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July 31, 2024

The Honorable Pete Buttigieg  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, D.C. 20590

Re: Finalization of FAA regulations governing routine Beyond Visual Line of Sight (BVLOS) Operations for Unmanned Aircraft Systems

Dear Secretary Buttigieg,

This firm represents the News Media Coalition (“Coalition”), which consists of news media organizations with significant interest in the development of drone law and policy in the United States. We were encouraged by the statements yesterday of FAA Deputy Administrator Katie Thomson that the FAA plans to release by early 2025 a draft rule enabling routine beyond visual line of sight operations (“BVLOS”) for unmanned aircraft systems (“UAS” or “drones”). We write today to further encourage the FAA to promptly begin and conclude its BVLOS rulemaking proceeding.

For nearly ten years, the Coalition has worked cooperatively with the federal government toward the development of statutes, regulations, industry training, and professional best practices for the safe gathering of news by drones. More than three years ago, the Coalition joined the FAA’s BVLOS Advisory Rulemaking Committee (“BVLOS ARC”). Together, the members of the BVLOS ARC invested thousands of hours over the course of nearly a year discussing, studying and workshopping myriad questions and concerns about the BVLOS operation of drones in order to help inform the FAA’s rulemaking proceeding that will enable routine BVLOS operations of UAS.

The BVLOS ARC issued its final 569-page report in March 2022 proposing solutions ranging from airspace deconfliction to pilot training, and addressing First Amendment issues potentially implicated by certain proposals. If the FAA waits until early 2025 to release its

draft BVLOS rule, nearly two years will have passed since the BVLOS ARC issued that report.

On May 16, 2024, President Biden signed the FAA Reauthorization Act of 2024 into law, which will require that the FAA finalize its rules enabling routine BVLOS operations no later than January 16, 2025. The Coalition respectfully urges the FAA, in the public interest, to work expeditiously to finalize its BVLOS rules as soon as possible and ahead of that schedule.

Since passage in 2016, the FAA's Part 107 regulation has fostered significant innovation and growth in commercial and private unmanned aircraft systems. Drones today are powerful tools for safe and effective newsgathering, with enormous public benefit. Whether UAS are performing search and rescue missions, gathering and enhancing the public's access to information, or allowing farmers to be more efficient and environmentally friendly, society is only just beginning to realize the full potential of UAS. Time and again, the Coalition has seen how drones can be safely utilized to shed light on newsworthy events in a way, and on a scale, not previously thought possible. News organizations and journalists now use drones to cover natural disasters – including the recent Hurricane Beryl and the devastating fires in Lahaina, Hawaii – providing the world with access and perspectives that previously seemed prohibitively expensive or simply unavailable. These news stories not only serve journalists' audiences, but also fill a critical role in the emergency response system, allowing local law enforcement entities to enlist the help of journalists to provide vital, timely information to ensure public safety during crises.<sup>1</sup>

While waivers have enabled limited BVLOS operations, there is significant untapped potential that can only be realized with adoption of regulations that enable routine BVLOS operations. As this Coalition's work with the FAA over the past decade demonstrates, news organizations and journalists are dedicated to the safe and secure operation of drones, and in the years to come, they will no doubt devise innovative uses for drones that will result permit enhanced news reporting to inform the public, save lives, and share important news. An increasingly flexible regulatory framework that enables routine BVLOS operations can both enhance the safety and security of drones while encouraging further innovation in the journalism industry.

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<sup>1</sup> In fact, since 2018, radio and television broadcasters have been included within the definition "essential service providers," enabling them to have priority access to funding and resources through the Federal Emergency Management Agency during natural disasters in order to restore their services. *See* 42 U.S.C. § 5189(a)(1)(A)(i).

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The Coalition appreciates the continued efforts of the FAA to consider and address the many important issues raised by the operation of drones in our nation's airspace, and it urges the FAA to begin and conclude its BVLOS rulemaking proceeding without further delay.

Sincerely,



Charles D. Tobin, Ballard Spahr LLP  
Emmy Parsons, Ballard Spahr LLP  
Joel Roberson, Holland & Knight LLP

cc: The Hon. Michael Whitaker, Administrator, Federal Aviation Administration  
The Hon. Katie Thomson, Deputy Administrator, Federal Aviation Administration  
The Hon. Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security  
The Hon. Merrick B. Garland, Attorney General, U.S. Department of Justice  
The Hon. Jake Sullivan, National Security Advisor, Executive Office of the President

On behalf of the News Media Coalition

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American Broadcasting Companies, Inc.  
The Associated Press  
Capitol Broadcasting Co.  
Gannett Co., Inc.  
Getty Images (US), Inc.  
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