



Oregon

Tina Kotek, Governor

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October 3, 2025



The Honorable Bryan Bedford
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Ha Nguyen McNeill
Acting Administrator
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 2059

RE: Comments on Notice of Proposed Rulemaking – Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations (Docket No. FAA–2025–1908)

Dear Administrator Bedford and Acting Administrator McNeill:

On behalf of the Oregon Department of Aviation (ODAV), I appreciate the opportunity to share these comments to the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA) in response to the Request for Comments to the Notice of Proposed Rulemaking (NPRM) on Normalizing Unmanned Aircraft Systems (UAS) Beyond Visual Line of Sight (BVLOS) Operations (Docket No. FAA-2025-1908).

The Oregon Department of Aviation (ODAV) is a state agency, established in 1921, that manages Oregon's aviation system, including 28 state-owned airports, and supports 96 public-use airports. Its mission is to ensure a safe, efficient, and modern air transportation system by providing infrastructure, financial resources, expertise, and guidance on regulations and safety. ODAV also plays a leading role in integrating Unmanned Aircraft Systems (UAS), commonly known as drones, and developing Advanced Air Mobility (AAM) technologies.

The Director of the Department has a long history of working with the FAA including playing key roles in the FAA Remote ID Aviation Rulemaking Committee as well as the BVLOS Aviation Rulemaking Committee. He has worked with the FAA as a member of the FAA Advanced Aviation Advisory Committee and is one of the leads of the AAM Multi-state Collaborative as well as chairing the National Association of State Aviation Officials Emerging Aeronautics Committee. The Department's comments reflects cooperative efforts between states as well as private industry to ensure that we support the FAA's goal of safely and strategically advancing UAS integration into the National Airspace System (NAS). To achieve this, it is critical that the FAA adopt a risk-based and scalable regulatory framework that includes all operators, including those who are currently operating BVLOS.

The following comments are on behalf of the Oregon Department of Aviation in response to this NPRM. We fully support the comments that have been provided by the National

Oregon Department of Aviation's mission is to provide infrastructure, financial resources, and expertise to ensure a safe and efficient air transport system

Association of State Aviation Officials (NASAO), the American Association of State highway and Transportation Officials (AASHTO), as well as the Coalition of Commercial and Recreational UAS Operators.

First and foremost, the FAA must allow operations that currently occur under Part 107 and BVLOS waiver to continue, but to allow them to continue under rule rather than under waiver. These operations must be allowed without additional burdens as they have been shown through thousands of operations that they are safe and pose no additional risks to the NAS.

The proposed Part 108 framework introduces a significant regulatory gap between current BVLOS operations authorized under Part 107 waivers and the new structure envisioned under the NPRM. This gap has the potential to severely disrupt the ongoing operations of state departments of transportation and state aviation agencies, many of which have invested heavily in fleets of unmanned aircraft operating safely under waiver. As one concrete example, the Pennsylvania Department of Transportation has noted that it could lose the ability to utilize nearly \$500,000 worth of aircraft for missions it already conducts routinely under Part 107 authority.

Part 108, as currently written, appears to eliminate manual drone control and would require command-and-control links that operate outside FCC Part 15 environments. Nearly all of the aircraft currently in use by state and local agencies, as well as commercial operators, would be unable to comply with these requirements. For this reason, there is a compelling need to establish a streamlined, risk-appropriate regulatory pathway dedicated to low-risk, non-autonomous BVLOS operations.

Such a pathway could be structured in several ways: as a new subpart to Part 107, as a new stand-alone Part such as Part 109, or as a distinct subpart within Part 108 itself. Regardless of structure, the objective should be to preserve continuity with existing operations, avoid unnecessary disruption to public and private sector investments, and expand BVLOS access in a manner that is both safe and operationally efficient. This approach would mirror the FAA's past practice in other areas of drone regulation, such as operations over people and operations at night, which were initially authorized by waiver under Part 107 before being codified into regulation once a safety record had been established. Non-autonomous BVLOS operations already authorized by waiver have demonstrated this same proven safety record, and the FAA now has the opportunity to incorporate them into regulation through a structured, risk-based framework.

A regulatory pathway for low-risk BVLOS operations should remain anchored to the human-in-the-loop model. A certificated Remote Pilot in Command must retain ultimate authority and responsibility for the flight, ensuring accountability and continuity with the existing Part 107 framework. These operations could include extended visual line of sight, shielded operations, and low-altitude agricultural missions, all of which have well-understood risk profiles and can be conducted safely without the need for complex or costly automation and airworthiness

standards. Importantly, aircraft used in these missions should remain exempt from Part 108 Subpart G and H airworthiness requirements, as well as from Part 36 noise certification standards. These operations have already been conducted safely under waiver without such requirements, and imposing them now would add unnecessary cost and complexity without advancing safety.

In order to ensure proper training and oversight, the FAA should consider creating a BVLOS Non-Autonomous Rating as an add-on to the Part 107 certificate. This rating would provide pilots with additional training and testing in BVLOS-specific subject areas such as detect-and-avoid methods, shielded operations, radio communications, and contingency planning. The rating could be maintained through a renewal requirement every 24 months, using online FAA Safety Team courses to minimize burden while ensuring pilots remain current. A similar approach should be taken for heavier platforms exceeding 55 pounds, where the creation of a “Large UAS Rating” would establish an appropriate level of oversight without requiring operators to enter the far more complex autonomous framework of Part 108.

Operational standards should continue to align with the proven provisions of Part 107. Requirements regarding lighting, right-of-way, reckless operations, weather minimums, and ADS-B restrictions provide an established safety baseline that should be carried forward. Specific provisions for EVLOS, agricultural, and shielded operations should be defined to account for the unique risk profiles of these missions. For example, EVLOS operations could be conducted up to half a mile without a visual observer or detect-and-avoid system, and up to two miles with additional mitigations such as a trained observer or ground-based system. Agricultural operations should be recognized as uniquely low-risk due to their very low altitude and rural operating environment, while shielded operations can be conducted safely within the protection of natural or man-made obstacles. Each of these categories has already been validated by waiver and should now be codified to provide predictability and regulatory stability.

Finally, the FAA should resist imposing requirements that are disproportionate to the risk profile of these operations. Safety management systems modeled on airline operations, TSA threat assessments, expanded data reporting obligations, and mandatory UTM participation are unnecessary in this context. Such measures would create significant administrative and cost burdens for operators while providing little measurable increase in safety. Instead, operators should be required to maintain a company operations manual, adopt scaled cybersecurity policies where networked infrastructure is used, and otherwise continue to operate under the clear and effective standards already established under Part 107.

In conclusion, the FAA should adopt a parallel pathway for low-risk, non-autonomous BVLOS operations in conjunction with the Part 108 framework. Doing so would preserve continuity for current operators, expand safe access to the airspace, and ensure that the regulatory framework remains risk-based, scalable, and cost-effective. By building directly on the proven

safety record of Part 107, the FAA can achieve expanded BVLOS capabilities while avoiding unnecessary disruption and maintaining the trust of the public and the aviation community.

Additional Comments on Fully Autonomous BVLOS Operations, as Currently Proposed in Part 108 & Part 146

Active Aircraft (§108.105).

The NPRM's definition of "active aircraft" as UAS "actively being used in operations and listed on the operating permit application," combined with fixed caps in Subpart D, creates ambiguity and unnecessary burden. If "active" is interpreted to include all aircraft listed on a permit—rather than those airborne simultaneously—statewide programs with large fleets would face administrative burdens without any safety benefit. Grounded or reserve aircraft do not add operational risk and should not be counted toward fleet caps. In addition, the preamble's approach to defining an "operator" could roll multiple state agencies—and even political subdivisions—into a single enterprise count, effectively forcing states into certificated operations they are neither staffed nor funded to sustain. The FAA should either exempt state, local, and tribal entities from the active-aircraft cap for permitted operations or adopt the Part 107/108 "gap" solution that removes many public-sector missions from the permit/certificate structure altogether. At minimum, "active aircraft" should be defined as those airborne simultaneously, and a single Part 108 certificate should be able to authorize multiple categories of operation when the applicant demonstrates compliance for each, avoiding duplicative certifications for overlapping missions.

Support for §§107.10 and 108.15.

Codifying prohibitions on assault, threats, intimidation, or interference with UAS personnel fills a clear safety gap and aligns UAS with longstanding crewed-aviation protections. Clear federal standards will deter harassment, reduce distraction during active operations, and provide unambiguous bases for enforcement. Outreach will be important so the public understands these protections apply wherever UAS operations occur.

Heavy Operator Reporting (§§108.40 and 108.45).

As written, the breadth and cadence of reporting and recordkeeping for autonomous BVLOS are disproportionate to risk and will scale costs with flight volume rather than safety need. Small and emerging operators—and many public agencies—would be disadvantaged, while sensitive operational information could be exposed in ways that complicate public-safety and prosecutorial functions. The FAA's risk-based philosophy is better served by limiting mandatory reporting to incidents, anomalies, and safety-relevant performance data, with routine data retained by operators unless requested. A balanced model would mirror Canada's approach: operators report events to manufacturers, and manufacturers submit annual safety summaries, giving the FAA actionable trends rather than raw data dumps. NASA's ASRS can supplement this with confidential, field-sourced insights. ODAV does not support traffic-target reception and reporting mandates for operators; surveillance aggregation should rest with ADSPs under Part

146, which are better positioned to ingest and analyze such data, particularly in higher-risk airspace.

Registration (§108.115).

Requiring autonomous UAS registration under Part 47 is ill-suited to the scale of unmanned operations and would quickly exhaust available N-numbers. It would also trigger unintended state-level fees linked to N-numbers. Small UAS under Parts 107 and 108 should remain under Part 48, which is appropriately streamlined.

Manuals and Maintenance (§§108.130, 108.135, 108.720).

Because maintenance for UAS is anchored in manufacturer specifications, manufacturers should be required to provide operating and maintenance documentation—without fee—to owners for the aircraft’s service life. Emergency procedures should be explicitly listed and described, not merely processes for creating them, to improve operational readiness and safety.

Operating Location (§108.150).

Access restrictions suited to high-risk missions should not be universally applied. Many BVLOS missions occur from public property where government operators cannot fully restrict access, yet risk remains low. Provisions should be tailored to operational risk so essential public missions—such as emergency response or inspections—are not impeded. The FAA should also publish an Advisory Circular defining minimum “droneport” facility standards and clarify how such facilities will be treated relative to traditional aviation sites, recognizing that airspace is federal while land use, zoning, and access are state/local or private prerogatives.

Area of Operations (§108.165).

Requiring FAA review and approval for every operating area re-creates a waiver regime and is not scalable for statewide programs. The FAA should publish objective criteria for acceptable areas so compliant operators can self-authorize, supported by tiered risk-based areas such as pre-approved statewide corridors, self-authorization for shielded inspections, and automatic emergency relief. Operator coordination with state and local jurisdictions should be required when selecting alternate landing zones. Lessons from thousands of BVLOS waivers should be codified into transparent, repeatable criteria to replace case-by-case approvals.

Preflight Requirements (§108.170).

A performance-based approach to weather is appropriate given the lack of approved sources below 400 feet over much of the U.S. Operators should also consult relevant state or local authorities for ground-risk intelligence—such as hazardous-material storage and temporary obstructions—to complement population analyses.

Controlled Airspace (§108.180).

Mitigations should be performance-based and include ground-based DAA options, not solely onboard DAA, and should extend to Class D where air-risk remains elevated without universal

ADS-B out. A forward-looking framework should recognize radar, electronic sensors, passive acoustic/optical detection, and cooperative intent-sharing.

Population Density and Data (§108.185).

LandScan-only categorizations overstate risk for confined, well-controlled public-sector missions (construction sites, road segments, ports). The FAA should adopt a general ground-risk framework with LandScan as one acceptable means of compliance and allow authoritative local datasets when they better reflect conditions. A centralized, FAA-maintained population-density map—akin to LAANC facility maps—would standardize determinations and streamline preflight planning.

C2 Spectrum and Category 2 (§108.185; 47 CFR Part 15).

Mandating non-Part 15 licensed spectrum for Category 2 operations is unnecessary. Part 15 has proven reliable under Part 107, and most aircraft include fail-safe return-to-home functions that mitigate rare interference. Licensed or aviation-grade spectrum requirements should be reserved for higher-risk categories after operator assessment.

Right-of-Way and Operations Near Aircraft (§§108.195, 91.113).

Electronic conspicuity should be accelerated through approval of low-cost solutions and incentives for equipage. If right-of-way changes proceed, implementation should be delayed until EC devices are available and affordable. The FAA should also provide a pathway for ground-station licensing to transmit on CTAF at non-towered airports and consider procedural tools—such as NOTAM-like BVLOS advisories or ForeFlight notifications—to increase situational awareness. Clarification is needed on where right-of-way changes apply near aviation facilities, using consistent language across §§108.175 and 108.195 and potentially fixed, risk-appropriate radii informed by Part 77 surfaces. Focused FAA studies on low-altitude crewed behavior and ADS-B equipage would improve data-driven mitigations.

Remote Identification (§108.200).

If Remote ID will be relied upon for advisory separation, vendors should meet explicit requirements and submit test data supporting Declarations of Compliance; known nonconformities in the market underscore this need. Broadcast range should be no less than two to three statute miles to give roughly ninety seconds of warning to fast-moving aircraft.

Future Restrictions (§108.220).

Part 74 should be accelerated and explicitly include state, local, and tribal participation in designating restricted areas so local impacts are considered. Restrictions should be narrowly tailored to specific harms while preserving vetted, low-risk overflights that do not implicate national security.

Medical Conditions (§108.320).

Requiring airman medical certificates for flight coordinators would create barriers, particularly

in rural areas. The proposed “fit for duty” and training requirements are sufficient and consistent with Part 107; medical certification should not be required.

Duty and Rest (§108.330).

Monitoring and managing high-tempo autonomous systems is cognitively demanding. Duty and rest limits should reflect manned-aviation practices by capping flight time at eight hours within a ten-hour duty day, with exemptions for life-saving public-safety operations. This balances flexibility with fatigue risk management.

Civic Interest Operations (§108.455).

Public-sector missions sit awkwardly between Part 91 PAO and Part 108’s commercial focus. The proposed civic-interest construct appears to cover contractors, not government operators themselves, leaving state DOTs and other agencies without a practical pathway. A dedicated public-sector category—or a revised civic-interest definition—should explicitly include state and local agencies and provide flexibilities suited to repeatable, low-risk public missions. Expansion of shielded operations to roads, rights-of-way, ports, and active construction sites; appropriate standoff from heliports/vertiports; higher shielded altitudes in confined areas with a 7460-style review; pre-approved statewide corridors with emergency relief; “active aircraft” defined as aircraft airborne simultaneously; use of local datasets for confined-site risk; and higher coordinator-to-aircraft ratios for low-risk automated inspections are all practical elements that would make this workable.

Noise (§108.910).

Adopting the MOSAIC final-rule approach in 14 CFR Part 36 for noise is appropriate and has our support.

Automated Data Service Providers (Part 146).

We support a risk-based approach but note that “ADSP” is easily confused with “ADS-B.” More substantively, the proposed development and oversight model is outdated and risks a fragmented, slow-to-deploy UTM. Key functions such as strategic deconfliction and conformance monitoring should not be deferred to future guidance; rule text should elicit meaningful comment. Service Levels are vague; they should be clearly defined, with support to Part 108 certificates treated as at least Service Level 2 by default and accompanied by required test and verification data. Equal-access provisions are essential and should be paired with compliance mechanisms. Non-repudiation requirements must be reconciled with the reality that ADS-B is neither encrypted nor signed. Finally, the FAA should justify any mandate for UTM services across all airspace classes; international practice (e.g., Canada) shows that BVLOS can scale safely without immediate UTM mandates while services mature in parallel.

Advisory Circular 146-1.

Embedding new requirements in an AC sidesteps the notice-and-comment process. The contents of AC 146-1—especially Appendices A and B—should be folded into the rulemaking so they receive full statutory review and public input.

Access to Controlled Airspace (§107.41).

Revisions should not erode the streamlined access that LAANC currently provides. Maintaining LAANC, and allowing those intents to feed future UTM services, preserves safety and efficiency. Prior coordination with ATC above LAANC grid ceilings should remain available to accommodate legitimate needs while maintaining situational awareness.

TSA Authority.

Granting TSA open-ended authority to impose security requirements without notice-and-comment undermines transparency and predictability. Security measures should follow risk-based, public processes; limited security programs should not be imposed on low-risk operations or routine public-safety missions absent specific high-risk criteria tied to intended use and operating area.

Conclusion.

For autonomous BVLOS to scale safely and credibly, Part 108 should resolve definitional ambiguities, right-size reporting, preserve efficient airspace access, recognize state and local land-use authority, and provide a practical path for government operators. Part 146 should be clarified and strengthened with verifiable performance evidence, and related guidance must be incorporated into the rulemaking record. These adjustments will improve safety assurance, reduce unnecessary burden, and enable orderly growth of autonomous UAS operations in the national airspace.

Thank you for your time and consideration of ODAV's feedback on the FAA draft policy. I also encourage the FAA to carefully consider the input submitted by other individual states. Please do not hesitate to reach out if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'KS' or similar, with a stylized flourish at the end.

Kenji Sugahara
Director
Oregon Department of Aviation