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October 3, 2024

The Honorable Neera Tanden  
Domestic Policy Advisor to President  
Biden and Director of the Domestic  
Policy Council  
1650 17th St NW  
Washington, D.C. 20006

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

The Honorable Michael Whitaker  
Administrator, Federal Aviation  
Administration  
800 Independence Avenue, SW  
Washington, DC 20591

The Honorable Shalanda Young  
Director, Office of Management and  
Budget  
725 17th St NW  
Washington, DC 20503

The Honorable Richard Revesz  
Administrator, Office of Information and  
Regulatory Affairs  
1650 Pennsylvania Avenue, NW  
Washington, DC 20503

Re: Publication of FAA rulemaking to enable the routine Beyond Visual Line of Sight  
(BVLOS) Operations for Unmanned Aircraft Systems

Dear Sirs and Madams,

On behalf of the News Media Coalition (“Coalition”), which consists of news media organizations across the print, broadcast and online platforms, we write to encourage the Administration to prioritize the publication of a proposed rulemaking to enable routine unmanned aircraft system (“UAS” or “drone”) beyond visual line of sight (“BVLOS”) operations in the U.S. national airspace system (“NAS”).

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On May 16, 2024, President Biden signed the bipartisan FAA Reauthorization Act of 2024 into law, which required the Federal Aviation Administration (“FAA”) by September 16, 2024 to issue a notice of proposed rulemaking to enable routine BVLOS operations by drones. *See* 48 U.S.C. § 44811(a). To-date, the FAA has not issued a notice of the BVLOS rulemaking, and we write today on behalf of the Coalition to encourage the Domestic Policy Council (“DPC”), Office of Management and Budget (“OMB”), the Office of Information and Regulatory Affairs (“OIRA”), the Department of Transportation (“DOT”) and the FAA to work together to swiftly meet the Administration’s statutory obligations and commence this rulemaking proceeding of critical import.

For nearly 10 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 workshoping 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. The BVLOS ARC report provided a comprehensive recommendation for how routine BVLOS operations could be safely integrated into the NAS. Now, more than 30 months have passed since issuance of that report, and stakeholders are still waiting for the FAA to publish its rulemaking proceeding.

Since its promulgation in 2016, the FAA’s Part 107 regulation has fostered significant innovation and growth in public and private UAS operations. 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.

Indeed, in just the last week, drone footage revealed the extent of widespread destruction and devastation in Florida and North Carolina following Hurricane Helene—providing the world with access and perspectives to communities that have been devastated and to some that are *still* impassable by car and without electricity, internet and cellphone coverage. These news

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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, journalists will no doubt devise innovative uses for drones that will 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.

The Coalition appreciates the continued efforts of the FAA and the DOT to consider and address the many important issues raised by the operation of drones in our nation's airspace. The Coalition, however, urges the federal agencies responsible for moving this important rulemaking forward, including the DPC, FAA, DOT, OIRA and OMB, to work together to complete the review of the BVLOS rulemaking and publish the proposed rule without further delay.

Sincerely,



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

cc: The Hon. Katie Thomson, Deputy Administrator, Federal Aviation Administration  
The Hon. Allison Orris, Associate Administrator, Office of Information and  
Regulatory Affairs

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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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On behalf of the News Media Coalition

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