



U.S. Department of Transportation (DOT)
1200 New Jersey Avenue, SE
Room W12-140, West Building Ground Floor
Washington, DC 20590-0001

RE: Comments on Notice of Proposed Rulemaking for Remote Identification of Unmanned Aircraft Systems.

Dear Administrator Dickson,

Thank you for the opportunity to comment on the FAA's Notice of Proposed Rulemaking (NPRM) on Remote Identification (Remote ID) for Unmanned Aircraft Systems (UAS). As the leading policy voice for manufacturers, suppliers, and software developers of professional and personal drones, the Alliance for Drone Innovation (ADI) proudly supports policies that encourage the growth of the unmanned aircraft industry for personal, professional, educational, and governmental use. ADI members are the nation's industry leaders and corporate visionaries who are responsible for creating the vibrant drone ecosystem of today, and who will lead us to the future applications of tomorrow.

ADI Strongly Supports Remote ID, But Not This Approach

ADI is a staunch proponent of a Remote ID standard, as it will be fundamental to future regulations that further spur innovative applications of drone technology. When Congress first mandated that the FAA pursue a remote identification standard, we announced support for a framework that would make drone use accessible for all required users, while also promoting a safe, sound system for federal, state, and local entities to track and mitigate illicit use.¹ Regrettably, we believe the FAA's proposal, in its current form, would impose unreasonable burdens that will impede integration of UAS into the National Airspace System (NAS) and stifle the innovative potential of drone technology.

Drone technology is impacting 21st century society in profound ways; for example, in the aftermath of natural disasters, drone pilots are helping to identify damage caused by severe weather events,² public safety officials and search volunteers are increasingly relying on drones equipped with cameras to locate missing persons,³ and recreational users have used drones to spot sharks near beaches, prompting action to clear the water until the threat recedes.⁴ But this is only the beginning of the lifesaving potential of drones. With the proper policy in place, a safe, sensible approach to Remote ID can be the first step to a new frontier for this emerging U.S. industry.

¹ See: P.L. 115-254 § 376

² See: <https://www.bloomberg.com/news/articles/2018-09-15/drone-army-is-ready-to-swoop-in-for-florence-power-recovery>

³ See: <https://news.hamlethub.com/brewster/publicsafety/10203-putnam-county-sheriff-s-office-drones-assist-in-the-rescue-of-2-stranded-hikers>

⁴ See: <https://wsvn.com/news/local/dad-captures-drone-photo-of-shark-swimming-next-to-family-in-water/>



NPRM Creates Numerous Compliance Barriers

We agree with the FAA that compliance of Remote ID rules and regulations is a critical to ensuring the safety and soundness of drone technology in the NAS. Under the proposed rulemaking, however, we have concluded that stakeholders will face unnecessary burdens that would ultimately undermine compliance goals and stymie the growth of the drone industry as a whole.

For rural UAS pilots, for example, who have limited broadband or cellular coverage, the network-based requirements under the NPRM may require the operator to purchase a more expensive data plan to compensate for the lack of service needed for flights. We believe this is a barrier to access and would lead to compliance issues on behalf of users, thus undermining the overall purpose of Remote ID for UAS.

The burden on drone makers would also grow immensely. For manufacturers, a network-based approach will require companies to “reinvent the wheel” with respect to how their products are designed. Currently, a significant number of drones currently on the market safely operate with broadcast technology that allows the device to be tracked by airports, federal, state, and local entities to ensure the safety of the NAS — mitigating illicit operations, if necessary. Requiring drone manufacturers to fundamentally change the design of their products to adapt to a network-based approach would pose a considerable challenge for these companies, thus inflating the cost of manufacture and undermining future investment into UAS research, development, and use.

While ADI understands the merits of the FAA’s dual network and broadcast approach, our recommendation is to reconsider this provision for a more flexible requirement where users are not tied to one or the other. By allowing a choice between operating with a broadcast *or* network Remote ID that aligns with recommendations made by the FAA’s Aviation Rulemaking Committee’s (ARC) final report in 2017, the agency can help ensure robust compliance for Remote ID while mitigating needless compliance burdens.⁵

From the operator perspective, we believe that the proposed \$5 charge per aircraft for recreational UAS registration would also significantly undermine the goals and intention of Remote ID. The rulemaking assumes that pilots can easily handle extra costs and compliance fees, but the agency seems to underestimate the combined burden of a multi-month contract with passwords and payments for people considering whether to buy their first drone.

Finally, to achieve the goal of individually identifying all UAS, the FAA should allow users to enter each of their specific UAS serial numbers in their registration without paying extra fees for each one. Charging

⁵ See:

https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/UAS%20ID%20ARC%20Final%20Report%20with%20Appendices.pdf



additional fees contradicts the FAA's 2015 Registration Task Force recommendations and will lead to lower compliance and higher burdens for operators.⁶

NPRM Product Certification Approach is Too Burdensome

ADI believes that FAA's proposed product certification and auditing would cause a serious burden on both pilots and manufacturers. The rulemaking would essentially implement a ban on drones that do not comply with the statute, as well as a flight-restriction function when Remote ID does not perform as expected. Therefore, the rulemaking would discourage operators from using an add-on Remote ID module, building a customized kit, or retrofitting an older drone, because the resulting flight-ready UAS would have to be subject to a lengthy and burdensome certification process. The agency's rulemaking wrongly assumes that innovative products are inherently dangerous simply because they are noncompliant with the new requirements, while also assuming that operators are acting irresponsibly.

The FAA's approach would also create issues with international and indoor drone operations. For drone racers who compete internationally, the FAA's proposal would require the operator to have a separate drone to operate outside of the U.S. because locations abroad would not have a Remote ID UAS Service Supplier (USS), thus preventing takeoff despite being outside of the FAA's jurisdiction. We also take issue with the FAA's treatment of drones that are flown only indoors, as we feel they should not be grouped with those operating in the NAS.

To address these product certification burdens, as well as the issue of indoor and international operations, ADI encourages the FAA to require drone pilots to ensure compliance with Remote ID only at the time of operation. We also suggest that the agency require manufacturers to label their products as being capable of complying. Additionally, the FAA should randomly test products on the market for compliance rather than put manufacturers through a costly and disruptive auditing process. The costs, burdens, and challenges of the FAA's product "ban" and certification approach vastly outweigh the marginal and speculative benefits of heightened anticipated compliance.

NPRM Raises Serious Privacy Issues

The FAA's network-based proposal would create significant privacy concerns on behalf of drone operators. The FAA's requirement to provide the real-time location of the drone pilot could lead to increased harassment and potentially dangerous encounters with those who oppose drone technology, despite the law's definition of legal and responsible drone flight. To combat illicit actions against drone pilots who are operating lawfully, the FAA should confirm, reinforce, and publicize that interfering with the pilot of an aircraft is a crime. Specifically, we encourage the agency to create a UAS-specific provision that echoes existing statutes that prohibits interference with aircraft crewmembers.⁷

The proposed rulemaking also risks future litigation that would further delay the implementation of Remote ID. If the rulemaking were to go into effect as currently written, we believe it may conflict with

⁶ See: https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/UASRTFARC-102015.pdf

⁷ See: 14 CFR 91.11; 121.580; and 125.328.



existing privacy statutes pertaining to the wiretapping of citizens, as well as child data privacy.⁸ With digital privacy frameworks emerging in state legislatures and abroad — coupled with an active interest in the U.S. Congress to strengthen tech regulations — the proposed rulemaking should be adjusted in a way that does not hinder the development and adoption of a Remote ID standard.

NPRM Exceptions Are Too Limited

The FAA’s Recognized Identification Areas (FRIA) are a key facilitator of drone innovation in the U.S., as they allow for operators to test unique drone opportunities while building technical capabilities and pilot responsibility. Because of the broad range of UAS that already exist, and that will continue to be developed, a means to fly non-compliant equipment will remain essential to the cause of drone innovation. As such, ADI finds that the proposal to only allow Community Based Organizations (CBO) to propose FRIAs is too restrictive. The FAA should allow other entities – such as schools, teachers, professors, universities, cities, states, trade associations, etc. – to apply for a FRIA as well. The agency should also permit applications for temporary FRIAs and should remove the 12-month cutoff deadline for applications.

ADI also recommends that FAA allow any non-compliant aircraft to fly in a FRIA, rather than limiting those locations to “amateur built” UAS. We believe that the definition of “amateur built” is ambiguous and too restrictive, contemplating only that people who “fabricate” most of their UAS will qualify. Many products on the market are sold as kits, or are customized by drone innovators, but these seem not to be covered. Because a FRIA substitutes for the identification of any UAS operated there, it should not matter what type of UAS is being flown.

NPRM Implementation Timeline is Reasonable

ADI applauds the FAA for recognizing the need for an implementation phase-in period, as we firmly believe that the drone community needs adequate time to understand the final Remote ID requirements. Because of the large variety of drone technologies on the market and in development - as well as the uncertainty of what the final Remote ID requirements will be - it is critically important that operators and manufacturers have as much time as necessary to prepare and adapt for the final regulation. We have confidence that the three-phased approach outlined in the NPRM will help stakeholders implement performance-based standards, as well as to design products that comply appropriately.

Additionally, we would like to reiterate that allowing flexibility on network or broadcast-based remote tracking will help benefit both the agency, as well as the drone community, during this implementation period. Our proposed “either/or” approach to this will allow developers to focus their resources on a single pathway to compliance, while at the same time allowing for more education and awareness about the new rules of the airspace. ADI stands ready to partner with the FAA to help ensure that the drone

⁸ See: 50 U.S.C 1801 § 101; 15 U.S.C. § 6501



community is well educated and informed about the do's and don'ts of Remote ID once the final rule goes into effect.

Conclusion

ADI strongly supports the FAA's efforts to formulate a Remote ID standard, as this crucial regulation will be the key to ensuring the safety and soundness of the NAS, while also allowing drone technology to flourish. We, along with other stakeholders in the drone industry, share support for the need to understand where drones are in the NAS and how they are flying. However, ADI has outlined several serious concerns with the agency's approach in this proposed rulemaking, as we believe that they will undermine compliance goals and create unnecessary barriers in the product certification process. We also believe that the rulemaking's exceptions are too limited and are concerned that the approach the FAA is taking could raise serious privacy and safety issues on behalf of operators. ADI respectfully suggests the FAA consider our recommendations for the areas where we have requested different solutions than the NPRM offers. We thank you for your consideration of our comments and stand ready, at any time, to partner with the FAA and ensure compliance and success of Remote ID.

Best,

A handwritten signature in cursive script that reads "Jenny Rosenberg".

Jenny Rosenberg
Executive Director
Alliance for Drone Innovation