



U.S. Department of Transportation  
Docket Operations  
1200 New Jersey Avenue, SE Room, W12-140  
Washington, DC 20590-0001

To Whom it May Concern,

The Experimental Aircraft Association (EAA) is the world leader in recreational aviation. With an international membership of more than 180,000 people in over 100 nations, EAA brings together pilots, aircraft builders, owners, and aviation enthusiasts who are dedicated to sharing *the Spirit of Aviation* by promoting the continued growth of aviation, the preservation of its history and a commitment to its future.

EAA is commenting on the FAA's proposed policy regarding operation and certification of small Unmanned Aircraft Systems (sUAS), contained in federal docket FAA-2015-0150 and published in the Federal Register as number 2015-03544.

EAA is grateful for the opportunity to comment on this proposed rulemaking, which allows for the safe integration of sUAS into the National Airspace System (NAS). As an organization that represents thousands of general aviation stakeholders, EAA is appreciative of the FAA's effort to ensure that the freedom of manned aircraft to safely operate and navigate within the NAS is not hindered by the integration of sUAS. Though we believe this is a good start to rulemaking, we also believe there are areas of improvement. Below are EAA's recommendations on how the FAA can expand upon and elaborate various aspects of the proposed rulemaking to further ensure that it will positively impact the safety of the NAS.

### **Operating Rules**

Manned aircraft should always have priority over sUAS in the NAS. EAA agrees with the FAA's prohibition of sUAS operation in Class A airspace and the requirement for ATC permission in Class B, C, D, and E airspace. Though Class G airspace is uncontrolled, the introduction of sUAS has the potential to increase the risk of collision with manned aircraft operations in that airspace. Operators of sUAS should be cognizant of manned air traffic in whatever airspace they are operating. EAA recommends that sUAS operators notify public-use Class G airports if they are operating within 5 statute miles of the airport.

Model aircraft operators should be considered operating under the provisions of Public Law 112-95, section 336 when they notify airport management and air traffic control (when air traffic control is present on the field) if operating model aircraft within 5 statute miles of a public-use airport. EAA also stresses that this is a notification requirement, not an approval process. Model aircraft operators conducting one-time operations within 5 statute miles of a public-use airport should notify the aforementioned airport authorities before conducting that operation. Model

aircraft operations that occur on a regular basis should be required to notify the aforementioned airport authorities annually.

EAA also recommends the FAA clearly define flying model aircraft for compensation or hire as they have applied it to the manned aircraft airshow industry. Factory pilots, sponsored pilots, and other pilots flying for indirect compensation, such as yearly sponsorship for promotional purposes, should not be considered as flying for compensation or hire.

EAA proposes that the FAA lower the operating ceiling of sUAS operations from 500 feet AGL to 400 feet AGL. This limitation is reflective of FAA Advisory Circular 91-57, which outlines standards for model aircraft operations. In the current rulemaking proposal, an accidental yet egregious excursion from altitude limits would drastically increase the possibility of a collision. An operating ceiling of 400 feet AGL would create 100 foot safety buffer for both manned aircraft and sUAS.

### **Equipment Requirements**

The integration of sUAS into the NAS should not create an additional requirement for position source and/or navigational equipment on manned aircraft. EAA has made significant strides with the FAA regarding their “Equip 2020” ADS-B Out mandate. This cooperative effort between EAA and FAA has recently allowed new and affordable options for FAA-compliant ADS-B equipment to be introduced into the marketplace. The introduction of sUAS does not justify further equipment requirements for GA aircraft. EAA stresses the importance of maintaining the current timeline and requirements for ADS-B equipment.

The proposed rulemaking recognizes the potential of operators to lose positive control of their sUAS. Though the FAA believes that the provisions within the proposed rulemaking negate the need for an onboard termination of flight system, EAA believes such a system would be advantageous to the safety of the NAS. The nature of the term “loss of positive control” suggests that the speed, visibility, and vertical/lateral limits of operation in the proposed rulemaking may not be adequate in containing an sUAS in the event of such a scenario. The termination of flight system should not be reliant upon any external data downlink (i.e. GPS), but should simply allow the sUAS to safely terminate the flight if the connection with the operator has been lost.

### **Enforcement Action**

EAA wishes to ensure that the proposed rulemaking does not give the FAA wide authority to enforce violations of sUAS operating rules upon multiple FAA-issued certificates. These rules should be enforced with the presumption that action taken against an sUAS operator certificate would not affect other FAA certificates that the operator may hold. Operation under an sUAS certificate does not necessarily affect fitness to exercise the privileges of other FAA certificates held by the operator. This same concept should apply to model aircraft operators who also hold FAA certificates.

It will be the responsibility of the FAA to determine if a violation under an sUAS operator certificate reflects upon the necessary skills to operate under other FAA certificates.

Furthermore, the FAA should continue to recognize the pilot's right to due process during certificate action in accordance with the Pilot's Bill of Rights.

### **Conclusion**

With the above considerations, EAA believes this is a positive start to rulemaking regarding sUAS operation. The introduction of sUAS into the NAS represents the evolution of aerospace technology and how it is used to connect people. EAA believes sUAS can open the door for new opportunities in aviation with their safe and responsible introduction to the NAS. We thank the FAA for recognizing the concerns of the general aviation community as they pertain to sUAS integration and hope the rulemaking continues to evolve to ensure the safe integration of sUAS.

Respectfully,

A handwritten signature in black ink, appearing to read "Sean Elliott". The signature is fluid and cursive, with a large initial "S" and "E".

Sean Elliott  
EAA Vice President, Advocacy and Safety