

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000

www.wileyrein.com

January 6, 2016

Kathleen A. Kirby
202.719.3360
KKirby@wileyrein.com

Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140
West Building Ground Floor
Washington, D.C. 20590-0001

Submitted via www.regulations.gov

Subject: AeroCine, LLC, Petition for Exemption (“Petition”), Docket No.
FAA-2014-0400

To Whom it May Concern:

The Radio Television Digital News Association (“RTDNA”), by its counsel, submits this letter in support of certain proposals advanced by AeroCine, LLC, in the above-referenced proceeding before the Federal Aviation Administration (“FAA”).¹ AeroCine seeks relief from the conditions imposed on commercial operators of unmanned aircraft systems (“UAS”) to enable (i) operations over nonparticipating persons for breaking news flights with a UAS weighing no more than 4.4 pounds (micro UAS); and (ii) the contemporaneous issuance of Notices to Airmen for breaking news operations. RTDNA submits these comments to support Section 333 waivers that would expedite the deployment of micro UAS to cover breaking news and emergency situations consistent with the micro UAS proposals that have been advanced by the FAA.

RTDNA firmly believes that the use of small UAS will enhance journalists’ ability to inform the public in entirely new ways. Most certainly, the capabilities of small UAS will improve the accuracy and depth of information disseminated to the public during times of emergency and other breaking news situations. RTDNA’s members are anxious to put this extraordinary tool into the hands of journalists to provide information and imagery to the public that is otherwise unavailable given existing barriers (obstructions, safety concerns, police restrictions, hazardous environments, cost, etc.). There is no compelling reason not to start the process by granting a Section 333 exemption that affords a micro UAS operator the flexibility to cover breaking news or other emergency situations. As the FAA acknowledged in its Notice of Proposed Rulemaking (“NPRM”) on small UAS, “a very light (micro) UAS

¹ RTDNA is the world’s largest professional organization devoted exclusively to electronic journalism and represents local and network news directors and executives, news associates, educators, and students in broadcasting, cable, and other electronic media in over 30 countries.

January 6, 2016

Page 2

operating at lower altitudes and at lower speeds, that is made up of materials that break or yield easily upon impact, may pose a much lower risk to persons, property, and other [National Airspace System] users than a UAS that does not operate within these parameters.”²

Allowing Section 333 exemption holders to operate micro UAS over nonparticipating persons to cover breaking news, as AeroCine requests, is entirely consistent with the FAA’s vision for micro UAS. Indeed, the NPRM reasoned that, because the proposed micro UAS parameters would provide the requisite safety mitigation, “the FAA’s micro UAS approach would allow micro UAS to operate directly over people not involved in the operation.”³ RTDNA supported this proposal in its comments in response to the NPRM,⁴ and the record reflects no countervailing safety or other concern that would counsel against its adoption. RTDNA submits that, if a petitioner otherwise satisfies the standards for a Section 333 exemption and proposes use of micro UAS, operation over nonparticipating persons should be permissible.

If the FAA is to facilitate the use of micro UAS to cover breaking news, the ability to timely initiate a flight as situations develop is critical. RTDNA therefore strongly supports AeroCine’s proposal to allow micro UAS operators to issue a Notice to Airmen (“NOTAM”) immediately prior to launching operation. The current requirement of 24-hour advance notice for a NOTAM inherently undermines much of the benefit to be gained from utilizing micro UAS for journalism, particularly in breaking news or other emergency situations. Journalists at both the local and national levels have many decades of experience using helicopters and fixed wing aircraft to obtain aerial videography in a responsible manner that balances the public interest in disseminating information and compelling video imagery with reasonable concerns about public safety. News organizations already are familiar with and follow current national airspace rules and regulations, and they would apply this experience to the use of micro UAS for news coverage. Moreover, if a Section 333 exemption for purposes of covering breaking news is to have any utility, not only must it permit the contemporaneous issuance of a NOTAM, but also, as a logistical matter, must allow for flights over space that is open to the public.

² FAA, Notice of Proposed Rulemaking, *Operation and Certification of Small Unmanned Aircraft Systems*, 80 Fed. Reg. 9543, 9557 (Feb. 23, 2015) (“NPRM”).

³ *Id.* at 9558.

⁴ Comments of The National Association of Broadcasters, the National Cable & Telecommunications Association, and the Radio Television Digital News Association, FAA-2015-0150-4461, at 16 (filed Apr. 24, 2015).

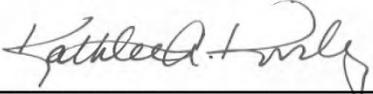
January 6, 2016

Page 3

RTDNA commends the FAA for its concerted efforts to integrate small UAS into the National Airspace System quickly, efficiently, and safely.⁵ As the FAA continues to develop its rules governing small UAS, RTDNA believes that the Section 333 waiver process can be utilized to maintain appropriate safeguards while at the same time affording the flexibility necessary to bring the compelling advantages of journalism that incorporates micro UAS imagery to the public near-term. Permitting journalistic use of micro UAS will greatly enhance the quality and accuracy of information disseminated to the American public. Moreover, use of micro UAS will minimize the risks for journalists associated with using manned aircraft (*e.g.*, helicopters) or obtaining vantage points from the ground in dangerous situations. RTDNA urges the FAA to grant AeroCine's Petition and others that are similarly situated, consistent with the comments provided herein.

Respectfully submitted,

RADIO TELEVISION DIGITAL
NEWS ASSOCIATION

By: 

Kathleen A. Kirby
Sara M. Baxenberg
Its Attorneys
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
(202) 719-3360

⁵ See, *e.g.*, "FAA Streamlines UAS COAs for Section 333" (Mar. 24, 2015), <https://www.faa.gov/news/updates/?newsId=82245>; "FAA Summary Grants Speed UAS Exemptions" (Apr. 9, 2015), <https://www.faa.gov/news/updates/?newsId=82485>.