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October 6, 2025

Ms. Simone R. Pérez
Assistant Administrator for Policy and Strategic Engagement
Federal Aviation Administration
800 Independence Avenue SW
Washington D.C. 20591

**Re: Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations,
Docket No. FAA-2025-1908**

Dear Ms. Pérez,

Thank you for the opportunity to submit comments in response to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) concerning the Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations proposed rule.

The Associated General Contractors of America (AGC) is the nation's leading construction trade association. It dates to 1918 and today represents more than 28,000 member firms including construction contractor firms both union and open-shop, suppliers, and service providers. Through a nationwide network of 87 chapters in all 50 states and Puerto Rico, AGC contractors are engaged in the construction of the nation's highways, bridges, utilities, airports, transit systems, public and private buildings, water works facilities and multi-family housing units, among other projects critical to the economy.

As an industry, our members are excited to explore the possibilities offered by the proposed rule. Contractors have been using unmanned aircraft systems (UAS) within the visual line of sight for many years for topographic mapping, equipment tracking, land surveying, site security, personnel safety, and structural or other types of inspection or progress monitoring. The proposed rule, which is sure to be a first step in the long and iterative process of integrating UAS into the national airspace system (NAS), would allow contractors to accomplish these tasks in a fraction of the time, for a fraction of the price, without putting employees in harm's way.

In this comment, we will identify areas of concern where we feel the proposed rule could be adjusted to better accommodate the needs of our industry. We will also identify areas where, though we agree with the policy choice made by FAA, we feel further guidance and participation by FAA would facilitate a smooth and safe expansion of the drone economy.

Thank you for taking this important step towards the safe integration of UAS into the NAS. We respectfully put forth the following comments for your consideration.

I. Getting off the Ground

Contractors' interest in the proposed rule extends to two categories of concern: (1) regulatory requirements involving the establishment of a contractor's UAS program and (2) requirements related to ongoing UAS operations. The proposed rule shifts operating responsibilities away from the FAA and individuals and towards a corporate responsibility model. Under this model, contractors would be responsible for making a significant amount of policy decisions when establishing a UAS program for Beyond the Visual Line of Sight (BVLOS). While we commend the FAA for seeking to provide flexibility for operators, our members would appreciate clear guidance and templates in several areas.

Provide Thorough Guidance and Training for Establishing UAS Programs

A major element of the proposed rule is the requirement to establish at least two new positions within your workforce: the operations supervisor, who would act on behalf of the company and be responsible for the overall safety and security of the operation; and the flight coordinator, who would take responsibility for a specific mission and execute simple commands, such as changes in airspeed, altitude, and heading.

The operations supervisor would be responsible for his or her company's entire UAS program, including ensuring that operations are conducted within the parameters of the applicable requirements and that personnel are appropriately trained for their role. FAA correctly recognizes that this role will require significant expertise and has proposed "to require that the person serving in the role of an operations supervisor be qualified through training, experience, or other expertise (e.g., UAS military experience, academic background)."¹ This standard is extremely ambiguous and leaves firms like our members, without a background in UAS military operations or drone academics, to figure out for themselves who the right candidate for the job is. Furthermore, this makes it very difficult for smaller construction companies, who lack the financial resources, to comply with this requirement.

One way to mitigate the risk of hobbyists representing themselves as experts would be for FAA to provide guidance, or a template exam, for the operations supervisor competency test required under § 108.120(d). Another strategy would be an initial round of FAA training speaking more to the types of standardized qualifications and experience that operators should be looking for in an operations supervisor. A third potential strategy, and the strategy employed in a similar situation by the Coast Guard, would be for FAA to license and approve third-party training providers to be relied on by operators.² These strategies, even if only employed in the first few years of UAS integration into the NAS, would help operators develop the expertise needed to establish their UAS program and mitigate the risk of unqualified individuals assuming operations supervisor roles.

Population Density Restrictions

The population density restrictions in the proposed rule make it extremely burdensome to conduct UAS operations within a Category 3 or above area, even if the operation is limited in scale and poses

¹ 90 FR 38212, p. 38253.

² The Coast Guard regulates and approves training providers under 46 CFR Part 10, Subpart D.

a small amount of risk. To begin with, FAA's methodology for determining what category a location fits into is flawed. FAA proposes using LandScanUSA for population density. Not only does the publicly available data for LandScanUSA lag by 2 years (the Oak Ridge National Laboratory website shows the map from 2023), but the map isn't segmented into specific cells. The proposed rule calls for determining an area's population category by determining distance from LandScanUSA cells with different thresholds of people within. But if the individual cells aren't displayed, how can you make that determination? FAA requested comments on whether a new map would be helpful for operators. Our answer is yes, a new map, designed specifically for this purpose, would be helpful.

FAA also assumes that because UAS operations are conducted in a densely populated area, the public becomes at risk for the hazards associated with that operation. This assumption is incorrect. While OSHA's statutory authority extends on to direct employer-employee relationships, contractors often implement the requirements of OSHA Subpart G, signs, signals, and barricades for the protection of the public from present and potential hazards. And in many cases, this is a requirement set forth by the local municipality within which the work is being performed. Most of our contractors fence off the perimeter of each job site as a best practice, both for site security and to prevent the public from wandering into a dangerous project. Particularly when it comes to large infrastructure projects conducted within a densely populated metropolitan area, extraordinary efforts are taken to keep the public out of the job site. And employees working within the job site are protected by regulations surrounding personal protective equipment. As such, there is clearly an opportunity for BVLOS operations to be safely conducted within densely populated areas WITHOUT the need for the mitigations required by the proposed rule. To make the proposed rule workable for contractors, FAA should consider developing a specific approval for work done in areas segregated from the public. FAA might consider using the "shielded area" provisions in § 108.210 to create a streamlined process by which contractors can get their job sites approved as a shielded area, allowing for permitted operations even within Category 4 and 5 areas.³

The aerial surveying restrictions in § 108.450 should also be amended to allow for aerial surveys in densely populated areas, so long as the project site is secured from the public.

Strategic Deconfliction Under §§ 108.190(b) and (c)

Many contractors work specifically in Category 3 and above areas, meaning they will need to design and implement standard operating procedures for strategic deconfliction. We understand the need for flexibility in certain areas but the strategic deconfliction process is a critical element of the proposed framework. Such a critical element, focused on safety and collision prevention, would benefit from FAA guidance. What does the FAA expect the strategic deconfliction process to look like? Is there publicly available data operators should rely on? And if so, what are the best sources of data? Does FAA envision public outreach and community engagement as a piece of strategic deconfliction? What's an appropriate threshold for target average conformance? Operators working to establish standard operating procedures under the proposed rule will have these questions, and more. We respectfully request more information on the strategic deconfliction process, up to and including guidance and training from FAA.

³ The Unmanned Aircraft Systems Beyond Visual Line of Sight Aviation Rulemaking Committee, [Final Report](#), page 310, estimates that construction companies could save ~\$160 million annually on surveying, if facilitated properly by the proposed rule.

Provide Clear Cybersecurity Requirements to Ensure Compliance

FAA correctly realizes that cybersecurity represents one of the primary risks that comes with UAS integration. The proposed rule would require “each operator [to] develop and implement cybersecurity policies and processes, in order to protect networks, devices, and data from unauthorized access and to ensure integrity, accuracy, and reliability of the operation” under proposed § 108.435. Like the issue of hiring an operations supervisor, this mandate is a tall task for operators without a background in UAS operations. Guidance from FAA on best practices, including the best kinds of encryption to use, would go a long way in ensuring that each operator has sufficient cybersecurity operations.

Encourage Innovation and Emerging Technologies

FAA should reconsider the exclusion of foreign manufactured drones from countries without a bilateral airworthiness agreement under § 108.700. Competition and open market principles tell us that the bigger the supply market is, the better the products and services that are available will be. We shouldn’t hamstring the evolution of emerging technologies by forcing manufacturers into the US regulatory environment, which the administration knows is hostile. If there is concern that UAS may be imported in bad faith, containing backdoor access for bad actors abroad, the FAA should consider allowing the import of drones who agree to submit to FAA inspection. This would allow major companies that have been refining their drone technology over many years to enter the market without risk to national security or geopolitical implications.

The UAS in our members’ existing fleets will also require upgrades to comply with the radio communication prohibitions under § 108.185(c)(2). Most drones currently used by our members operate on Wi-Fi or rely on the 2.4 GHz and 5.8 GHz frequencies. This restriction would effectively disqualify much of the existing fleet and force contractors to purchase new, more expensive equipment to remain compliant. We understand the need for UAS to be equipped with state-of-the-art communication capabilities, but FAA should consider finding ways to help operators modify their existing fleets to bring them into compliance. Contractors have been acquiring and working with UAS for many years and in some cases have developed a robust fleet. If there is any way to bolster the capabilities of existing fleets to comply with the proposed radio requirements, we request guidance or further information on that.

To continue the point of existing UAS fleets, the airworthiness acceptance regulations in Subpart G are manufacturer-facing and fail to create a pathway for operators to have their existing fleets declared compliant. Please create such a pathway and explain in further detail what form or manner of submission is acceptable to the Administrator.

Existing fleets also may not all be automated. The proposed rule should be amended to allow for small-scale operations BVLOS with a human in the loop. Small businesses in particular may have one UAS and one employee serving as the operations supervisor for all UAS operations. It’s easy to imagine that many of these individuals would have the ability to pilot a drone BVLOS using traditional means but would not be sophisticated enough to facilitate autonomous operations. FAA should consider accommodating small businesses and allowing for a BVLOS Non-autonomous rating under Part 107.

TSA Security Threat Assessment

FAA requested comments on whether the security threat assessment requirement in proposed § 108.335 should be expanded to other persons such as individuals who have ownership or control of the corporate entity conducting BVLOS operations. We believe this is unnecessary. Any threat to national security would have to be perpetrated by those in actual control of the drones. As such, it makes sense to limit the background check requirement to them, in the interest of efficiency and privacy.

II. Ongoing UAS Operations

Tackling the issues raised above will be necessary for our member firms to establish their UAS BVLOS programs. Once established, it will be the responsibility of the operator to properly carry out permitted or certificated operations. To that end, we respectfully request further guidance and/or clarity on the following items.

Communication with FAA

The proposed rule would require the operations supervisor at each operator to represent the company with FAA and to be a reasonably available point of contact. We have no issues with this requirement. However, communication and transparency are a two-way street. To that end, we recommend FAA consider including a requirement for an FAA point of contact on each permit or certificate under § 108.415(c).

Certificated Operations

Proposed § 108.550 would require “a communication assessment ‘acceptable to the Administrator’ that includes a command-and-control analysis for the area of operations, to include coverage and availability, a monitoring plan, and lost link procedures.” AGC requests more guidance on this requirement, including descriptions and template procedures for conducting such an assessment.

Proposed § 108.205 would allow for the creation of shielded areas that would give UAS the right of way when within 50 feet of certain infrastructure. We agree with the FAA that there should be shielded areas designated by FAA in which UAS can operate more freely than they otherwise would in a densely populated area. However, we disagree with giving these UAS the right of way over manned aircraft. FAA incorrectly assumes that manned aircraft don’t operate within 50 feet of critical infrastructure. That is incorrect. Many of our members use helicopters for utility work, including men and women dangling from helicopters. The safety of these employees is paramount.

The right of way regulations in 14 CFR Part 91 were designed to put the burden to move on the craft who could move more easily. In almost every situation, UAS will be able to maneuver out of the way of a manned aircraft, rather than the other way around. Instead of providing shielded areas that trigger right-of-way rules, FAA should consider shielded areas that allow for permitted operations, particularly federally contracted operations, within Category 3 and above areas. If FAA

does decide to stick with the right-of-way framework for shielded areas, you should consider defining “structure” in a way that excludes objects that attract helicopters.

Certificated operations must also be able to undergo a validation test under § 108.545. AGC requests further information or guidance on this process and what a passing grade looks like.

III. Conclusion

AGC and the construction industry have been working with UAS for many years to improve conditions and safety on the job site. Through this proposed rule, FAA is taking the next step in the expansion of the drone economy. While the possibilities are endless, so to are the risks. The proposed rule, as written, leaves a lot to chance. We appreciate that FAA wants to provide flexibility for businesses, but when lives are on the line, our members want certainty. Not business decisions.

Thank you again for the opportunity to submit feedback on the proposed rule. We are excited to work with the FAA to embrace the promise of unmanned aviation, in a safe and deliberate fashion. Please reach out to us to discuss further or to seek more information.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Spencer Phillips', with a long horizontal line extending to the right.

Spencer Phillips
Counsel, Regulatory and Litigation Advocacy