

Before the
United States Department of Transportation– Federal Aviation Administration
Washington, D.C.

In re

Designation– Restrict the Operation of
Unmanned Aircraft in Close Proximity to a
Fixed Site Facility

Docket No. FAA-2026-4558

COMMENTS OF
THE COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION (CCIA)

In response to the Notice of Proposed Rulemaking (NPRM), published in the Federal Register at 91 Fed. Reg. 24650 (May 6, 2026),¹ the Computer & Communications Industry Association (“CCIA”)² submits the following comments.

I. Introduction

CCIA welcomes the opportunity to provide comments to the Federal Aviation Administration (FAA)’s NPRM, which would, if finalized, create a nationwide framework for requesting unmanned aircraft flight restrictions (UAFRs). Unmanned aircraft systems (UASs) have many important uses for safety, security, and transportation purposes. For instance, CCIA members are seeking to provide last mile delivery services, which can reduce the cost of shipping a parcel up to 70%.³ These last-mile deliveries include parcels, medical samples, and lifesaving medications. Other beneficial applications of drones include infrastructure inspection, precision agriculture, search and rescue, and aerial surveying.

¹ Notice of Proposed Rulemaking, *Designation–Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility*, 91 Fed. Reg. 24,650 (May 6, 2026) <https://www.federalregister.gov/d/2026-08943>.

² CCIA is an international nonprofit membership organization representing companies in the computer, Internet, information technology, and telecommunications industries. Together, CCIA’s members employ nearly half a million workers and generate approximately a quarter of a trillion dollars in annual revenue. CCIA promotes open markets, open systems, open networks, and full, fair, and open competition in the computer, telecommunications, and Internet industries. A complete list of CCIA members is available at <http://www.ccianet.org/members>.

³ See, e.g., Deloitte, *Strategic last-mile delivery*, (December 2024) <https://www.deloitte.com/us/en/services/consulting/blogs/business-operations-room/future-of-last-mile-drone-delivery.htm>.

CCIA agrees with the FAA’s concerns about rogue drones and the need to protect critical infrastructure, and we are therefore supportive of the FAA’s efforts in this NPRM to balance the protection of critical infrastructure facilities from nefarious drones while allowing legitimate drone operations to continue. CCIA also believes that key, targeted improvements to the draft proposal can be made to strengthen the rule in its final form, including clarification around federal preemption over operations in the National Airspace System as well as embracing technology-forward approaches that move us away from a manual, onerous notification process that the draft language contains.

II. The NPRM should explicitly include federal preemption.

The regulatory text proposed in the NPRM does not specifically address federal preemption, creating ambiguity as to its impact on state overflight laws. Many states already impose criminal penalties for unauthorized unmanned flights over critical infrastructure,⁴ and drone flights will often operate across different states with different laws. Nationwide regulatory certainty is therefore essential in this area. As the NPRM executive summary states, Congress passed Section 2209 of the FAA Extension, Safety and Security Act of 2016 (FESSA) to allow requests for UAFRs based on “aviation safety; protection of people and property on the ground; national security; and homeland security.”⁵ These are federal considerations and warrant a unified federal framework.

A. A lack of federal preemption creates conflicting obligations.

If federal preemption is not explicitly added to the NPRM, covered operators will face contradictory requirements. For example, the “allowed operations” in Section 74.250 regulates UAS flight in restricted areas below 400 feet,⁶ including flights over detention facilities. By contrast, Texas prohibits such flights altogether.⁷ Similarly, Nevada criminalizes the operation of unmanned aerial vehicles within specific distances (500 feet horizontally or 250 feet vertically) of any “critical facility” without the owner’s consent.⁸ These distances apply regardless of any

⁴ See, e.g., Tenn. Code Ann. § 39-13-903 (West 2026); Ariz. Rev. Stat. Ann. § 13-3729 (West 2026); Tex. Gov’t Code Ann. § 423.0045 (West 2025); Fla. Stat. § 330.41 (2025); Ark. Code Ann. § 5-60-103 (West 2026); Del. Code Ann. tit. 11, § 1334 (West 2026); Ky. Rev. Stat. Ann. § 511.100 (West 2026); Or. Rev. Stat. § 837.372 (2025).

⁵ 91 Fed. Reg. 24650, 24651 (May 6, 2026).

⁶ *Id.* at 24656.

⁷ Compare *id.* at 24690-91 with Tex. Penal Code Ann. § 38.115(b)(1) (West 2023).

⁸ Nev. Rev. Stat. § 493.109.1(a) (2015).

FAA risk assessment. Furthermore, the definition of “critical facility” is broader than the list of facilities contemplated in the NPRM, applying to pipelines, chemical transportation and storage facilities, utilities, mines, transmission lines, and many other types of infrastructure. To avoid such conflicts, the FAA should state in the regulatory text that Section 74.250 preempts all state and local laws restricting UAS operations in navigable airspace based on their distance from critical infrastructure facilities.

B. Lack of federal preemption will result in substantial compliance costs, undermining smaller businesses’ ability to compete.

Failure to institute unified federal frameworks has imposed substantial compliance costs in many technological sectors. While larger operators may be able to bear such costs more easily, these costs can substantially undermine smaller operators’ ability to compete. One 2023 National Bureau of Economic Research study found that added compliance costs from state-by-state regulatory approaches can reach hundreds of billions of dollars annually, and, in compliance-heavy industries, can cost firms over 3% of their annual operating budget.⁹ A fragmented regulatory landscape could well result in similarly onerous costs for UAS operators.

III. The Proposed Rules should automate and streamline the notification process for passing through spaces with UAFRs.

The Proposed Rules should further modernize the industry by updating the advance notification process required for UAS operators to enter spaces governed by UAFRs. Specifically, the Proposed Rules should create an automated, streamlined process for operators to submit these notifications. Many UAS operators complete thousands of deliveries daily, and manually completing detailed logs of each trip is infeasible at large scales. Requiring manual submissions thus significantly constrains the size of the industry. Moreover, manual submissions will have higher error rates than automated ones, resulting in further processing delays. Operators should therefore be permitted to create a single “standing” notification for each space governed by a UAFR in which they operate. For day-to-day monitoring of commercial UAS flight operations, a fixed site facility can use broadcast or network-based Remote ID. The remote viewing capability of network-based Remote ID will allow a fixed site facility to receive

⁹ Francisco Trebbi et al., *The Cost of Regulatory Compliance in the United States*, Nat’l Bureau of Econ. Res. (July 2023), <https://ftrebbi.com/research/TZS.pdf>.

advanced notification and would effectively serve to replace the proposed manual web portal with automated, machine-to-machine electronic notifications. This aligns with technology industry standards for data interoperability, cloud integration, and scalable software ecosystems.

IV. Conclusion

A rule explicitly instituting federal preemption of state UAFRs would bring much-needed certainty to an industry to a critical emerging industry. Such a rule would be consistent with both Congressional intent and the scope of FAA authority, while avoiding contradictory federal and state laws. A unified framework would also foreclose the spiralling compliance costs from a fragmented state-specific regulatory approach. In addition, key improvements can be made in a final rule to future-proof its approach through use of digital and automated tools, while simultaneously relieving compliance burdens on UAS operators and fixed site facilities alike. With the appropriate changes made in a final rule, the FAA can successfully balance protecting sensitive sites from the threat of nefarious drones while allowing a promising new American industry to thrive by further enabling legitimate UAS operations.

Respectfully submitted,

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