

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.**

IN THE MATTER OF

Petition of Phoenix Air Unmanned, LLC for Exemption

Docket No. FAA-2020-0596

COMMENTS OF THE SMALL UAV COALITION

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January 21, 2021

Filed with www.regulations.gov

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The Small UAV Coalition (“Coalition”)¹ is pleased to provide comments in support of the petition by Phoenix Air Unmanned, LLC (“PAU”) for an exemption under 49 U.S.C. 44807 to operate the SwissDrone SDO50V2 unmanned aircraft system (“UAS”), weighing about 192 pounds, beyond the visual line of sight (“BVLOS”) of the pilot for the purpose of utility-power infrastructure inspection and patrolling. Section 2210 of the FAA Extension, Safety, and Security Act of 2016 Congress directed the FAA to grant exemptions to companies to authorize inspection of critical infrastructure. Congress recognized that using UAS to perform critical infrastructure inspection would enhance safety and significantly reduce environmental impacts vis-a-vis manned aircraft.

Members of the Small UAV Coalition support advancing regulatory and policy changes to permit UAS operations beyond visual line of sight (“BVLOS”), with varying degrees of autonomy, for commercial and other civil purposes, which includes operating a UAS over 55 lbs. Granting PAU’s petition will further this objective. The particular restricted operational environment -- operations are conducted only over property owned or controlled by the utility, and at least 100 feet laterally from people, vehicles, and structures -- permits BVLOS operations without risk to persons or structures on the ground.

PUA states that its UAS will be able to detect and avoid other aircraft in compliance with the ASTM F38 DAA Performance Standard, using “electronic observers,” meeting the intent of the see-and-avoid requirement in 14 C.F.R. 91.113. While the FAA has not yet adopted a DAA standard or rule, granting this requested exemption will provide the FAA data to inform such standard or rule. Considering that the UAS will operate below 400 feet Above Ground Level (“AGL”) over property owned and controlled by the utility, the Coalition supports this exemption to demonstrate the safety of obstacle-shielding and infrastructure-masking to meet the “well-clear” requirement in that section.

¹ Members of the Small UAV Coalition are listed on the Coalition’s website, www.smalluavcoalition.org.

With respect to the airworthiness of the UAS, the Coalition notes that PUA's UAS has received approvals from Transport Canada and FOCA, and has flown 3,500 miles for Xcel Energy under waivers granted to Xcel. While the Coalition defers to the FAA's evaluation of PUA's airworthiness showing in proprietary materials, the Coalition supports the use of durability and reliability testing to show the airworthiness of UAS for airworthiness certification under the special class provisions of Part 21. The tightly controlled operational environment provides an excellent opportunity for PUA to demonstrate the airworthiness of its UAS to the FAA.

PUA also seeks an exemption to use a Part 61 certificated private pilot instead of a Part 61 certificated commercial pilot. The Coalition believes the FAA's decision to allow Part 61 private pilots to operate under an exemption granted under Section 333 warrants an exemption under that statute that superseded section 333, 49 U.S.C. 44807. Accordingly, the Coalition supports this exemption request.

For the reasons stated above, the Coalition supports granting PUA's petition in full.

Respectfully submitted,



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January 21, 2021