

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.**

IN THE MATTER OF

Petition of BNSF Railway Company for Exemption

Docket Number: FAA-2016-0734

COMMENTS OF THE SMALL UAV COALITION

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The Small UAV Coalition¹ is pleased to provide its comments in support of BNSF Railway Company's ("BNSF") petition for exemption under 49 U.S.C. §44701(f) to permit BNSF to operate small unmanned aircraft systems ("sUAS") beyond the visual line of sight ("BVLOS") to inspect its rail infrastructure as part of the Federal Aviation Administration's ("FAA's") Pathfinder 3 Program and BNSF's Cooperative Research and Development Agreement ("CRDA") with the FAA.

Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of small UAVs in the near term, within and beyond the line of sight, with varying degrees of autonomy, for commercial, consumer, recreational and philanthropic purposes. We applaud the FAA for establishing its Pathfinder Program, and strongly support this program and similar research, development, and testing initiatives. The Coalition believes there are additional steps the FAA can take to broaden the authority to conduct commercial operations as part of the section 333 process as well as its general statutory exemption authority. In particular, the FAA has the authority and the discretion to grant the relief requested by BNSF in its petition.

The Coalition is pleased that the FAA is moving forward with BVLOS research and testing as part of its Pathfinder Program. The proposed BNSF operations, to be conducted largely over remote and rural areas, over land owned or controlled by BNSF, and in areas substantially elevated, fenced, or gated from public access, are ideally-suited to serve as the initial testing project for BVLOS operations, because of their much lower risk profile. BNSF explains that it

¹ Members of the Small UAV Coalition include AirMap, AGI, Amazon Prime Air, Botlink, Flirtey, Google[x] Project Wing, Intel, Kespry, PrecisionHawk, Strat-Aero, T-Mobile, Verifly, Verizon Ventures, and Zero Tech.


will conduct its BVLOS operations below 500 feet AGL, with proper notice to airports and/or Air Traffic Control and in compliance with any ATC direction, and with Notices to Airmen (“NOTAMs”) and other outreach to the aviation players in the environment.²

BNSF states that it will operate sUAS models that have received an airworthiness certificate in the restricted or experimental category, but also seeks authority (see note 4) to operate other sUAS models without an airworthiness certificate that have been approved for use in section 333 exemptions. The Coalition supports this request. Section 333 authorizes the FAA to permit operations using a UAS without an airworthiness certificate, and BNSF should enjoy the same authority in its Pathfinder R&D program, even for BVLOS operations.

BNSF has asked for exemptions with respect to commercial pilot certification, minimum altitude, and altimeter requirements. The FAA has granted thousands of section 333 exemptions from these regulations, and BNSF make a strong case to be granted the same relief.

We strongly support BNSF’s petition, because these BVLOS operations will help advance the FAA’s and industry’s knowledge and experience with sense- or detect-and-avoid technology, a necessary element for safe BVLOS operations in most operational environments, as well as in the operational ecosystem contemplated in a Unmanned Traffic Management (“UTM”) system.

Accordingly, the Small UAV Coalition strongly supports BNSF’s petition and recommends that it be granted.



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² BNSF also explains that it will initially conduct operations during daylight hours. The Coalition believes that BNSF should be permitted to conduct its BVLOS operations at night, provided that safety measures are implemented to address any additional risk over daylight operations.