

February 27, 2020

Docket Operations, M-30  
U.S. Department of Transportation  
Room W12-40, West Building Ground Floor  
1200 New Jersey Avenue SE  
Washington, DC 20590-0001

**RE: FAA-2019-1100; Remote Identification of Unmanned Aircraft Systems**

To Whom It May Concern:

The undersigned associations, colleges and universities submit the following comments in response to the Notice of Proposed Rulemaking for Remote Identification of Unmanned Aircraft Systems (Docket No. FAA-2019-1100). First and foremost, we commend the FAA for making substantial progress in this complex and controversial regulatory area. We also very much appreciate the FAA's leadership in making the U.S. aviation system the safest in the world.

With regard to the NPRM specifically, we strongly support the concept of requiring some form of remote identification for unmanned aircraft systems ("UAS"). In particular, we agree with the assertion that implementation of remote identification requirements would help law enforcement, including police departments affiliated with institutions of higher education, "to identify and possibly contact the person manipulating the flight controls of a UAS in response to potentially unsafe or nefarious UAS activities." 84 Fed. Reg. 72438, 72470 (Dec. 19, 2019). The ability to better identify and track UAS, in near real-time, is particularly important where the UAS poses risk or nuisance to bystanders, facilities, or other aircraft, as without that functionality, it can be almost impossible to "identify the aircraft and to locate the person manipulating the flight controls of a UAS." *Id.* at 72453.

We also support the principle underlying the proposed establishment of FAA Recognized Identification Areas (FRIAs), in which "the FAA is proposing to allow UAS to operate within visual line of sight and within certain defined geographic areas." *Id.* at 72485. We believe, however, that eligibility to petition for such recognition should not be limited to community-based organizations, nor should the ability to petition be time-barred after "12 calendar months of the effective date of a final rule." *Id.* at 72486. Rather, universities too would, appropriately, benefit from the ability to establish FRIAs, as such areas can enhance science and engineering opportunities for university students, faculty, and staff. Allowing universities, in particular, to establish FRIAs is especially fitting, given the NPRM's intent to exempt UAS used for aeronautics research, as well as "amateur-built unmanned aircraft,"<sup>1</sup> from its proposed Remote ID requirements. Permitting universities to establish FRIAs can help assure that low-flying UAS operations comply with institutional policies, do not conflict with other campus activities, and can be conducted safely, both as to the operators themselves and with respect to the university

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<sup>1</sup> We understand the proposed definition of "amateur-built unmanned aircraft," *see id.* at 72461, to include aircraft built by students, staff, or faculty as part of educational curricula or other coursework or in connection with a project conducted under the auspices of a university-recognized student organization. If this was not the FAA's intent, we seek clarification of the definition to include aircraft built by students, staff, or faculty for such purposes.

community and the public more generally.<sup>2</sup> Because these benefits – particularly as applied to amateur-built unmanned aircraft as well as UAS used for aeronautics research – are not time-limited, we are concerned that the proposed phase-out of FRIAs would pose an unnecessary impediment to science and engineering opportunities for university students, faculty, and staff. Instead, we would ask that FRIAs continue to promote the safe use of amateur-built and aeronautics research-based UAS in areas specifically recognized by the FAA as meeting specific “safety, security, and eligibility criteria,” 84 Fed. Reg. at 72486.

Thank you for the opportunity to comment on these critically important issues and for your consideration of this feedback.

Respectfully submitted,

Association of American Universities  
Association of Public and Land-grant Universities  
Council on Governmental Relations  
Duke University  
Indiana University  
Miami University  
Michigan State University  
Pennsylvania State University  
Princeton University  
Purdue University  
Rutgers, The State University of New Jersey  
The Ohio State University  
University of California, Los Angeles  
University of California, San Diego  
University of Colorado Boulder  
University of Delaware  
University of Florida  
University of Illinois at Urbana-Champaign  
University of Kansas  
University of Michigan  
University of Nebraska  
University of New Mexico  
University of North Carolina at Chapel Hill  
University of Oregon  
University of Virginia  
University of Wisconsin - Madison  
Washington State University  
Wayne State University

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<sup>2</sup> In this regard, we appreciate the FAA’s recognition that “[o]perating within FAA-recognized identification areas would not provide relief from other applicable Federal, State, or local laws, ordinances, or regulations, nor would they provide any authorization to operate,” *id.*, as we understand this statement to signal that the FAA, via this proposed rule or otherwise, is not intending to interfere with a property owner’s right, as set forth in *United States v. Causby*, 328 U.S. 256 (1946), to control “immediate reaches airspace.”