

August 4, 2026

Federal Aviation Administration
ATTN: Michelle Ferritto, Office of Rulemaking
800 Independence Avenue SW
Washington, DC 20591

Submitted via Federal Register only

RE: Docket No. FAA-2026-4558; Comments of Vertical Aviation International on the Notice of Proposed Rulemaking on Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility

Dear Ms. Ferritto:

I. Introduction

Vertical Aviation International (VAI) respectfully submits these comments in response to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking regarding Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility (for purposes of these comments, the "NPRM").

VAI is the global trade association for the civil vertical aviation industry, with membership representing nearly 1,300 businesses and more than 19,000 professionals across 66 nations, including operators of helicopters, UAS, and next-generation vertical aircraft. Because VAI represents helicopter operators, UAS operators, manufacturers, emergency responders, infrastructure operators, and advanced air mobility stakeholders, our members regularly operate on all sides of the operational scenarios contemplated by this NPRM. VAI is dedicated to fueling the growth of the vertical aviation industry through safety, advocacy, and education so that communities around the world are strengthened by the power of vertical flight.

VAI supports the FAA's objective of protecting critical infrastructure, sensitive facilities, and the public from unsafe or unauthorized unmanned aircraft operations. We also recognize Congress' directive that the FAA establish a process through which certain fixed-site facilities may request unmanned aircraft flight restrictions (UAFRs).

However, VAI is concerned that the proposed framework does not adequately balance security objectives, operational practicality, and the continued safe

integration of unmanned aircraft systems (UAS) into the National Airspace System (NAS). As drafted, the proposal may impose substantial burdens on facility operators while providing limited practical security benefit, particularly where broad categories of operations are permitted access through a notification-based process.

Throughout this NPRM, FAA relies heavily on notification as a means of mitigating security and operational risks. However, notification alone does not ensure operational coordination, deconfliction, or meaningful security protection. VAI believes the final rule should place greater emphasis on coordination, situational awareness, and risk management rather than relying primarily on notice-based mechanisms.

VAI additionally encourages FAA to develop a comprehensive implementation and education strategy for both eligible fixed-site facilities and aviation stakeholders. The effectiveness of the proposed framework will depend heavily upon awareness and understanding by facility operators, UAS operators, pilots, manufacturers, and public agencies that may be affected by newly established UAFRs.

II. The Proposed Standard UAFR Structure Does Not Provide Meaningful Security Benefits

The NPRM proposes that facilities seeking a Standard UAFR submit extensive information regarding facility operations, security considerations, and justification for the requested restriction. This information is intended to support FAA's evaluation and would become part of the public regulatory process.

At the same time, the proposal allows numerous categories of UAS operations to access Standard UAFRs upon providing notice to the facility operator. FAA expressly states that operators meeting the applicable requirements may access a UAFR after providing notification and that facility operators have no authority to approve or deny access. Consequently, the practical effect of a Standard UAFR may be limited to providing situational awareness rather than restricting operations.

VAI questions whether many facilities will perceive sufficient benefit to justify the administrative burden, public disclosure obligations, and potential security risks associated with obtaining a Standard UAFR. FAA should further evaluate whether the proposed framework delivers meaningful protections commensurate with the effort required of applicants.

Rather than relying solely on notification-based access, FAA should consider a coordination-based framework that allows facilities and operators to establish mission-specific operating conditions, particularly where sensitive infrastructure, existing aviation operations, hazardous materials, or emergency response functions are present.

III. New Technology Mandates May Be More Burdensome Than Helpful

VAI represents a broad range of aircraft manufacturers, operators, and technology developers. As FAA considers implementation of Section 2209, the agency should avoid establishing direct or indirect technology mandates that could unnecessarily constrain innovation or create significant certification or compliance burdens.

In particular, VAI would oppose any requirement that manufacturers incorporate specific technologies, such as geofencing systems or similar automated restriction capabilities, as a prerequisite for operating near or within a UAFR. Such requirements would represent a substantial departure from the operational framework currently governing UAS operations and could have significant impacts on aircraft design, certification, maintenance, and lifecycle support.

If FAA determines additional protections are necessary within a UAFR, those protections should be addressed through operational requirements, coordination procedures, or operator responsibilities rather than aircraft design mandates. This approach preserves flexibility, promotes innovation, and avoids imposing technology requirements that may become obsolete as operational concepts evolve.

The agency should further ensure that any future technological considerations remain performance-based and technology-neutral rather than prescriptive.

IV. FAA Has Not Demonstrated That the Proposed Standard UAFR Framework Materially Improves Security Outcomes

VAI is concerned that the NPRM does not adequately demonstrate that the proposed Standard UAFR framework will meaningfully reduce the risks posed by malicious or unauthorized UAS activity. The NPRM appears to assume that unauthorized operators will self-identify by failing to comply with the notification requirements. However, individuals intending to conduct malicious activity may simply ignore both the notification process and the underlying UAFR restrictions, limiting the proposal's effectiveness as a security measure.

The proposed rule places substantial obligations on fixed-site facility operators seeking protection, including preparation of detailed applications, submission of potentially sensitive information, and ongoing administrative responsibilities. At the same time,

numerous categories of UAS operations may access Standard UAFRs through a notification-based process that does not require facility approval.

As a result, the NPRM raises a fundamental policy question: what security benefit is actually achieved by a Standard UAFR relative to existing authorities and operational practices?

The FAA repeatedly notes that the proposal would help distinguish authorized operators from unauthorized operators. However, VAI is concerned that the proposal primarily affects compliant operators while providing limited deterrence against genuinely malicious actors.

A bad actor intending to conduct surveillance, disruption, criminal activity, or an intentional attack is unlikely to be deterred by a requirement to avoid a designated UAFR or provide advance notification before entering one. By contrast, legitimate commercial operators, infrastructure inspectors, surveyors, photographers, utility operators, public safety agencies, and recreational users are likely to comply with the rule's requirements.

Consequently, the proposal appears to impose the greatest burden on those operators already inclined to comply with applicable regulations while offering uncertain benefits against the very actors whose activities prompted Congress to enact Section 2209.

FAA should provide additional analysis demonstrating how the proposed framework materially reduces risk and should explain why the anticipated benefits justify the burdens imposed on facility operators, UAS operators, and the broader aviation community.

V. FAA Should Ensure Section 2209 Implementation Remains Consistent with National UAS Integration Objectives

The Administration, Congress, the FAA, and industry stakeholders have collectively invested substantial resources toward the safe integration of UAS operations into the National Airspace System, including implementation of Remote ID, expansion of beyond visual line of sight operations, development of advanced air mobility concepts, and establishment of scalable operational frameworks.

VAI is concerned that the NPRM does not sufficiently explain how the proposed UAFR framework aligns with these broader integration objectives.

As drafted, the proposal could ultimately result in a nationwide network of facility-specific UAFRs with differing operational impacts, notification requirements, and coordination expectations. While VAI recognizes the need to protect genuinely sensitive facilities, the agency should ensure that implementation of Section 2209 does not

inadvertently create a fragmented operating environment that increases complexity for legitimate operators while providing uncertain security benefits.

FAA should clearly articulate how the proposed framework supports both security objectives and the long-term goal of enabling scalable, predictable UAS operations throughout the National Airspace System. This should be done in connection and collaboration with other UAS-related rulemaking, including Part 108. *Further, to provide fully informed comments to this NPRM, a final Part 108 rulemaking would be required to evaluate this NPRM for completeness and cohesiveness.*

VI. Mandatory Outreach / Education Strategy

The NPRM assumes that eligible facilities will be aware of the UAFR application process and are capable of engaging with FAA to request protection. However, many potentially eligible facilities have little to no routine interaction with the FAA and may be unfamiliar with aviation regulatory processes.

VAI is concerned that implementation of the rule could result in uneven participation among eligible sectors, with aviation-focused entities more likely to understand and utilize the program than similarly situated facilities that operate outside the aviation community.

FAA should develop a coordinated outreach strategy to ensure potentially eligible facilities are aware of the UAFR program, understand eligibility requirements, and can make informed decisions regarding participation.

Such outreach should include coordination with sector-specific federal agencies, state agencies, and critical infrastructure partners that already maintain relationships with facilities qualifying for protection under the rule. Examples may include the Department of Energy, Department of Homeland Security, Department of Health and Human Services, Environmental Protection Agency, Department of Agriculture, and sector-specific regulatory authorities.

Absent such outreach, the effectiveness of the program may depend less on security need and more on an applicant's familiarity with FAA processes.

Similarly, broad awareness of this rulemaking by aviation community stakeholders is equally critical for success. With new obligations and facility applicants being introduced, existing and future pilots need to understand UAFRs and their own unique obligations around these flight restrictions.

FAA should therefore develop an education and awareness campaign prior to implementation, including guidance materials, stakeholder outreach, industry engagement, and updates to pilot and operator educational materials to ensure that all impacted stakeholders understand their responsibilities under the final rule. Functionally, FAA could consider updating the TRUST Certificate Program and require completion of a new version to include discussion of UAFRs, along with using B4YouFly to disseminate information related to the new rulemaking.

VII. FAA Should Clarify the Relationship Between UAFRs and State and Local Restrictions

As states, municipalities, and other local entities continue to enact laws and policies affecting unmanned aircraft operations, FAA should clarify how federally designated UAFRs interact with existing state and local restrictions. While VAI recognizes that questions of federal preemption extend well beyond the scope of this rulemaking, additional guidance regarding the relationship between federally-established UAFRs and other applicable legal requirements would promote regulatory consistency and improve operator understanding. Such clarification should be incorporated into the FAA's broader outreach and education efforts associated with implementation of the final rule.

VIII. Public UAFR Designations Could Inadvertently Create an Unintended Roadmap for Bad Actors

The NPRM would establish a publicly identifiable list of facilities that have been determined to warrant special protection due to aviation safety, national security, homeland security, or protection-of-property concerns.

While transparency is typically appropriate in aviation rulemaking, VAI is concerned that the cumulative effect of publicly identifying protected facilities could inadvertently create a consolidated map of sensitive infrastructure and operations that may attract the attention of malicious actors.

FAA should explain how it evaluated this risk and whether alternative approaches were considered. In particular, FAA should evaluate whether facility-specific information can be protected from public disclosure, whether certain categories of facilities should receive additional confidentiality protections, and whether publication of approved UAFRs may undermine the security objectives the rule seeks to achieve.

IX. Transparency When UAFRs are Modified

The NPRM establishes a public process for creation of a UAFR but appears less clear regarding how subsequent modifications will be communicated to stakeholders.

Facilities may evolve over time through expansion, contraction, acquisition of adjacent property, operational changes, construction of new infrastructure, or changes in security posture. Such changes could materially affect the boundaries or operational impacts of an existing UAFR.

FAA should establish a transparent process through which affected stakeholders can readily identify proposed modifications to existing UAFRs and understand how such changes may affect aviation operations. The agency should ensure that modifications receive an appropriate level of public notice and opportunity for stakeholder engagement, consistent with the objectives of transparency and predictability within the National Airspace System.

Without a clear modification process, operators may face uncertainty regarding the scope and applicability of existing restrictions.

X. Where UAFRs Contain Existing Aviation Operations, Coordination Requirements Must be Strengthened

Many facilities that may qualify for UAFRs routinely support aviation activities that are critical to public safety, infrastructure protection, and emergency response. Helicopter operations associated with emergency medical services, wildfire suppression, utility restoration, law enforcement, search and rescue, infrastructure inspections, and disaster response frequently occur at low altitudes and often under time-sensitive conditions, in and around the boundaries of what would be a UAFR.

Under the proposal, operators accessing a Standard UAFR generally need only provide notification to the facility. While notification may improve situational awareness, it does not facilitate operational coordination between aircraft operating within the same environment. Notification alone does not ensure operational coordination, deconfliction, or meaningful security protection.

VAI is concerned that the proposal could create circumstances where lawful, but unanticipated, UAS operations occur in close proximity to existing helicopter activities, increasing operational complexity and introducing avoidable safety risks. This concern is particularly acute during emergency operations where mission requirements may

evolve rapidly and where delays associated with resolving operational conflicts could have significant safety consequences.

FAA should consider requiring a more detailed coordination process when proposed UAS operations may interact with existing aviation activities. Such coordination could include:

- Planned operating area;
- Planned altitude range;
- Operational time window;
- Communication procedures;
- Conflict resolution procedures when multiple operators intend to operate simultaneously.

Absent such coordination, operators may receive notice of activity without sufficient information to safely manage interactions with ongoing aviation operations, creating a potentially deadly flight environment within a UAFR.

FAA should also carefully evaluate how route-based transit requirements would function in practice. Unlike many traditional aviation operations, commercial UAS operations are frequently conducted on demand, in response to changing operational needs, environmental conditions, infrastructure inspections, emergency response requirements, or customer requests. These operations often do not follow fixed schedules or predefined routes.

To the extent FAA expects operators to identify specific transit routes through a UAFR, the agency should ensure such requirements remain operationally practical and do not inadvertently create unnecessary logistical burdens. Any routing expectations should preserve operational flexibility while ensuring appropriate coordination with existing aviation activities occurring within the UAFR.

Beyond coordination requirements, VAI believes that operations conducted in a UAFR should be held to an elevated safety standard due to the increased likelihood of interaction with sensitive facilities, critical infrastructure, and existing aviation operations.

To aid coordination within a UAFR, proposed §74.250 could require that any UAS operating within a UAFR must demonstrate the capability to effectively detect and avoid other aircraft operating within or transiting the affected airspace. Such a requirement

would be particularly important where the UAFR encompasses facilities that routinely support helicopter operations.

Any detect and avoid requirements should either reflect or supplement the final Part 108 rulemaking and remain performance-based and technology-neutral. FAA should require UAS operators intending to transit through UAFRs to demonstrate an ability to effectively detect and avoid manned and unmanned aircraft operating within a UAFR environment, through technology and operational mitigations.

At absolute minimum, FAA should require UAS operators seeking access to a UAFR to demonstrate how they will maintain awareness of, and avoid, other aircraft operating within the affected area and how conflicts will be identified and resolved prior to creating a potential hazard.

XI. Additional Protections Must Be Afforded for Facilities with Existing Aviation Operations

The NPRM appears to assume that all eligible facilities have similar operational needs. However, many critical infrastructure facilities routinely host aviation operations that are themselves integral to safety, security, inspection, maintenance, or emergency response functions.

For these facilities, a simple notification-based access model may not adequately address operational conflicts created by unanticipated UAS activity.

FAA should consider establishing a mechanism through which facilities demonstrating regular aviation activity may qualify for additional operational protections. This could include eligibility for a Special UAFR or an alternative operational framework requiring enhanced coordination before access is granted.

Such an approach would better account for facilities where aviation activity is not incidental but rather constitutes a core operational function.

FAA should also consider expanding eligibility for enhanced operational protections beyond Level I trauma centers. Numerous hospitals and medical facilities that are not designated Level I trauma centers nonetheless support critical helicopter operations, including emergency medical transport, interfacility patient transfers, specialty medical access, organ transport, neonatal transport, and disaster response activities.

The safety concerns associated with unanticipated UAS activity near these facilities are often comparable to those associated with designated trauma centers. FAA should therefore consider whether medical facilities demonstrating routine helicopter operations should be eligible for Special UAFR consideration regardless of trauma center designation.

XII. Liquefied Natural Gas Facilities & Petroleum Storage Sites Should be Awarded Additional Protections

VAI is concerned that the NPRM does not provide a clear pathway for liquefied natural gas (LNG) facilities and petroleum storage sites to qualify for UAFRs despite the significant operational and safety implications associated with the unauthorized UAS activity at these locations.

Unlike many other industrial facilities, unauthorized drone activity around LNG and petroleum storage infrastructure can have immediate operational consequences. Reports from industry indicate that unidentified UAS operations frequently require operators to suspend loading, transfer, or other critical activities while the source and intent of the aircraft are assessed. These interruptions can create significant operational disruptions, economic impacts, and potential safety concerns, even where no malicious activity ultimately occurs.

Given the critical role these facilities play in the nation's energy infrastructure and the potential consequences of unauthorized activity, FAA should reevaluate whether LNG facilities and petroleum storage sites should be expressly eligible for UAFRs or otherwise establish gating criteria that appropriately recognize their unique operational and security risks.

XIII. Clarity on How the Rule Applies to Facility-sponsored UAS Operations

The NPRM does not clearly address how facilities that routinely conduct their own UAS operations would operate under the proposed framework.

FAA should clarify whether facility operators would be required to submit access notifications for their own operations, whether standing authorizations may be established, and how FAA intends to manage circumstances in which multiple facility-sponsored UAS operators conduct routine operations within the UAFR.

Absent additional clarification, the proposal risks creating unnecessary administrative burdens for the very entities the rule is intended to protect, and could further disincentivize fixed site facilities from applying for a UAFR.

XIV. FAA Should Consider Alternative Approaches That Better Balance Security and UAS Integration

VAI supports efforts to address legitimate security concerns associated with unauthorized UAS activity. However, the proposed framework appears focused primarily on creating geographically restricted areas rather than developing operationally integrated security solutions. Security restrictions are most effective when paired with situational awareness, operational coordination, detection capabilities, operator accountability, and practical enforcement mechanisms. Geographic restrictions alone are unlikely to provide meaningful protections absent complementary security measures.

The FAA should evaluate whether alternative approaches, including enhanced coordination requirements, risk-based operational restrictions, integration with authorized detection and mitigation programs, or targeted security frameworks for particularly sensitive facilities, could achieve the same objectives with fewer impacts on legitimate existing aviation operations.

As the FAA continues implementing Congressional directives related to UAS integration, including beyond visual line of sight operations and advanced air mobility initiatives, it is critical that security measures remain targeted, risk-based, and operationally practical.

Relatedly, VAI encourages FAA and Congress to explore funding mechanisms that would assist eligible facilities in implementing infrastructure necessary to safely and effectively manage operations within a UAFR.

Many facilities that may qualify for a UAFR lack the resources, technical expertise, or infrastructure necessary to maintain awareness of nearby UAS activity, coordinate with operators, or identify potential unauthorized operations. Establishing a UAFR without providing facilities with tools to understand what is occurring within the affected airspace may limit the practical effectiveness of the program.

FAA should therefore evaluate opportunities to establish grant programs, cost-sharing initiatives, or other funding mechanisms that support deployment of detection, monitoring, communication, and coordination capabilities at eligible facilities. Priority

should be given to facilities that routinely support existing aviation operations, including hospitals with helipads / vertiports / UAS activity, emergency response facilities, utility infrastructure supporting aerial inspection programs, wildfire response facilities, and other locations where interactions between manned and unmanned aircraft present heightened safety concerns.

Such investments may ultimately provide greater security and operational benefits than expanding airspace restrictions alone while also improving situational awareness and coordination among all aviation stakeholders.

XV. Conclusion

VAI remains concerned that the NPRM has not demonstrated that the proposed Standard UAFR framework will materially improve security outcomes while simultaneously introducing new administrative burdens, operational complexity, and potential security vulnerabilities. The proposal appears to place substantial obligations on facility operators and compliant UAS operators while providing limited deterrence against malicious actors who are unlikely to comply with the rule's requirements.

While VAI supports the FAA's objective of protecting critical infrastructure and sensitive facilities from unauthorized UAS activity, the final rule must strike an appropriate balance between security, operational safety, and continued integration of UAS into the National Airspace System. Notification alone does not ensure operational coordination, deconfliction, or meaningful protection for facilities that routinely support aviation operations.

The most effective security framework is one that promotes coordination among legitimate operators, provides facilities with meaningful situational awareness, and preserves the ability of manned and unmanned aircraft to safely share the National Airspace System.

Accordingly, VAI urges the FAA to revise the proposal to:

- Strengthen coordination requirements between UAS operators and facilities hosting existing aviation operations;
- Require operators accessing a UAFR to demonstrate an ability to detect and avoid other aircraft operating within the affected airspace;
- Expand consideration of enhanced protections for facilities with routine helicopter and other manned aviation operations;

- Maintain a technology-neutral approach that avoids unnecessary aircraft design mandates while preserving flexibility for future innovation;
- Develop comprehensive outreach and education programs for both eligible facilities and aviation stakeholders;
- Clarify the relationship between federal designated UAFRs and applicable state and local restrictions to promote regulatory consistency and operator awareness;
- Establish transparent processes for creation and modification of UAFRs;
- Explore grant funding and other mechanisms to support deployment of detection, monitoring, and coordination infrastructure at facilities operating within the UAFR framework; and
- Reevaluate the eligibility criteria for critical energy infrastructure, including liquefied natural gas and petroleum storage facilities, to ensure the final rule appropriately addresses operational and security risks.

To the extent the FAA issues a final Part 108 rule prior to publication of a final Section 2209 rule, VAI encourages the agency to ensure the two regulatory frameworks operate cohesively. Concepts such as detect-and-avoid, operational coordination, access requirements, and operator responsibilities should be harmonized to avoid conflicting requirements or unnecessary operational complexity.

VAI believes these modifications would better align the proposal with Congressional intent, improve operational safety, enhance security outcomes, and support the continued integration of manned and unmanned aircraft within the National Airspace System.

VAI appreciates the opportunity to comment and would welcome the opportunity to further engage with the FAA and industry stakeholders to support a fully justified and operationally practical final rulemaking. To supplement these comments, please also see **Appendix A**, where VAI directly answers some of the pointed questions FAA raised in the NPRM.

With kindest regards,

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APPENDIX A – NPRM QUESTIONS

The attached responses are provided in addition to, not in lieu of, the broader policy recommendations contained in the body of these comments.