



June 29, 2021

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

Re: UAS industry recommendations for section 2209 rulemaking

Dear Administrator Dickson,

The Small UAV Coalition (SUAVC), Commercial Drone Alliance (CDA), the Association for Unmanned Vehicle Systems International (AUVSI), and the Consumer Technology Association (CTA) join in urging the Federal Aviation Administration (FAA) to publish a proposed rule to establish a process to designate airspace above and around fixed-site critical infrastructure facilities. As you know, Congress initially required the FAA to set up such a process in section 2209 of the FAA Extension, Safety, and Security Act of 2016. In section 369 of the FAA Reauthorization Act of 2018, Congress mandated a rulemaking to implement section 2209. We support this rulemaking to protect critical infrastructure facilities from the risk that malicious, reckless, or unknowing UAS operations may pose, and also to ensure that it is the federal government -- not state or local governments -- that controls the national airspace. The delay in establishing a process to designate airspace has left a vacuum that invites state and local governments to enact restrictions on UAS operations above and near a variety of structures, including the types of facilities covered by section 2209.

We ask that the FAA implement section 2209 as Congress intended while also continuing to foster the integration of UAS operations into the national airspace, as Congress has also directed. We provide two recommendations for the FAA's section 2209 rulemaking to meet this latter objective.

First, the UAS industry would like to participate with stakeholders from other industries in the process of considering a specific application to designate airspace above and near critical infrastructure. Consultations for specific designations could be conducted before an application is submitted to the FAA or as part of a notice and comment process once a complete application is submitted. We hasten to note that, for most facilities, there will be no question as to whether the facility should be protected through airspace restrictions. The concern we may have in some cases will be over the contours, horizontal and vertical, of such restrictions, and the duration of such restrictions (i.e., during hours of operations or 24/7).

Second, we request that the section 2209 process the FAA establishes by rule include the ability of a UAS operator to obtain authorization to fly within or through airspace protected by a section 2209 designation, in a process similar to the successful and swift LAANC authorizations. Some critical infrastructure facilities may not warrant a categorical prohibition on UAS operations. Moreover, certain operations, such as Part 135 operations, could be conducted above and around critical infrastructure without posing any safety or security risk. We request that the FAA provide such authority, as it does now in permitting operations in prohibited or restricted airspace (see 14 CFR 107.45). The permitting process may include FAA consulting with the owner or operator of a facility with respect to the circumstances in which UAS operations may be authorized.

As the FAA prepares to publish its proposed rule, we ask to meet with the FAA to discuss the points raised in this letter and to provide any additional information the FAA may need to draft a balanced rule.

Thank you for your consideration.

Respectfully submitted,

Association of Unmanned Vehicle Systems International

Commercial Drone Alliance

Consumer Technology Association

Small UAV Coalition