



United States
Parachute Association

January 15, 2024

Submitted electronically via Regulations.gov and via E-mail to michael.helvey@faa.gov

Docket Number FAA-2023-1739

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

RE: Request for Comments on the FAA's Policy Changes to Definition of Aeronautical Activity

Dear Mr. Helvey and the DOT Docket Operations Team:

We are pleased to collaboratively submit comments on the changes to the definition of Aeronautical Activity. A number of general aviation groups and associations are filing individual submissions and are thus not included on this joint document. Collectively our members continue to be strongly interested in the safety, accessibility and viability of our Nation's air transportation system and its airports and we appreciate the opportunity to offer our input on these proposed changes.

The Aerospace Industries Association (AIA) has been the voice of the aerospace and defense industry (A&D) since 1919, currently representing more than 320 member companies. With more than 2.1 million shared employees and generating \$391 billion in economic value, A&D is critical to the health of the U.S. economy and serves as a seamless, fundamental part of daily life. AIA's work as an advocate and leader is essential to shaping policy, shedding light on the industry's impact, and fortifying its future.

The National Air Transportation Association (NATA) represents nearly 3,700 aviation business locations across a broad cross section of the industry, including on-demand charter air carriers and fractional ownership companies, FBOs, flight training providers, maintenance facilities, airport sponsors at general aviation airports, and others. The Association serves to elevate the safety and professionalism of its members by convening industry thought-provoking leadership on its policy committees, examining contemporary issues, and pursuing solutions that prioritize safety and economic viability.

The National Business Aviation Association (NBAA) represents the interests of over 11,000 member companies that rely on general aviation aircraft to help make their businesses more efficient, productive and successful. NBAA is intricately engaged in issues related to Advanced Air Mobility (AAM) and Uncrewed Aerial Systems (UAS) through its AAM Roundtable, Emerging Technologies Committee and other initiatives. NBAA members include airport sponsors and numerous tenants and users of airports. Business aviation supports 1.2 million American jobs and \$247 billion in economic output.

The United States Parachute Association (USPA) is the national membership organization representing the interests of over 42,000 individual skydivers and more than 230 USPA-affiliated skydiving centers across the country.

The Vertical Flight Society (VFS) is the world's oldest and largest professional society dedicated to advancing vertical flight technology, with more than 6,000 individual members, and 200 companies, universities and other organizations. Since it was founded as the American Helicopter Society (AHS) in 1943, the Society has been a major force in advancing the technology, safety and suitability of vertical flight air mobility platforms.

AIA, NATA, NBAA, USPA and VFS recognize the importance of keeping the FAA Airport Compliance Manual (FAA Order 5190.6B) current as we welcome new technologies and emerging entrants into the National Airspace System (NAS) and appreciate the Agency taking the initiative to do so. We also acknowledge that this is a complex task – and caution that it is one that may have unintended side effects, create undue complications, and potentially have negative impacts as many pieces of FAA oversight are interconnected to the Airport Compliance Manual in general and to the definition of an Aeronautical Activity in particular.

Our specific comments and concerns on items we find relevant are as follows:

1. Addition of Advanced Air Mobility (AAM)

- The current definition of Aeronautical Activity – which is “Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations” – already encompasses AAM aircraft. The current definition does not discriminate against aircraft based on type certification, powerplant, type of propulsion, or the kind of fuel used (*i.e.*, carbon-based, electric, hydrogen, or other). Additionally AAM aircraft will be used for “general and corporate, air taxi and charter” as well as other types of operations already covered by the current definition. These will be FAA certificated aircraft, operating under the same rules and procedures as the aircraft currently in the NAS. Thus, the purpose – and consequences – of uniquely adding AAM, but not other types of aircraft, to the definition is uncertain.
- Our further concern and potential complication is that the terms “Advanced Air Mobility” and “AAM” are not defined under Part 1 or any other statutory definitions. Thus, incorporating them into FAA Order 5190.6B will create further ambiguity and confusion, including how/if definition of the terms in this context will affect other regulation by the FAA.

2. Addition and Restriction of Recreational Activity

- The addition of “Recreational UAS” to the definition is unprecedented as the FAA has not differentiated between recreational and non-recreational uses in the past. The FAA policy, as well as past underlying statutes, have long required that all types of aeronautical activities be provided access to obligated airports. We are concerned that this proposal: 1) puts an undue burden on airport sponsors and others involved in determining whether an activity is recreational in its nature or not, 2) creates a slippery slope to potentially justify the ban of existing recreational aviation uses of airports beyond UAS, and 3) appears to exceed the FAA’s authority, by depriving statutorily-authorized flight activities from FAA protection, without an adequate justification of the carve-out.
- Recreational general aviation is at the core of the US aviation system and has had the opportunity to flourish here like in no other place on the globe largely due to the FAA embracing its importance. The current path for flight training and other disciplines into commercial aviation is through recreational general aviation. Even if unintended, the proposed definition and carve-out of Recreational UAS suggests that the FAA does not appreciate and will not defend the value and necessity of recreational general aviation overall. The FAA should not and cannot take that position.

In conclusion, we do not support the new inclusion of AAM or UAS in the definition of aeronautical activities, as they are already covered under the existing definition. Additionally, we caution against any future revisions to the definition that may value certain aeronautical activities over others, solely based on their purpose.

We appreciate the opportunity to comment and thank you for considering our input.

Sincerely,

Karina Perez, Director, Uncrewed and Emerging Aviation Technologies, Aerospace Industries Association (AIA)

Alan Stephens, Vice President of Regulatory Affairs, National Air Transportation Association (NATA)

Alex Gertsen, Director, Airports and Ground Infrastructure, National Business Aviation Association (NBAA)

Albert Berchtold, Executive Director, United States Parachute Association (USPA)

Mike Hirschberg, Director of Strategy, Vertical Flight Society (VFS)