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VIA ELECTRONIC FILING

Federal Aviation Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W58-213, West Building 5th Floor
Washington, DC 20590-0001

Re: *Designation—Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility, Docket No. FAA–2026–4558*

Comments of the National Association of Broadcasters

The National Association of Broadcasters (NAB)¹ appreciates the opportunity to comment on the Federal Aviation Administration’s (FAA) Notice of Proposed Rulemaking (Notice) in the above-referenced proceeding implementing section 2209 of the FAA Extension, Safety and Security Act of 2016.² The Notice seeks to establish a process by which certain fixed-site facilities can apply for unmanned aircraft flight restrictions (UAFRs), specify the requirements for obtaining UAFRs, and limit the types of unmanned aircraft systems (UAS) operations permitted within UAFRs. In our comments below, NAB discusses the potential impact of the proposed rules on broadcasters who operate UAS for legitimate newsgathering operations, and suggests modifications to the proposed rules to better accommodate these operations.

I. INTRODUCTION

Over the last decade, broadcasters have increasingly used UAS to cover breaking news, sports, natural disasters, and other newsworthy events. These operations typically provide aerial video and imagery to support news coverage and the dissemination of emergency information. For many local broadcast stations, UAS have become an essential part of their newsgathering efforts, allowing them to offer their audiences unique and immersive

¹ The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² 91 Fed. Reg. 24650 (May 6, 2026).

perspectives into important news events.³ Broadcasters also have been leaders in developing comprehensive training programs to ensure their personnel conduct UAS operations safely and in full compliance with FAA regulations.⁴

In the Notice, the FAA proposes to create standard and special UAFRs, for which certain facilities within 16 “critical infrastructure sectors” and government entities, respectively, can apply to restrict the operation of UAS within set boundaries around their fixed-site facilities, subject to certain exceptions.⁵ The Notice states that the FAA’s proposal is designed to address growing concerns about the “safety and security implications” of UAS “flying in close proximity to certain types of facilities,” while “ensuring the public right of transit, preserving airspace efficiency, and integrating UAS into the [National Airspace System].”⁶

NAB supports the FAA’s efforts to ensure the safety and security of the national airspace through reasonable restrictions on UAS operations near certain facilities. However, NAB recommends that the FAA modify its proposed rules to ensure that broadcasters are not unduly restricted in their ability to lawfully utilize UAS in UAFRs for newsgathering purposes. Specifically, NAB urges the FAA to modify Section 74.250 to allow for certain non-transitory operations in a UAFR by broadcasters using UAS in a newsgathering capacity. NAB also urges the FAA to revise Section 74.255 to include broadcasters within the existing exception

³ See, e.g., *This TV Station Was the First in the Nation to Use Drones in the Newsroom*, NAB PILOT, <https://nabpilot.org/this-tv-station-was-the-first-in-the-nation-to-use-drones-in-the-newsroom/> (last visited July 30, 2026) (discussing how WSB-TV in Atlanta, Georgia, has utilized drones to provide live aerial coverage of the aftermath of hurricanes in the region as well as a direct view into a sinkhole that encircled a gas station in Gwinnett County); Alex Dvorak, *Photos, videos show damage in wake of multiple tornadoes in Illinois, Indiana*, NBC5 Chicago (June 12, 2026), <https://www.nbcchicago.com/weather/photos-videos-show-damage-in-wake-of-multiple-tornadoes-in-illinois-indiana/3947771/> (“Photos, videos and drone footage captured the scenes many across Illinois and Indiana were waking up to Friday as devastating storms and tornadoes left behind a sea of debris.”).

⁴ See, e.g., *Sinclair Becomes First Broadcast Media Company Approved by FAA to Pilot Drones Over People Without Waiver for Newsgathering*, Sinclair (Apr. 2, 2025), <https://sbgi.net/sinclair-becomes-first-broadcast-media-company-approved-by-faa-to-pilot-drones-over-people-without-waiver-for-newsgathering/> (discussing how Sinclair recently became “the first broadcast company authorized to fly drones over individuals and moving vehicles without needing an FAA waiver for newsgathering under FAA rules” and detailing Sinclair’s extensive Unmanned Aerial Systems program that “includes 148 FAA certified pilots and 540 trained visual observers” and involves “rigorous training at Virginia Tech’s Mid-Atlantic Aviation Partnership”). The majority of broadcasters operate civil small UAS for purposes of newsgathering pursuant to 14 C.F.R. § 107.

⁵ 91 Fed. Reg. at 24650-52.

⁶ *Id.* at 24650-51.

to the advance written notice requirements and create a “whitelist” of compliant UAS operators that would not need to provide per-operation notices of access. Finally, NAB asks the FAA to modify the proposed language for Section 74.58 to ensure applicants are proposing UAFR lateral boundaries that are narrowly tailored to the identified security concern. These modifications would enable broadcasters to comply with the proposed rule while preserving their ability to use UAS to deliver timely, critical, and high-quality news reporting to the local communities they serve.

II. SECTION 74.250 SHOULD BE REVISED TO EXPLICITLY INCLUDE NON-TRANSITORY NEWSGATHERING OPERATIONS WITHIN THE SCOPE OF ALLOWED OPERATIONS IN A UAFR

The Notice seeks comment on whether the proposed language at Section 74.250(a)(2) “is broad enough to enable both legitimate transitory and non-transitory operations within a UAFR, with the appropriate notification to the fixed site facility, while still preserving the integrity of the airspace restriction.”⁷ The proposed Section 74.250 provides the requirements by which certain UAS would be able to operate lawfully within standard UAFRs, including that the UAS “broadcasts remote identification in accordance with 14 CFR part 89;” “[t]he unmanned aircraft transitions the UAFR in the shortest amount of time practicable;” and the UAS operation is a permissible Part 91, 107, 108, 135, or 137 operation.⁸

The proposed rule does not sufficiently enable broadcasters’ non-transitory operations of UAS in UAFRs, which as drafted requires UAS operating in a UAFR to “transition[] the UAFR in the shortest amount of time practicable.”⁹ As the FAA acknowledged in the Notice, some unmanned aircraft operations, such as “first amendment activity, may require non-transitory operations within a UAFR.”¹⁰ When UAS are utilized in broadcasting, they usually are engaged in such non-transitory operations like hovering, orbiting, or even loitering around a facility in which a newsworthy event is occurring or developing, rather than merely transiting over or through a restricted area.

Notably, the text proposed for Section 74.250(a)(2) does not explicitly include non-transitory operations, and it requires completion of the UAS operation in the “shortest amount of time practicable,” which contemplates UAS transit, thus providing little flexibility to broadcasters in conducting their newsgathering UAS operations. While the Notice indicates that the FAA

⁷ *Id.* at 24676.

⁸ *Id.* at 24690-91.

⁹ *Id.* at 24690.

¹⁰ *Id.* at 24676.

declined to include an explicit prohibition on hovering, the Notice also cites “specific behaviors such as hovering, orbiting, landing, or loitering,” as “present[ing] security challenges that are distinct from conventional aviation safety issues.”¹¹ Without further guidance on permissible non-transitory operations, broadcasters run the risk of being penalized for their non-transitory UAS operations within UAFRs. The FAA should amend the proposed rule to clarify that non-transitory operations involving newsgathering would not violate Section 74.250(a)(2).

III. SECTION 74.255 SHOULD BE REVISED TO EXEMPT BROADCASTERS FROM THE NOTICE REQUIREMENTS AND TO INCLUDE A “WHITELIST” OF EXEMPT UAS OPERATORS

The Notice also seeks comment on the proposed notification requirements for UAS to access UAFRs.¹² Under the proposed Section 74.255, an operator of an unmanned aircraft would be required to “provide notice to the fixed-site facility manager . . . as soon as reasonably possible in advance of” operating an unmanned aircraft in a UAFR, and such notice would need to include specific content such as the “Remote Identification Serial Number(s) associated with allowed operation” and the operator’s “[u]nmanned aircraft registration number(s).”¹³ The proposed rule does provide an exception to the written notice requirements under Section 74.255(c), but only for operations “conducted by or on behalf of a government agency or law enforcement acting within the scope of their legal authority,” from whom “notification must be provided verbally as soon as reasonably possible and written notification within seven calendar days.”¹⁴

The proposed UAFR access notification process does not sufficiently accommodate broadcasters who utilize UAS to cover breaking news and other quickly developing events. Broadcasters often do not have more than an hour or two to provide advance notice of a UAS operation given the time sensitive nature of covering breaking news, imminent severe weather, or other quickly developing events that require on-the-spot coverage.¹⁵ Additionally, broadcasters’ obligation to provide notice of upcoming UAS operations will be compounded

¹¹ *Id.*

¹² *Id.* at 24678.

¹³ *Id.* at 24691.

¹⁴ *Id.*

¹⁵ See *Drone 5 flies over Shaw University, where shots fired*, WRAL News (Apr. 23, 2024), <https://www.wral.com/video/drone-5-flies-over-shaw-university-where-shots-fired/21395567/> (drone footage from WRAL-TV, based in Raleigh, North Carolina, over a local university shortly following a shooting).

by the number of facilities potentially eligible for UAFRs under the proposed rule.¹⁶ Given the number of facilities likely to apply for such restrictions “out of an abundance of caution,” the proposed notification requirement will likely pose significant burden and cost to broadcasters and impede their newsgathering operations.

To better accommodate broadcasters’ newsgathering efforts, the FAA should extend its exception to the notice requirement for law enforcement and government agencies under proposed Section 74.255(c) to broadcasters, as defined in the Communications Act,¹⁷ conducting newsgathering operations. Broadcasters are “first informers” that deliver timely and critical information to local communities during natural disasters and other emergency situations.¹⁸ In recognition of this “first informer” status, in 2018, Congress formally designated broadcasters as “essential service providers,” akin to law enforcement and local government entities, whose access to a disaster site cannot be impeded during an emergency or major disaster.¹⁹ Here, too, the FAA should account for broadcasters’ important role in serving local communities through newsgathering and exempt broadcasters from providing advance written notice of a UAS operation in a UAFR.

In addition, the FAA should include in the final rule its proposed solution of a “whitelist” of compliant UAS operators that can access UAFRs without additional notification. As detailed in the Notice, in lieu of providing per-operation notifications to each facility, UAS operators could make a “one-time submission to the FAA of airman certificate number(s) and remote

¹⁶ See 91 Fed. Reg. at 24652 (indicating that facilities within the following “16 critical infrastructure sectors” can apply for standard UAFRs: “chemical; commercial facilities; communications; critical manufacturing; dams; defense industrial base; emergency services; energy; financial services; food and agriculture; government services and facilities; healthcare and public health; information technology; nuclear reactors, materials, and waste; transportation systems; and water and wastewater”).

¹⁷ 47 U.S.C. § 153(6)-(7) (defining the terms “broadcast station” to mean “a radio station equipped to engage in broadcasting” and “broadcasting” to mean “the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations”).

¹⁸ Comments of NAB before the Federal Communications Commission, *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, Wireless Emergency Alerts*, PS Docket Nos. 15-91, 15-94, at 2 (Apr. 20, 2021).

¹⁹ 42 U.S.C. § 5189e(a)(1)(A)(i) (including in the definition of an “essential service provider” entities that provide “wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service”); *id.* § 5189e(b) (“Unless exceptional circumstances apply, in an emergency or major disaster, the head of a Federal agency, to the greatest extent practicable, shall not . . . deny or impede access to the disaster site to an essential service provider whose access is necessary to restore and repair an essential service[.]”).

ID serial number(s) associated with the intended allowed operations,” and those operators’ remote ID serial numbers can be provided to fixed-site facilities.²⁰ This solution would serve to reduce the burden on broadcasters and other compliant UAS operators of providing notice for every UAS operation they plan to conduct in UAFRs, while ensuring that fixed-site facilities with UAFRs “have situational awareness of lawful unmanned aircraft activity within the UAFR, allowing them to distinguish between lawful and unlawful activity.”²¹ Ultimately, the inclusion in the final rule of broadcasters within the scope of the Section 74.255(c) exception to the advance written notice requirements, and of a whitelist of compliant UAS operators, will serve to protect broadcasters’ ability to utilize UAS in providing critical news coverage to local communities.

IV. THE FAA SHOULD MODIFY PROPOSED SECTION 74.58 TO ENSURE THAT UAFR APPLICANTS DO NOT SET THEIR PROPERTY LINES AS THE LATERAL BOUNDARIES OF THE UAFR BY DEFAULT

The Notice further seeks comment on whether the proposed “lateral boundaries should be reduced to less than the property line and what scenarios would be applicable to having less than the property line for a UAFR.”²² Under the proposal in the Notice, Section 74.58 would provide that “[t]he lateral boundary of the unmanned aircraft flight restriction must be narrowly tailored to the specific security concern and may not: (1) [e]xceed the fixed site facility property boundary; or (2) [o]verlap in whole or in part with a permanent airspace restriction.”²³ The Notice states that the purpose of the property boundary limitations “is to make sure that the requested UAFR is limited to property over which the applicant has a legal right or interest.”²⁴

The lateral boundaries for UAFRs under proposed Section 74.58 may be too restrictive for broadcasters’ use of UAS for newsgathering purposes if fixed-site facilities decide to reflexively set them at property lines. When broadcasters operate UAS to capture content, they often orbit the UAS around the facility rather than transiting over the facility. Depending on the size of the fixed-site facility’s property, broadcasters may need to orbit their unmanned aircraft within the property lines to more clearly capture the sought-after content at the facility. Further, there are several facilities eligible for a UAFR under the proposed rule that would not need UAFRs up to their property lines, namely sports stadiums and arenas with large complexes and parking areas, not all of which may be utilized in a given sporting

²⁰ 91 Fed. Reg. at 24678.

²¹ *Id.*

²² *Id.* at 24663.

²³ *Id.* at 24687.

²⁴ *Id.* at 24662.

event.²⁵ Notably, the draft Advisory Circular for the Notice provides a number of examples of UAFRs where the appropriate lateral boundaries are set inside the property lines of the facility and do not include parking lots or natural features.²⁶ Consistent with the Advisory Circular, the FAA should amend the proposed rule to clarify that setting the lateral boundaries at the property line for UAFR applications is not in and of itself “narrowly tailored to the specific security concern” and call for individualized inquiries as to applicants’ proposed lateral boundaries.

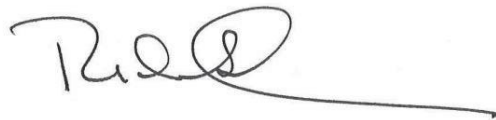
V. CONCLUSION

NAB appreciates the FAA’s efforts to improve the safety and security of UAS operations in national airspace and recommends that the agency adopt the proposed modifications to its final rules to better accommodate broadcasters’ use of UAS in its newsgathering efforts.

Respectfully submitted,

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²⁵ See, e.g., *AT&T Stadium*, <https://attstadium.com/maps/#/> (providing an interactive map of AT&T Stadium complex, utilized by the Dallas Cowboys football team, which covers about 150 acres).

²⁶ See, e.g., Federal Aviation Administration, *Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility*, Draft Advisory Circular, at Appendices A-1-A-3 (rel. May 6, 2026) (explaining as to “Lateral Boundary Example 1” that “the internal fence would best represent the maximum lateral boundary for this requested UAFR” because it “is an indication of internal areas where access is limited to protect sensitive assets” and “also clearly identifies the property owned and controlled by the [fixed site facility]”).