



**SMALL UAV
COALITION**
*A Partnership for
Safety & Innovation*

May 19, 2020

Honorable Elaine Chao
Secretary of Transportation
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Honorable Steve Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

Re: Unmanned Aircraft System Assistance in Responding to Coronavirus Outbreak:
delivery of medicines, medical supplies, food and staples; online remote pilot
aeronautical knowledge testing

Dear Secretary Chao and Administrator Dickson,

On March 4, 2020, the Small UAV Coalition¹ wrote urging you to use any existing authority to facilitate the use of unmanned aircraft systems (UAS) to assist in the response to the coronavirus (also known as COVID-19) outbreak in the United States. In the weeks since our letter, COVID-19 has been labeled a pandemic, resulted in over 90,000 deaths in the United States, and convulsed the American economy through Federal and State measures to shut down businesses and keep individuals at home. With the ability to provide medicines, medical supplies, and testing kits, as well as food and other staples – while eliminating or minimizing human contact – UAS are more critical than ever to help Americans through this and future crises.

Delivery of medicines, medical supplies, and food and other necessities

In our previous letter, we noted that UAS have been used throughout the world to deliver blood, organs, and medical supplies, and that waivers and exemptions should be granted as necessary to expedite the delivery of needed medicines, medical supplies, and testing kits in the United States. We are encouraged by reports that the FAA is working with several companies to approve such operations, with some waivers having been granted recently and more in the process. Now more than ever, it is critical to link consumers and patients with healthcare providers and critical suppliers with as little human contact as possible. Drones offer that solution.

¹ Members of the Small UAV Coalition are listed at www.smalluavcoalition.org.

We reiterate our request that the FAA use the Administrator's statutory exemption authority in 49 U.S.C. 44701(f) to waive the prohibition on commercial UAS package delivery operations beyond the visual line of sight (BVLOS) of the remote pilot in 14 C.F.R. 107.205(c). While drone operators have stepped forward to provide humanitarian support without payment, the FAA's longstanding, broad reading of the concept of "compensation or hire" suggests that such BVLOS operations and operations over people may not be permitted under Part 107.

Further, given the social distancing guidelines that may be in place for quite some time, the whole-of-government approach to combatting the spread of COVID-19 should promote UAS food and package delivery as a safe and healthy substitute for traveling to a retail establishment.

Given the scope and depth of this national health and economic crisis, we reiterate our request that the FAA waive the commercial package delivery prohibition during this time, and grant waivers and exemptions to applicants that satisfy the safety conditions and limitations the FAA includes in such authorizations. At a minimum, it should allow humanitarian operations notwithstanding subsection 107.205(c).

Online remote pilot aeronautical knowledge testing

The Coalition applauds the FAA's final rule issued April 29 that, in part, allows holders of a Part 107 remote pilot certificate with small UAS rating to meet the recurrent aeronautical knowledge *testing* requirement in 14 C.F.R. 107.65(b) through completion of an online *training* course. In the preamble to that final rule, the FAA recognizes that "[e]ven if open, some knowledge testing centers may introduce airmen to risks of exposure to COVID-19." Accepting online training will avoid the risk of personal contact that UAS remote pilots and test administrators would inevitably face in traveling to a test center for in-person testing. It is especially critical during these difficult times that we do not sideline remote pilots who rely on their certificates for employment because they are not able to renew their certification.

The Coalition agrees with the FAA that this is temporary relief, and a test will need to be taken after six months. Social distancing protocols may still exist after this time, in varying degrees, and stay-at-home directives could resume if the pandemic were to recur after it initially recedes. So the Coalition urges the FAA to transition to online testing, not only to meet the recurrent testing requirement in 107.65(b) but also the initial testing requirement in subsection (a).²

The technology to allow online testing, at scale, exists now. The FAA is currently developing online testing for recreational UAS operators, as required by section 349 of the FAA Reauthorization Act of 2018. The programs and protocols developed for recreational UAS operators can and should be adapted to commercial UAS remote pilots.

² The FAA is proposing to accept recurrent training in lieu of taking a test for Part 107 remote pilots in the Notice of Proposed Rulemaking for Operation of Small Unmanned Aircraft Systems Over People, 84 Fed. Reg. 3856 (Feb. 13, 2019), and the Coalition supports that reform. However, it is uncertain when a final rule will be issued, and the FAA has not proposed any change in the initial testing requirement in 14 C.F.R. 107.65(a).

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In the preamble to the Part 107 final rule, in response to calls from the Small UAV Coalition and others to allow online testing, the FAA expressed its willingness to consider online testing:

The FAA acknowledges that technology in this area could evolve to address its concerns with online testing The FAA also notes that online testing would, if implemented, significantly reduce the costs incurred as a result of a person having to physically travel to a knowledge testing center. As such, the FAA will consider allowing the initial and recurrent knowledge tests to be taken online if an online system becomes available that allows a knowledge test to be administered securely (with controls in place to prevent cheating) and that allows the test taker to be positively identified without an in-person interview.

81 Fed. Reg. 42170 (June 28, 2016).

Secure online testing technology exists now. The Coalition urges the DOT and FAA to begin developing a plan and qualifying vendors to allow remote pilots to take the recurrent aeronautical knowledge test online. This process can be part of the effort to comply with Section 349's required online testing of recreational pilots or it can proceed in parallel. Both initiatives will promote public health and safety and encourage more operators to complete the required certifications by making the tests more accessible. With successful implementation of online testing for these purposes, we suggest that the FAA can subsequently extend online testing to the initial aeronautical knowledge test required in 14 C.F.R. 107.63(a).

As you and other leaders consider the whole-of-government approach to responding to this pandemic, the Coalition and its members are willing to assist in any manner to help develop and promote the use of UAS to combat the spread of this and future diseases. With a comprehensive, forward-looking approach, the United States can equip itself with both policies and technologies that will ensure we are prepared to leverage all existing tools at the first signs of crisis to immediately curb the spread of future outbreaks. The Coalition looks forward to continuing to work with you to support this endeavor.

Sincerely,



Gregory S. Walden
Aviation Counsel
Small UAV Coalition

Copy to:
Vice President Mike Pence
Chair, Coronavirus Task Force