Manned Aviation Statement of Alignment Regarding Part 108

This document presents a unified statement from general aviation businesses and stakeholders outlining recommendations for ensuring the safe commercialization of drone technologies into the National Airspace System (NAS) through the FAA's Notice of Proposed Rulemaking (NPRM) for Normalizing Unmanned Aircraft Systems (UAS) for Beyond Visual Line of Sight (BVLOS) Operations ("Part 108").

As we scale and assert U.S. drone dominance[1], it is equally critical to maintain an existing aviation ecosystem that is the safest and most technologically advanced on the planet, recognizing the interests of existing airspace users. To further that mission, we highly suggest that FAA amend the proposed Part 108 rule in a way that mitigates safety gaps and ambiguities while also enhancing the existing operations that contribute greatly to the American way of life.

We are concerned the current rule as recommended by the FAA may contribute to unintended consequences for the NAS. We would be supportive of an additional NPRM being proposed as a supplement to the current proposal, taking into account the varied comments received by industry.

Right-of-Way (ROW) and Detect and Avoid (DAA) Requirements

The NPRM erroneously suggests that no manned aircraft operations can safely occur within 400 feet of a structure. **FAA must recognize the abundance of manned aircraft operating safely below 400 feet and near (within 50 ft of) infrastructure.**

The NPRM complicates ROW determinations and deviates from the maneuverability-based criteria in 91.113. **FAA must extend ROW to manned aircraft in all airspace, including shielded areas, requiring BVLOS drone operators to utilize DAA sufficient to avoid all manned aircraft, regardless of the airspace in which the operations occur. Making this change will allow FAA to simplify the proposed ROW rules, reducing the risk of mid-air collisions.**

The NPRM includes an inconsistent application of non-ADS-B based DAA requirements for BVLOS drones. Requiring non-ADS-B based DAA capabilities in Class B and C airspace, but removing the requirement in other airspace, could lead to unintended safety consequences. **FAA must extend the DAA requirement to BVLOS drones in all airspace.**

Electronic Conspicuity (EC) and ADS-B Requirements

The NPRM makes many references to EC and relies on this technology for DAA capabilities, but it fails to adequately define required specifications. Further, there is reasonable concern that the Part 108 final rule could be implemented before EC devices become widely available. **FAA must ensure the rapid**

[1] https://www.whitehouse.gov/presidential-actions/2025/06/unleashing-american-drone-dominance/

development and approval of EC devices, providing detailed specifications for acceptable EC solutions to vendors and allowing the devices to be tested, proven, and widely available—potentially as part of a phased approach—prior to ADS-B Out/EC playing a role in DAA compliance and traffic deconfliction.

The NPRM proposes that manned aircraft will need to equip with either ADS-B Out or EC in order to maintain ROW in all airspace. **We believe that manned aircraft must always maintain right of way over UAS.**

The NPRM does not explicitly state that BVLOS drones must have ADS-B In installed on-aircraft, despite its strong reliance on ADS-B and EC for DAA capabilities. **Due to low-altitude line-of-sight issues, FAA must require BVLOS drones to equip with ADS-B In onboard and integrate broadcast ADS-B data from other aircraft into traffic deconfliction systems.**

Airspace Access and Enforcement

The proposed rule lacks specific enforcement mechanisms for the 400-foot altitude limit for UAS and provides insufficient detail on Authorized Data Service Provider (ADSP) oversight and conflict-of-interest prevention. Additionally, the 100-foot buffer between 400-foot UAS operations and potential 500-foot manned aircraft operations is insufficient for safety, adverse weather, or emergencies. **FAA must establish robust ADSP auditing procedures with clear conflict-of-interest prohibitions and specific enforcement protocols for altitude violations.**

Data Transparency and Supporting Analysis

The NPRM was developed based upon a number of what FAA deemed "non-hazardous" determinations. **FAA should provide transparency and public access to comprehensive data on UAS operations and incidents that informed rule development. Additionally, FAA should provide an accessible database of authorized non-government based UAS BVLOS operations and operators for manned aircraft pilots to make informed flight path decisions.**

Clear educational materials distinguishing Part 107 and Part 108 requirements are also necessary. **FAA should consider how Part 108 concepts will be included in Airmen Certification Standards and provide guidance to current pilots.**

Other Considerations

- UAS Operations Supervisors, Flight Coordinators, and Maintenance Professionals: **FAA should require standardized licensing or certification of these personnel or identify a defined training standard with which all operators must adhere, to ensure a base level of knowledge and quality and to encourage trust within the pilot community.**

- Airport Definitions: **FAA must address the fact that the current airport definition (14 CFR § 1.1) creates challenges for geofencing around unlisted facilities, seaplane bases, and private airports. Additionally, an efficient reporting mechanism is needed for areas fitting the current airport 14 CFR §1.1 definition.**

- Regulatory Impact Assessment: **FAA should evaluate the NPRM in relation to existing regulatory burdens, not in isolation, as new BVLOS certificates will place a significant strain upon FAA personnel.**

Conclusion

The undersigned urge the FAA to address these critical safety concerns, ensuring that the integration of BVLOS operations prioritizes safety above all other considerations. We believe that further collaboration between FAA and industry stakeholders is crucial before finalizing this proposed rule.

Aircraft Owners and Pilots Association (AOPA)

Vertical Aviation International (VAI)

National Air Transportation Association (NATA)

Experimental Aircraft Association (EAA)

National Agricultural Aviation Association (NAAA)

Balloon Federation of America (BFA)

Alaska Airmen's Association (AAA)

United States Parachute Association (USPA)

Pilot Institute

United Aerial Firefighters Association (UAFA)