



August 12, 2019

The Honorable Elaine Chao
Secretary, U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Honorable Stephen Dickson
Administrator, Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Re: Regulatory Roadmap and Certainty for Large Unmanned Aircraft Systems ("UAS")

Dear Secretary Chao and Administrator Dickson:

The Commercial Drone Alliance ("the Alliance")¹ would like to congratulate Administrator Dickson on his confirmation as FAA Administrator. The Alliance looks forward to working with both of you as we seek to move the commercial drone industry forward safely and securely.

As you determine next steps on critical aviation policy initiatives here in the United States, the Alliance respectfully requests that the FAA expedite its regulatory roadmap and provide regulatory certainty for certification and other critically important processes and gating items for large UAS.² This is an issue of utmost importance for many of our members, as well as numerous other organizations and businesses, that want to use large UAS in order to realize the significant benefits that operations with large UAS can, and will, provide to industry and the public.

¹ The Alliance is an independent 501c6 non-profit organization led by key members of the commercial drone industry. See <https://www.commercialdronealliance.org/> for information about the Alliance's membership.

² In this context, a "large unmanned aircraft" ("LUA") is an unmanned aircraft weighing 55 lbs. or more on take-off, including everything that is on board or otherwise attached to the aircraft, and "large UAS" refers to an LUA and its associated elements that are required for the safe and efficient operation of the LUA in the national airspace system.

The Alliance is appreciative of the federal government’s efforts to integrate small UAS into the national airspace system (“NAS”). Like small UAS, large UAS have tremendous potential to conduct operations safely and economically with significant public benefits – from agricultural operations to natural disaster assessments, to public safety activities and commercial delivery, to passenger transportation and much more. However, for large UAS operations to develop and be viable and scalable, the FAA must expeditiously establish a clear regulatory roadmap and provide regulatory certainty for large UAS and their operations. The current regulatory structure (e.g., type design and airworthiness processes for manned aircraft, the exemption process under 49 U.S.C. § 44807, and current spectrum-related regulatory processes) does not provide either certainty or clarity.

The FAA’s UAS Roadmap notes that non-segregated operations (*i.e.*, “restricted UAS operation[s] to coexist in controlled airspace with manned aircraft”, including “UAS operations with large, properly equipped UAS at varying altitudes and on instrument flight rules flight plans”), among others, are part of its regulatory integration path.³ And, the FAA Reauthorization Act of 2018 expressed the sense of Congress that UAS operations beyond visual line of sight, at night, and over people had tremendous potential and that the integration of UAS safely into the NAS should remain a “top priority” of the FAA.⁴ These laudable goals are suffering due to a lack of communication with industry about what is necessary for regulatory approval for large UAS.

If the FAA does not act expeditiously in these areas with respect to large UAS, the consequences will be dire and far-reaching for this fast-evolving industry. First, the large UAS segment of the broader UAS industry in the United States will stagnate as companies in this area refrain from ongoing development and substantial investment here. Companies are ready and willing to invest significant sums of money to develop, test, certify, and operate large UAS in the United States. However, many companies are unwilling to commit the human, technical, and financial resources necessary to fund large UAS initiatives without a clear regulatory roadmap and certainty with respect to certification and other critically important processes for large UAS. Why invest these significant resources if there is no regulatory regime in place with clearly delineated processes, established timelines for applications and approvals, and established rules for expanded operations with large UAS that these innovative companies can have confidence in and rely on?

Second, if the FAA does not move quickly to integrate large UAS, organizations and businesses seeking to develop and use large UAS will move overseas to countries that offer more regulatory flexibility and are more receptive to such operations. This was precisely the experience early on with small UAS in the United States, when companies took their development and operations to other countries until a basic regulatory framework was in place here for small UAS. As a result, we worry that the United States will jeopardize its global leadership position for UAS generally. The FAA has long been a global leader in aviation safety and certification. However, to maintain that position, it must remain pro-active, flexible, communicative, and nimble in terms of large UAS operations.

³ *Integration of Civil UAS in the NAS Roadmap*, FAA, July 2018 (Second Edition), at 35-36.

⁴ Section 370.

Finally, the American public and businesses in the United States will not be able to enjoy the compelling and significant benefits of large UAS operations.

The Alliance recognizes and appreciates that the FAA's principal UAS regulatory efforts to date have focused on small UAS. *See, e.g.*, 14 C.F.R. Part 107. The pending NPRM for expanded operations at night and over people does as well. *See* 84 Fed. Reg. 3856 (February 13, 2019), "Operation of Small Unmanned Aircraft Systems Over People." However, weight alone is not a reliable predictor of safety and risk, particularly when considering the safety of a fully equipped, certificated, and cooperative large UAS. The FAA should not forget about, or otherwise impede the development of, large UAS.

This request does not detract from the FAA's ongoing small UAS efforts. On the contrary, it complements those efforts by seeking a clear roadmap with an expedited timeframe and regulatory certainty for large UAS so that such operations can likewise become a reality with the resulting significant public benefits.

Sincerely,



www.commercialdronealliance.org

For more information, contact:

A handwritten signature in blue ink that reads "Lisa Ellman".

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