12:15 PM to 1:00 PM

Presented by: Bob Lamond Jr



# Overview

- Virginia History with UAS
- Dillon Rule State
- 2106 Legislation
- Words Matter!



# Virginia UAS History

- Mid-Atlantic Aviation Partnership (MAAP) formed in 2013 as one of the FAA's original 6 test sites
  - Centered at Virginia Tech in Blacksburg with several focus areas:
    - Airworthiness Certification
    - Operations over people
    - BVLOS
    - UAS (secure) communications
- In 2018 MAAP was selected to participate in the UAS Integration Pilot Program (IPP)
  - IPP effort in Virginia will encompass hundreds of thousands of acres over 6 diverse counties
- It is critical for such a large scale program to avoid the “hodgepodge” of local regulations at county and city (and other government levels)



# Virginia is a Dillon Rule State

Several dozen US States follow the Dillon Rule

- Justice John Dillon, Iowa Supreme Court, 1899 – 1879
- Local government is a subdivision of state government
- Local government is strictly limited to those powers delegated to it by the state legislature
- Net effect is local laws and rules must align with state level code/statute



# 2016 Virginia Legislation

- VABA, and other aviation associations/interests set out in 2014 to insure Virginia's statutes reflected the importance of the UAS industry to the future of Virginia's business and economy
- Result was legislation that took effect July 1, 2016. Very simple, one sentence:
  - *No locality may regulate the use of a privately owned, unmanned aircraft system as defined by § 19.2-60.1 within its boundaries*
- Intent of this legislation was to insure that the focus on regulating UAS in Virginia was at the State level to provide a level playing field across VA and show that VA was aggressively pursuing UAS business
- No Hodgepodge!



## Words Matter

- Fairfax County Park Authority (FCPA) had a long standing park regulation prohibiting, amongst others, UAS from being operated while on any park property (note: they did not dispute they had no jurisdiction over the airspace above)
  - FCPA challenged the 2016 statute claiming they were not a “locality” as defined by Virginia Code, but rather a political subdivision
  - FCPA went to the Virginia AG for a ruling and there was a good chance the AG would rule in FCPA favor resulting in all the other “political subdivisions” in Virginia to make the same claim that the statute did not apply thereby creating that “hodgepodge”
  - By definition in VA code, a political subdivision is a subset of a locality
    - In other words, by substituting “political subdivision” for “locality” in the statute literally every possible governmental body in VA would be subject to the statute
- VABA and partner aviation organizations mobilized to amend the 2016 legislation
  - Note: Had to be done one way or the other as the 2016 legislation “sunset” in 2019



# Words Matter

(Continued)

- With strong backing from a good majority of both chambers, and in spite of “the Northern Virginia” contingent, we successfully amended the 2016 statute and deleted the sunset provision
- However, opening up the can of worms resulted in other issues, such as trespassing with a UAS, being attached to the Senate and House of Delegates bills; it became a take it or leave it situation so some additional language was in the final bill
  - *No **political subdivision** may regulate the use of a privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries. Nothing in this section shall permit a person to go or enter upon land owned by a political subdivision solely because he is in possession of an unmanned aircraft system if he would not otherwise be permitted entry upon such land.*
- A clear win for the UAS industry in Virginia
- It took a small group of dedicated volunteers, and many more at the ready to email, call and visit various legislators to win this victory



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