

Senator Markey Queries FAA about Local Authority to Test Counter-Drone Technology

Proliferation of drone technology increases security risks to aviation and critical infrastructure, requires new measures and authorities to protect public safety

Boston (March 9, 2020) – Senator Edward J. Markey (D-Mass.), Ranking Member of the Senate Commerce Subcommittee on Security, today sent a letter to the Federal Aviation Administration (FAA) requesting that the agency explain its position on state and local testing of counter-drone technology. The letter follows a [hearing](#) in the Security Subcommittee that explored the safety challenges of unmanned aerial systems (UAS), also known as drones. During this hearing, a representative of the FAA maintained that current federal law prevents state and local authorities from testing counter-drone technology, as well as some critical detection tools.

In recent years, the proliferation of drone technology has created increasing security risks. The mere sighting of a drone on an airport runway can lead to hours of disrupted travel, while a malicious or negligent actor could cause a drone to strike a plane or other critical infrastructure and produce catastrophic casualties.

“The FAA’s position on counter-UAS testing is concerning because state and local authorities are now on the front-lines of drone security and have an integral role to play in defending against threats posed by this emerging technology,” writes Senators Markey in his letter to FAA Administrator Stephen Dickson. **“Consequently, state and local authorities must be able to test counter-UAS technology alongside the FAA or we will likely face delays in the technology’s implementation, thus preventing public safety officials from being able to better protect their communities.”**

A copy of the letter can be found [HERE](#).

Senator Markey requested that the FAA clarify its position on counter-drone testing and answer questions including:

- In the FAA’s view, how do various federal laws potentially conflict with state and local authority to test drone detection and mitigation technologies in coordination with the FAA?
- Does the FAA believe that statutory changes are needed to permit counter-drone technology testing by state and local authorities, or can it make such changes through the regulatory process?
- If the FAA has the regulatory authority to permit counter-drone testing, will it make these changes?
- Does the FAA plan to test state and local law enforcement’s time, place, and manner limitations on drones?

In December 2019, Senator Markey sent a [letter](#) to the FAA urging the agency to select Boston's Logan International Airport as a test site for its *Airport Hazard Mitigation Program*, a pilot program for deploying counter-drone technology to protect airports and airplanes from drone threats. Senator Markey has long [fought](#) for new privacy rules to protect citizens from the risk of drone surveillance, including by [introducing](#) the *Drone Aircraft Privacy and Transparency Act* in the past three Congresses. Several provisions from this legislation were [included](#) in the *FAA Reauthorization Act of 2018*.