FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION PRIORITIES
BEYOND VISUAL LINE OF SIGHT (BVLOS)

Priority 1: Inclusion of the Increasing Competitiveness for American Drones Act of 2023 in its entirety (S. 307), which was introduced by Sens. Mark Warner (D-VA) and John Thune (R-SD) on February 7, 2023.

Priority 2: While working towards a final BVLOS rulemaking, direct the FAA to issue more immediate guidance, such as standard scenarios or pre-defined risk assessments, providing accelerated pathways to enable low-altitude operations under the current rules within 270 days of enactment. This would include standardizing the process for Part 135 waivers, including sections for which relief should be sought and the supporting information required from applicants, which would accommodate more complex operations into the National Airspace System (NAS).

Priority 3: Mandate quick production of Part 108 drone pilot rules covering varying levels of automation and training necessary, as included in the BVLOS report.

Priority 4: An extension of 49 USC 44807 authority, which includes additional clarity from Congress on how Congress intended this authority to work in the first place, and ensures that previous work and testing on 44807 and type certification by companies is incorporated into any new standard the FAA develops for airworthiness.

Overview and Problem

AUVSI has been intimately involved in the FAA’s BVLOS Aviation Rulemaking Committee (ARC) and its processes from day one. Our President and CEO, Brian Wynne, was a member of the ARC, as were many of our member companies. A BVLOS rulemaking will be transformative for the entire drone industry and will allow commercial UAS operations to scale to heights not yet seen before due to an inadequate regulatory environment. Currently, industry innovation is being stifled due to insufficient regulatory processes and bureaucratic challenges unrelated to safety to enable routine, longer-distance operations BVLOS.

AUVSI requests that Congress directs the FAA to finalize a rulemaking based on the BVLOS ARC Report by September 2023, consistent with Division L of the Joint Explanatory Statement to the FY 2022 Consolidated Appropriations Act. It is imperative that there is a clear timeline for expediting UAS BVLOS regulations and/or implementation and on the mandatory reports to Congress on progress. The FAA must also be held accountable and provide Congress and industry with a rationale for any delays. This must all be done while ensuring that BVLOS operations maintain high levels of air safety.

AUVSI is pleased that the FAA has granted numerous BVLOS waivers enabling low-altitude operations, including those shielded by structures and terrain, and that the FAA informed the Advanced Aviation Advisory Committee (AAAC) in February 2022 that the agency is exploring BVLOS standard scenarios and pre-defined risk assessments to streamline and standardize low-risk, high-value BVLOS approvals. AUVSI requests that Congress mandates the FAA to standardize the process for BVLOS waivers, as it will ensure safety, reduce demand on FAA review resources, and provide more certainty for regulated entities.
Therefore, while working on a final BVLOS rule, AUVSI requests that Congress directs the FAA to also issue more immediate guidance, such as standard scenarios or pre-defined risk assessments, providing accelerated pathways to enable low-altitude operations under the current rules within 270 days of enactment. Within that 270-day timeframe, AUVSI also requests that Congress push the FAA to standardize the process for Part 135 waivers, which would accommodate more complex operations UAS into the NAS.

Congress should instruct the FAA to permit aircraft with a 49 USC 44807 exemption that have logged a designated number of flight hours, to waive certain elements of type certification. Doing so will immediately unblock a significant number of safe UAS aircraft that have been stuck in an uncertain regulatory status. This will eliminate the “insanity” of current bifurcation of UAS certification and will promote a pathway to developing UAS-specific change management processes. At this time, the FAA has a bifurcated UAS certification processes between standard airworthiness certifications and Section 44807, which is intended to allow the FAA to quickly grant “special” airworthiness certifications for certain UAS. Unfortunately, this duplication of effort has not yielded its intended results and instead has created a significant backlog of aircraft stuck in “limbo” between Section 44807 exemptions and a standard airworthiness certification that is broken. While the FAA works on long term airworthiness solutions, our requests would provide continuity of operations and certainty to operators, including:

Extend Section 44807 authorities through the duration of the FAA Reauthorization Act of 2018, or until a new framework is implemented.

Clarify the intended full authorities of Section 44807. The current FAA reauthorization intended to provide a pathway to enable advanced operations that can be conducted safely, even when operations take place outside of an existing rule. However, the FAA has narrowly interpreted section 44807, and therefore, clarification and reinforcement of Congressional intent is necessary.

Ensure that previous work and testing on 44807 and type certification by companies is incorporated into this new standard the FAA develops for airworthiness. While it is anticipated that more efficient and effective frameworks will be implemented, the FAA should recognize past and ongoing efforts by UAS operators to act in accordance with previous guidance.