

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

IN THE MATTER OF

Policy on the Definition of Aeronautical Activities

Docket No. FAA-2023-1739

COMMENTS OF THE SMALL UAV COALITION

**Gregory S. Walden
Dentons Global Advisors Government Relations LLC
1900 K Street NW
Washington, DC 20006
*Counsel to the Small UAV Coalition***

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The Small UAV Coalition¹ supports the FAA’s proposed redefinition of “aeronautical activities” to include unmanned aircraft systems (UAS or drone) operations. 88 Fed. Reg. 78448 (Nov. 15, 2023). Including drone operations in the concept of aeronautical activities follows logically from the fact that a drone operation is “an activity that involves, makes possible, or is required for the operation of an aircraft[,] or that contributes to or is required for the safety of such operations.” The FAA defines drones as aircraft. 14 C.F.R. 1.1. Drone operations and legacy aircraft operations should receive the same protections in 49 U.S.C. 47107(a)(1) against restrictions on access or unjust discrimination as well as unreasonable conditions, such as rates or terms.

The Coalition notes that the FAA is proposing to exclude model and recreational aircraft from the definition of aeronautical activities “for the purposes of airport access,” without providing a reason for such exclusion. 88 Fed. Reg. at 78449. Because model and recreational aircraft are considered “aircraft” (see 49 U.S.C. 44809) and thus they would fit the definition of aeronautical activities in the FAA’s policy, the FAA should explain its reasoning in support of excluding model and recreational aircraft.

As a general matter, the Coalition does not take issue with FAA’s qualifying statement that some types of drone operations “may affect the safety of existing airport facilities, airport operations, or the efficiency of the airspace. Consistent with and in support of the airport operator’s obligation not to introduce or permit unsafe conditions at the airport[,] the FAA uses its planning approval, safety review, and/or risk assessment processes to make a determination on (1) whether a particular activity can be safely accommodated at the airport and, if so, (2) the terms and conditions to mitigate risk to an acceptable level for that activity at the airport.” Many drone operations do not require an airfield and can utilize takeoff and landing areas outside of airport property. However,

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

depending on the size of the drone and its takeoff and landing profile, the use of an airport's runway and airfield may be needed or desired. In fact, airport tenants and operators have begun to use drones for security and safety inspections of the perimeter, buildings, and aircraft--inside hangers and outside on the tarmac. That use is expected to increase at a rapid rate. The Coalition believes that an airport sponsor's decision to prohibit or restrict commercial drone operations must be evaluated on the facts and that any such decision should be reviewed by the FAA in advance.

There are airfields at many commercial service airports that today accommodate a range of aeronautical activities, including scheduled and nonscheduled operations of transport category aircraft, business jets, general aviation prop and piston aircraft, and helicopters (as well as other activities listed in Appendix Z), with no reduction in safety or efficiency. In some cases, certain operations are conducted on different runways and/or taxiways, and out of separate terminals. Depending on the size and contour of an airport, drone operations that would benefit from the use of a runway can be conducted safely, which Air Traffic Control can handle efficiently with the mix of legacy aircraft.

Respectfully submitted,

/s/

Gregory S. Walden
Dentons Global Advisors Government Relations LLC
1900 K Street NW
Washington, DC 20006
gregory.walden@dentonsglobaladvisors.com
202-403-9904
Counsel to the Small UAV Coalition

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