

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

IN THE MATTER OF

Petition of Uber Elevate, Inc. for Exemption

Docket No. FAA-2019-0346

COMMENTS OF THE SMALL UAV COALITION

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The Small UAV Coalition¹ is pleased to provide its comments in support of the petition by Uber Elevate, Inc. (“Uber”) for an exemption from multiple provisions of Parts 135, 91, and 43 to conduct small food package delivery for compensation or hire, initially as part of the City San Diego’s participation in the FAA’s UAS Integration Pilot Program (“IPP”). Uber will operate the AirRobot (AR) 200, which has a maximum takeoff weight of 25.5 lbs., and is a star-shaped hexacopter, with enough clearance for vertical takeoff and landing.

Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of UAS in the near term within and beyond the line of sight, with varying degrees of autonomy, for commercial and other civil purposes. In particular, the Coalition has long advocated for a UAS air carrier rule that would provide a performance-based certification process tailored to the very different risk profile of small drones. In section 348 of the FAA Reauthorization Act of 2018, Congress directed the FAA within one year to update its rules to authorize the carriage of property by small UAS operators for compensation or hire. This rulemaking shall, inter alia,

- (1) Use performance-based requirements.
- (2) Consider varying levels of risk to other aircraft and to persons and property on the ground . . . and tailor performance-based requirements to appropriately mitigate risk.
- (3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

49 U.S.C. §44808(b).

¹ Members of the Small UAV Coalition may be found on the Coalition’s website: www.smalluavcoalition.org

The Coalition believes that granting Uber’s petition will significantly assist the FAA in developing a UAS air carrier rule consistent with the congressional directions that will obviate such petitions in the future.

Uber seeks an exemption from 25 requirements. Uber explains that it is seeking exemption “from only those provisions that would be impractical or impossible to comply with, given the unique size of the UAS Uber plans to use and the scope of Uber’s planned operation.”

In the near term, granting this petition is necessary to allow Uber to conduct package delivery for compensation or hire as part of the UAS IPP, because under Part 107, FAA does not permit a beyond visual line of sight (“BVLOS”) waiver for commercial package delivery.

Uber also notes that it is seeking type and airworthiness certification for the AR-200, and that the AR-200 holds an experimental category airworthiness certificate. Under another provision in the FAA Reauthorization Act of 2018 – section 345 -- Congress required the FAA to establish a process for “accepting risk-based consensus safety standards related to the design, production and modification of small unmanned aircraft systems.” Subsection 345(e) provides that such a process may obviate type and airworthiness certification. The Coalition is aware that several other UAS companies are going through the existing type, production, and airworthiness certification processes, and believes that the experience from these pending matters should inform the development of consensus safety standards.

The Coalition notes that Uber will maintain the AR-200 under a Continuous Airworthiness Maintenance Program (“CAMP”), which includes a Continuing Analysis and Surveillance Systems (“CASS”).

Uber expects that it will operate over people in the process of making a delivery or returning to home. Uber asserts that based on proprietary data from the manufacturer and “full-flight system testing,” AR-200 operations “can meet or exceed the target level of safety,” which Uber states is “less than the risk posed by manned aviation operations to persons and property on the ground.” Uber’s approach is to compare the risk of UAS operations with the risk of Part 135 operations of manned aircraft. The Coalition submits that this approach should be the FAA’s touchstone not only in evaluating this petition, but also when developing UAS air carrier certification requirements as well as UAS type, production, and airworthiness certification requirements.

This approach is recommended in a recent Consensus Study Report commissioned by the National Academies of Sciences, Engineering and Medicine at the FAA’s request in 2017, *Assessing the Risks of Unmanned Aircraft Systems into the National Airspace System*. Among its recommendations is that FAA should conduct a holistic consideration of safety benefits (at 34).

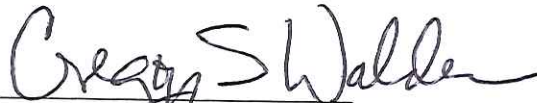
The FAA should expand its perspective on a *quantitative* risk assessment to look more holistically at the total safety risk. Safety benefits, including those outside of aviation (e.g., the benefit of cell tower inspections without a human climbing a cell tower), should be part of the equation. UAS operations should be allowed if they decrease safety risks in society – even if they introduce new aviation safety risks – so long as they result in a net reduction in total safety risk.

As the Coalition supports this recommendation in the Consensus Study Report, the Coalition similarly endorses Uber's approach to risk assessment.

With respect to Uber's request for exemption from Part 135 requirements relating to pilot certification, the Coalition believes that obtaining a remote pilot certificate under Part 107 with a small UAS rating should be sufficient, but notes that Uber's remote pilots will also hold a commercial pilot certificate and have at least 10 hours as pilot in command of the AR-200. The Coalition has previously urged the FAA to accept a Part 107 remote pilot certificate in lieu of a Part 61 airman certificate for an operation under section 333, including an operation under Part 137. The FAA has previously adopted this position, and the Coalition urges the FAA to grant Uber's request for exemption on the same basis.

Accordingly, the Coalition supports granting Uber's petition for exemption in full.

Respectfully submitted,



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