ComtIQ CROSS-DOCKET REGULATORY INTELLIGENCE · TWO RULES, ONE AIRSPACE

Part 108 decides who may fly beyond sight, and Part 74 decides where they can reach

The FAA's BVLOS rule and its fixed-site drone restriction rule, read together through both comment records, the proposed text and the agency's own cost analysis.

DOCKETS

FAA-2025-1908 · FAA-2026-4558

AGENCIES

FAA; TSA for the Part 108 security program

PART 108 AND 146

90 FR 38212, Aug. 7, 2025, RIN 2120-AL82 and 1652-AA80. Final rule at OIRA since July 10, 2026

PART 74

91 FR 24650, May 6, 2026, RIN 2120-AL33. Comments closed Aug. 5, 2026. No final rule

COMMENT WINDOWS

Aug. 7 to Oct. 6, 2025, reopened Jan. 28 to Feb. 11, 2026 (108). May 6 to Aug. 5, 2026 (74)

VERSION

1.2, November 4, 2026. Data cutoff Oct. 26, 2026

QUESTION THIS REPORT ANSWERS

Once Part 108 is final, where can a commercial operator fly at scale, and which open choices in Parts 108, 146 and 74 decide what that access costs?

BOTTOM LINE UP FRONT

The two rules are written to depend on each other. Under § 108.220[1], a Part 108 flight inside a UAFR follows Part 74, and Part 74 lets it cross a standard UAFR only with Remote ID, a fast transit[2] and a notice to the site manager before each flight. A special UAFR stays closed to outside operators without the approval of the using agency and the FAA[3].

The per-flight notice in § 74.255 is the provision most likely to change in practice, because the FAA itself floated a list of approved operators[4] and the delivery companies and drone trade groups that filed in both dockets, joined by Florida Power & Light, say a flight-by-flight notice cannot keep up with hundreds of flights a day[5]. We expect the duty to stay in the rule text. Whether the FAA names an automated way to meet it is a roughly even chance, and either path helps operators less than an exemption would. The open risk sits where the FAA has put no price, as Disney, IAAPA and the electric utility associations ask to remove or condition commercial access to their sites, ten state attorneys general[6] ask the FAA to say Part 74 does not preempt state laws on drones near critical sites, and the cost analysis states the FAA has no data[7] on what detours cost operators.

KEY JUDGMENTS

Each superscript points to a source in the endnotes. The online version at https://comtiq.com/reports/drone-airspace/ opens the same source next to the number. Likelihood words follow ICD 203 and are analyst judgments. Each judgment names the outcome we forecast and what would confirm or refute it, so it can be scored when the final rules publish.

Five judgments

1 **The final Part 74 will likely keep a per-flight notice duty in its text. Whether the FAA names an automated way to meet it is a roughly even chance.**

Section 74.255 asks for eight items before each flight and sends them to the site manager "in a form and manner acceptable to the Administrator."[8] That phrase lets the FAA automate the notice without new rule text, though a one-time list alone

would not supply the date, time and area each notice must carry. The preamble already describes a one-time submission[4] of certificate and Remote ID numbers. Operators give the scale. Florida Power & Light flies about 500 flights a day[5], Zipline says the notice is "unachievable for operations at scale"[9] and asks to exempt Part 135 and Part 108 holders, and DoorDash proposes an FAA database of qualified operators[10] in place of notice. Facility owners split. The American Chemistry Council asks for standing notifications[11] for flights the facility owns or authorizes, and the railroads ask for written notice no later than 7 days[12] before transit.

`Roughly even chance`	Text keeps the per-flight duty, and the FAA says it will accept an automated or system-generated notice.
`Unlikely`	Text exempts Part 135 and Part 108 holders, or replaces the notice with an FAA list.
`Very unlikely`	Text keeps the per-flight duty and the FAA names no automated path.

`CONFIRMED IF` the final § 74.255 still requires notice of each operation. The automation forecast is confirmed if the preamble, advisory circular or UAFR Module accepts automated submission.
`REFUTED IF` the final text exempts certificated operators or drops per-operation notice.

`Moderate confidence`

91 FR 24678, 24690; comments 1531, 1527, 1684, 1630, 1636, 1660, 1639, 1681.

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2 Part 107, Part 108 and Part 135 transit through standard UAFRs will likely survive in § 74.250.

This judgment covers standard UAFRs only. The preamble says nothing in the rule gives site managers power to "approve, disapprove, restrict, or prohibit operations."[13] Airline pilots back that line, asking that facility operators not "control navigable airspace."[14] Against it, Disney asks the FAA to strike routine Part 107 flights and commercial Part 108, Part 135 and Part 137[15] flights from § 74.250, met senior FAA officials on September 2, 2026[16], four weeks after comments closed, and IAAPA asks at minimum for the park operator's advance consent[17]. The electric utility associations want commercial flights over defense-critical electric and nuclear sites "categorically prohibited"[18], and air medical operators want UA excludable from sites their flights serve[19]. Amazon asks the FAA to open special UAFRs at private sites with an FAA-run access path, which would move some sites into the closed regime.

Likely — § 74.250(c) to (e) keep Part 107, 108 and 135 operations as allowed in standard UAFRs.

Unlikely — The final rule adds a consent requirement, an advance-notice period or a category removal for venues, hospitals or electric sites.

CONFIRMED IF final § 74.250(c), (d) and (e) carry these categories with no sector exception. REFUTED IF any of them is removed, or made subject to facility consent, for any sector.

Low confidence

91 FR 24678, 24690; comments 1638, 1627, 1644, 1616, 1559, 1663; memo FAA-2026-4558-1691.

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3 Roughly even chance that the final Part 74 stops citing TSA threat assessments as part of its basis for letting Part 108 operators in.

The Part 74 summary rests allowed operations on two grounds, "rigorous FAA safety requirements and Transportation Security Administration (TSA) security threat assessments where applicable."[20] The safety ground does not depend on TSA. The security ground does, and the drone industry asked TSA to drop it from Part 108. Amazon asked TSA to withdraw from the Part 108 rulemaking[21], and Wing strongly opposed[22] the security threat assessment in § 108.335. In the Part 74 docket Wing calls the tie between access and those assessments unnecessary[23], while the refiners warn that Part 108 "has not been finalized"[24] and should not justify access. TSA says its roundtables on the security program will meet after both final rules publish[25]. If the final Part 108 narrows or delays the TSA layer, the FAA can still rest § 74.250(d) on safety, and facility owners already asking to remove Part 108 access will point to the missing security ground.

CONFIRMED IF the final Part 74 preamble drops the TSA assessment from its stated basis for Part 108 access. REFUTED IF it keeps the TSA ground of 91 FR 24652. A separate security condition for Part 108 operators would be a related change, scored on its own.

Low confidence

91 FR 24652, 24676; comments FAA-2025-1908-2872, -2986; FAA-2026-4558-1645, -1665; TSA notice FR Doc. 2026-18124.

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4 Food and agriculture will likely stay without criteria in the final Part 74.

The FAA left § 74.90 reserved[26] after it could not find a farm or food site that another sector did not already cover or that would reach a national-level debilitating impact. The largest public response in either docket answers that question. In a random sample of the 1,439 comments that name no organization, 59.2%[27] oppose UAFRs for food and agriculture. That share describes the

sample's population, not all 1,669 records. Friends of the Earth filed one comment carrying 15,815 signatures[28] by its attachment's count, 16,434 by its cover note. Pork, cattle, poultry and meat groups ask for eligibility, the Pork Producers for farms, feed mills and plants "to quickly and easily seek UAFRs."[29] Volume does not decide this. The FAA's own finding does, and the farm letters we read argue from biosecurity, harassment and the food supply, which the FAA would have to fit to its national-impact test.

CONFIRMED IF final § 74.90 reads "[Reserved]" or the FAA says it will propose criteria separately. REFUTED IF the final rule sets criteria that farms, feedlots or processing plants can meet.

Moderate confidence

91 FR 24669, 24688; sample of 120 (seed 20261026); comments 1666, 0565, 1669, 1672.

5 The final Part 74 will likely say nothing new on preemption, leaving operators and states to fight over state drone laws site by site.

The preamble already states that state rules on aviation safety and airspace efficiency are preempted[30], and the federalism section finds the rule has no federalism implications[31]. Both sides asked for more. Amazon wants an express preemption provision[32] and names Nevada and Texas laws that could expose an FAA-compliant Part 135 operator to criminal charges, and CTIA, NRF, the U.S. Chamber and the Small UAV Coalition ask for the same. Ten state attorneys general ask the FAA to say the rule would not preempt[33] state laws on drones near state-defined critical infrastructure. Writing either answer into the rule would draw a challenge from the other side, and the FAA has an existing preemption position it can repeat. For a delivery operator, the practical exposure is the gap between a route the FAA allows and a state statute that criminalizes the same overflight.

Likely — No express preemption clause in the final regulatory text.

Likely — The FAA keeps its finding of no federalism implications, though the AG letter is the comment that most directly tests it.

CONFIRMED IF the final Part 74 text has no preemption section and the E.O. 13132 statement is unchanged in substance. REFUTED IF the text adds a preemption or savings clause, or the FAA finds federalism implications.

Low confidence

91 FR 24656, 24683; comments 1663, 1596, 1628, 1622, 1633, 1659.

THE RECORD IN NUMBERS

What each docket holds

3,929[34]
posted records, BVLOS docket

799[35]
of them in 26 near-duplicate campaigns, 20.3%

1,669[36]
posted records, Part 74 docket

371[37]
of them in 9 campaigns, 22.2%

1,279[38]
attachment files read in full, both dockets

62[39]
organizations that filed in both dockets

DATA QUALITY FINDING

The Federal Register counter overstated participation three times across these two dockets. The counter is a property of each commentable document. For the BVLOS proposal it read 1,025,014 while the FAA stated "approximately 3,100 comments"[40], and for the reopening it read 900,842 against 827 posted. For Part 74 it read 901,744 while the FAA reported 488 received as of July 3, 2026[41]. Our census finds 3,929[34] posted records for the BVLOS docket and 1,669[36] for Part 74. Counting each Friends of the Earth signature separately would put Part 74 between about 17,500 and 18,100 voices. We use the posted census throughout and set the counter aside. High confidence.

WINDOW	POSTED	IN CAMPAIGNS	SHARE	WHAT THE WINDOW ASKED
BVLOS proposal, Aug. 7 to Oct. 6, 2025 -0023	3,101	568	18.3%	The full Part 108 and 146 proposal and the TSA security program
Reopening, Jan. 28 to Feb. 11, 2026 -3135	827	231	27.9%	Seven questions on alternate EC devices under § 108.195(a)(2)(ii)
Denial of further extension -3488	1	0	0%	A July 9, 2026 letter from twelve manned aviation groups on detect-and-avoid
Part 74 proposal, May 6 to Aug. 5, 2026 -0001	1,669	371	22.2%	Eligibility in 16 sectors, access, notification, the cost analysis

The reopening drew people back for a narrow question. By exact organization name, 52 organizations filed in both BVLOS windows and 73 filed only in the reopening. The largest single block in the reopening is a 126-copy answer to the device questions from the powered paragliding community, which says no compliant EC device is on the U.S. market. That claim is contested inside the record. The Drone Service Providers Alliance names two devices available today[42], and Wing finds no marketed device that both fully meets it and fits the low-cost, portable design the FAA had in mind.

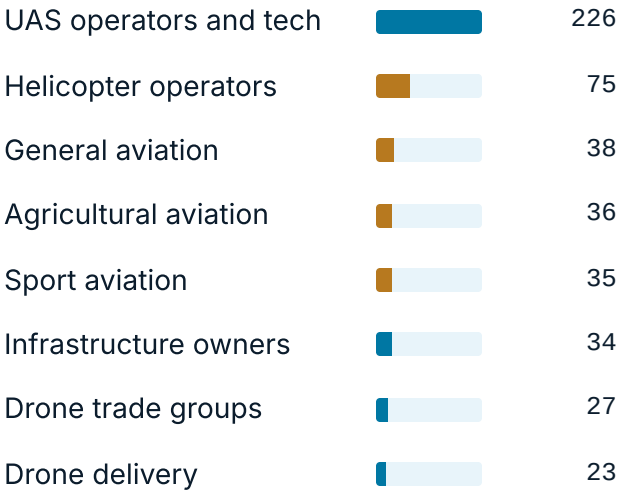
The Part 74 extension tripled the record. Of the 1,669 posted comments, 560 arrived by the original July 6 deadline and 1,109 came in the 30 days the FAA added at the New York Attorney General's request. The campaign count understates organized opposition to food and agriculture UAFRs. Thirty-four of the 71 sampled comments opposing those UAFRs sit outside the nine detected clusters, written in people's own words around the same talking points. None of the 22 sampled rail workers fall in a cluster at all.

Comments that name no organization are not all individuals. Seven of the 120 sampled Part 74 comments came from state transportation agencies, a city utility, a police department, a spaceport authority and a state emergency office that left the organization field blank, and two more came from small private firms. Utilities use "right of way" for their land corridors, so lexicon counts of right-of-way mentions in the BVLOS docket run high for the infrastructure sector.

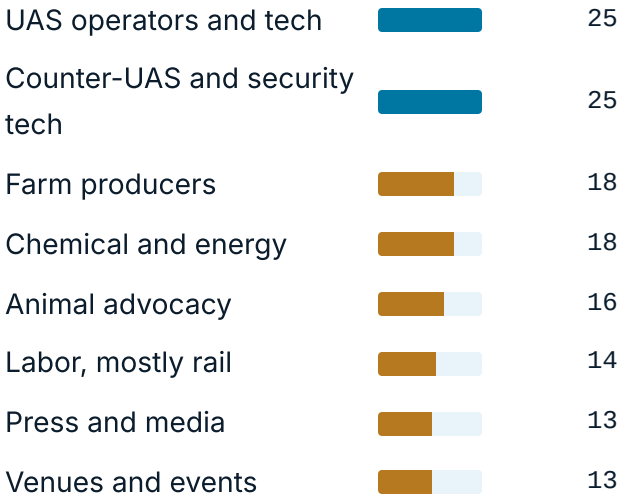
WHO IS COMMENTING

Pilots fill one record, farm critics and rail workers the other

BVLOS docket, selected organization types (683 of 3,929 records name one)



Part 74 docket, selected organization types (230 of 1,669 records name one)



PART 74 RANDOM SAMPLE, 120 OF 1,439 COMMENTS NAMING NO ORGANIZATION	N	SHARE	WILSON 95%
Opposes UAFRs for food and agriculture facilities	71	59.2%[27]	50.2 to 67.5
Rail worker asking limits on management drones over yards	22	18.3%[43]	12.4 to 26.2
Opposes the rule or asks narrower restrictions or more access	14	11.7%	7.1 to 18.6
Supports the rule or broader restrictions, other sectors	8	6.7%	3.4 to 12.6
No position in the text, or mixed	5	4.2%	1.8 to 9.4

The rail workers are the record's sleeper. They write one at a time, none of them in a campaign, and they describe managers flying drones over switching crews to run operating tests. They ask for limits on drones in rail yards, and the Teamsters Rail Conference says a UAFR should not give railroads unrestricted authority[44] to fly over occupied work areas. Part 74 sets the same access rules for every drone in a UAFR and says nothing about why an owner flies, so the workers' complaint sits outside what the proposal addresses. Southern California Edison and the American Chemistry Council push the other way and ask for an exemption for the owner's own flights.

In the BVLOS docket the manned aviation side keeps its priority claim. In a random sample of 120 of the 1,958 comments that mentioned right of way when we drew it, 72.5%[45] want manned aircraft to keep priority (Wilson 63.9 to 79.7), and among the 95 that take a position the share is 91.6%.

ARGUMENTS REQUIRING THE STRONGEST AGENCY RESPONSE

Strongest first, with the side that pushes back

Ranked by how much each comment demands of the FAA's written response, the duty under 5 U.S.C. 553(c) to answer significant comments and explain its choices. Comments that bring operating data, cite the FAA's own findings or come from a party aligned with the FAA on the rest of the rule rank higher, and splits inside a camp rank highest. This ranking is not a forecast of how a court would rule. Our judgments on judicial review sit in the risk register and are analyst judgments, not legal opinions.

§ 74.255 notice before every flight

Operating data · FAA's own alternative

Zipline, DoorDash, AUVSI, Skydio, CDA, FPL

Zipline calls the notice "burdensome but achievable for an individual operation" and unachievable at scale, and asks to exempt Part 135 and Part 108 holders. DoorDash cites more than 1,000,000 operations[10] in 2026. Skydio estimates "thousands of manual notifications a week."[46] AUVSI asks to codify that notice is situational awareness only[47]. The burden lands on compliant flyers, and the FAA concedes a UAFR "would not necessarily deter"[48] those who ignore the rules.

Railroads, helicopter operators, the FAA's own text

AAR wants written notice 7 days ahead[12]. VAI says notification alone does not ensure coordination. The FAA already offered the whitelist[4], which weakens any defense of the per-flight design.

§ 74.250(a)(2) transit "in the shortest amount of time practicable"

Split inside the drone camp

Amazon, AUVSI, Skyports, NAB, News Media Coalition, Georgia DOT, ALDF

DroneUp, facility owners

Amazon asks that normal delivery and inspection maneuvers[49] count as compliant. The News Media Coalition asks that news drones face no time limit[50]. Utilities and state DOTs need dwell time for inspection.

DroneUp supports the transit limit[51] as a security measure and asks the FAA to explain it. The FAA itself weighed bans on hovering and landing before choosing the time standard.

Preemption of state drone laws

Not in the proposed text

Amazon, Small UAV Coalition, CTIA, NRF, U.S. Chamber

Amazon wants an express preemption provision[32] and names Nevada and Texas laws that would expose an FAA-compliant Part 135 operator to criminal charges. CTIA asks the FAA to expressly preempt[52] state laws over critical infrastructure.

Attorneys General of NY, AZ, CA, CO, DE, IL, MN, NJ, NC, VT

The AGs ask the FAA to say the rule would not preempt[33] state laws on drones near state-defined critical infrastructure. The preamble says state rules on aviation safety and airspace efficiency are preempted[30], and the federalism section finds no federalism implications[31]. The AG letter is the comment that most directly tests that finding.

Who may enter a standard UAFR, § 74.250(b) to (f)

Split inside the security camp

Disney, IAAPA, EEI and the public power groups, AMOA

Disney would remove routine Part 107 flights[15] and commercial Part 108, 135 and 137 flights. EEI wants commercial overflight of defense-critical electric sites prohibited or approved by the facility[18].

ALPA, AUVSI, the FAA preamble

ALPA, a manned aviation voice, says facility operators should not control navigable airspace[14]. The preamble says site managers get no power to approve or deny[13].

The cost analysis leaves operators out

FAA's own finding

The regulatory impact analysis

What an answer would need

A reasoned response would reconcile the example with the text and give some measure of route exposure. No commenter we read supplied a national detour figure, which leaves the FAA room to answer qualitatively.

The FAA "does not have data on any incremental costs associated with this avoidance."[7] It expects small detours to cost little and waterways or railroads[53] to cost

§ 108.195 low-altitude right of way

Split inside the drone camp

AOPA, EAA, NAAA, ALPA, VAI, GAMA

AOPA is "vehemently opposed"[54] to EC as the sole test of right of way. GAMA asks that the change align with 49 U.S.C. 44807(c)(4)(A)[55], which binds only the 44807 authority. DroneUp, a delivery operator, asks the FAA to reject[56] giving drones priority over unequipped aircraft in Class G.

Wing, Zipline, Amazon, Small UAV Coalition, NBAA

The drone side asks for EC on all manned aircraft below 500 ft. NBAA, a manned aviation group, backs EC for all aircraft[57] with drones yielding to everyone below 500 ft. We read the FAA's choice to reopen only on devices as a sign it means to keep an EC-based structure.

TSA security program and Part 146

APA procedure

Amazon, Wing, NRF, Boeing

Amazon says TSA should withdraw or issue a separate proposal[21] and that Part 146 lacks the specificity[58] for meaningful comment under 5 U.S.C. 553.

Twelve UTM providers and operators

They are "strongly supportive"[59] of strategic deconfliction and the Part 146 path.

WHERE THE TWO RULES MEET

The cross-docket findings

The text ties the rules together. Proposed § 108.220[1] bars Part 108 flights inside a UAFR *"unless allowed pursuant to part 74,"* and the BVLOS preamble promises to change § 108.220[60] if Part 74 comments change the requirement. Part 74 expects delivery now

flown under Part 135 to move to Part 108[61] on the BVLOS rule's compliance dates. The Small UAV Coalition called § 108.220 "a placeholder"[62] for a rule it expected to finish alongside Part 108. Part 108 reached OIRA on July 10, 2026. Part 74 has not.

Role changes position. The electric utility associations wrote to the BVLOS docket as operators and asked for 200 feet of shielded airspace[63] around infrastructure. In Part 74 they write as site owners and ask that outside commercial flights over their most critical sites be prohibited or approved by the facility[18]. Florida Power & Light stays on the access side in both, asking the FAA to drop owner permission[64] from § 108.205(a) and to automate Part 74 notice.

The operators carried their Part 108 case into Part 74. Wing, Zipline, DoorDash, Skyports, AUVSI, the CDA, the Small UAV Coalition and the Drone Service Providers Alliance filed in both dockets, and each asked Part 74 for automated, listed or standing notice. Amazon pressed transit and preemption. DroneUp is the exception. It rejects drone priority over unequipped aircraft in Part 108 and supports the Part 74 transit limit.

Part 146 as the notice channel. The Commercial Drone Alliance proposes certifying Part 146 data service providers[65] to carry automated UAFR notices. Wing asks for machine-to-machine[66] exchange, AUVSI and the CDA ask to extend LAANC, and South Dakota's DOT asks for a real-time LAANC-like system[67] if FAA approval is required.

Avoidance against fast transit. Skydio asks for a safe harbor so that detect-and-avoid maneuvers[68], weather avoidance and lost-link procedures inside a UAFR do not count as violations of § 74.250 or § 74.255. The Nevada UAS Test Site asks that the notice accept EC equipment meeting § 108.195(a)(2)(ii)[69]. The agricultural aviators raise the overlap the other way. A substation could be both a Part 108 shielded area and a UAFR, which they say would let drones fly there without detecting or avoiding manned aircraft[70], and they ask the FAA to keep UAFRs out of shielded-area eligibility. Helicopter operators ask that a final Part 108 come first, since without it they cannot test "completeness and cohesiveness."[71]

SCALE A COMMENTER GIVES	SOURCE	NOTICE MODEL THAT COMMENTER PROPOSES
About 80 flights a day, one utility (14,697 in the first half of 2026)	Southern California Edison[72]	Standing access for owners and their contractors without per-mission notice
About 500 flights a day, one utility	Florida Power & Light[5]	Automated, streamlined notice
Thousands of orders a day, one delivery operator	Zipline[9]	Exempt Part 135 and 108 holders, or network Remote ID as compliance
More than 1,000,000 delivery operations in 2026, nationwide	DoorDash[10]	FAA database of qualified operators in place of notice
About 30,000 public safety flights a day, nationwide estimate	DRONERESPONDERS[73]	Unencumbered access for public safety

Commenters place the breaking point above a single flight, which Zipline calls manageable, and at or below hundreds a day, without naming a threshold. The Southern California Edison rate is our division of its half-year total by 181 days.

RISK REGISTER

Contested provisions, by likelihood of change

Likelihood and confidence are separate analyst judgments under ICD 203. "Survives unchanged" means the final rule text keeps the proposal's substance, and a change made only through guidance or systems counts as unchanged. A blank cell means the record does not support a judgment.

PROVISION	SURVIVES UNCHANGED	SURVIVES REVIEW IF CHALLENGED	CONFIDENCE	STRONGEST ARGUMENT AGAINST, IMPACT IF IT CHANGES
§ 74.255 per-flight notice to site manager	Likely		Moderate	Operators' scale data and the FAA's own whitelist. We expect the duty to stay and automation to arrive through guidance or the UAFR Module. An exemption in the text, which we judge unlikely, would cut operator overhead at every site.
§ 74.250(a)(2) shortest-time transit	Unlikely		Moderate	Inspection, delivery and news need dwell time. A change opens inspection contracts inside UAFRs.
§ 74.250(c) to (e), Part 107, 108 and 135 transit	Likely	Likely	Low	Disney, IAAPA, EEI and AMOA seek removal or consent. A change would close routes over venues, hospitals or grid sites.
Access justified by TSA threat assessments, 91 FR 24652	Roughly even chance		Low	The basis depends on a TSA layer the industry asked to drop. Loss of it invites narrower access for Part 108.

PROVISION	SURVIVES UNCHANGED	SURVIVES REVIEW IF CHALLENGED	CONFIDENCE	STRONGEST ARGUMENT AGAINST, IMPACT IF IT CHANGES
Silence on preemption; no federalism implications	Likely		Low	Industry wants express preemption, ten AGs want the reverse. Either answer sets the legal exposure of an FAA-compliant flight over a state-listed site.
§ 74.90 food and agriculture reserved	Likely		Moderate	Farm groups seek eligibility. A change would put CAFOs and plants behind UAFRs and draw press and animal welfare challenges.
Cost analysis without operator costs	Likely		Moderate	The FAA says it has no data on avoidance cost, and its example appears inconsistent with § 74.250. A fuller analysis would not by itself change the text.
§ 108.195 EC-based right of way	Unlikely	Likely	Low	Manned groups, GAMA and DroneUp. We judge the EC-based structure likely to survive with changed exceptions. A move toward manned priority would raise detect-and-avoid cost for every BVLOS operator.

PROVISION	SURVIVES UNCHANGED	SURVIVES REVIEW IF CHALLENGED	CONFIDENCE	STRONGEST ARGUMENT AGAINST, IMPACT IF IT CHANGES
§ 108.205 shielded areas at 50 ft with owner permission	Unlikely		Low	Utilities want 200 ft, FPL wants no permission, NAAA calls it its "Highest Concern"[74].
§ 108.335 TSA threat assessment and § 108.565(f) security program	Unlikely		Low	Amazon, Wing, NRF and Boeing. TSA's roundtables after the final rules point to more detail later.
Part 146 data service providers	Roughly even chance		Low	Amazon's 5 U.S.C. 553 argument. Added detail in a final rule beyond the proposal invites a logical-outgrowth claim.

WHAT IT COSTS, BY SECTOR

The FAA prices the sites and leaves the operators blank

$21.4 to $30.6M[75]
Part 74, annualized cost to applicants and government at 7%, 2024 dollars

9,159[76]
facilities the FAA assumes apply, of 52,121 eligible

$5,000 to $10,000[77]
assumed cost of one application

Not quantified[78]
Part 108 benefits, per the FAA

The Part 74 numbers cover what facilities and the FAA spend. Each applicant pays an assumed $5,000 to $10,000 to apply, $2,800 for a Remote ID receiver and $1,000 a year to run it, and the FAA spends about $1,000[79] per review. Over five years the present

value runs $87.8 to $125.3 million at a 7% discount rate and $98.7 to $140.6 million at 3%. The FAA says the program covers "over 9,000" facilities in its scenario and warns that the breadth of the sectors "could lead to millions of eligible facilities."[80] A narrower alternative of six sectors and 6,536 facilities would cost $7.2 to $13.7 million a year at 7%. Notification work is set aside as "likely highly variable and relatively small"[81], and operator detours carry no number at all.

Part 108 has no total. The FAA calls the benefits "significant" and unquantified, expects "few incremental costs," and says the cost to unequipped Part 91 operators of losing right of way is "very difficult to estimate."[82] Those are projections, and they leave the largest money question in both rules, what scaled access is worth and what it costs manned operators, without a federal estimate.

The operator exposure model below names its parameters. We fill only the ones a commenter or the FAA gives. Notices a day equal flights a day (F) times the share of flights that cross a standard UAFR (s) times UAFRs crossed per flight (k). The record gives F for several operators and nothing for s or k. If every FPL flight crossed one UAFR, FPL would send 500 notices a day, and that ceiling is all the record supports. Minutes per notice, added route length, energy per detour and lost service area have no value in either docket. The calculator lets a reader enter its own values. It starts from Florida Power & Light's reported volume and leaves every other field empty, because the record supplies nothing for them.

NOTICE WORKLOAD CALCULATOR, YOUR OWN VALUES

Flights a day (F)

500

Preset to FPL's reported 500 a day. Replace with your own.

Share of flights crossing a standard UAFR (s), %

no value in the rec

UAFRs crossed per affected flight (k)

no value in the rec

Minutes of staff time per manual notice (t)

no value in the rec

NOTICES A DAY

enter s and k

STAFF HOURS A DAY

enter s, k and t

One notice per UAFR crossed, as proposed § 74.255 reads. These are your assumptions, not figures from the FAA, the record or ComtIQ. An automated feed would cut t, not the number of notices.

SECTOR	WHAT THE RECORD SHOWS	WHAT IS PRICED
Delivery and logistics	Notice volume, transit time limits, state criminal laws on overflight, TSA vetting of staff	Nothing for operators
Medical delivery	Air medical groups want UA kept off hospital helipads unless the hospital authorizes them; one drone operator supports hospital UAFRs	Nothing
Electric utilities	Buyers of inspection in Part 108, owners asking for control in Part 74	Application and receiver costs
Oil, gas and chemical sites	Want own and contracted flights carved out, standing lists, confidentiality	Application and receiver costs
Railroads	Want permission or 7-day notice; workers object to management drones; RIA flags rail detours as harder	Transport counted at 3,285 facilities, rail secure areas excluded
Water and wastewater	No criteria proposed; the Small UAV Coalition asks for a supplemental proposal for more than 100,000 possible sites	"To be determined" in the RIA
Data centers and IT	Ask for eligibility and confidentiality	100 assumed applicants in IT
Agricultural operators	Aerial applicators oppose shielded areas and want DAA inside UAFRs; farm groups want UAFRs over farms	Food and agriculture counted as zero eligible facilities
Manned aviation	Right-of-way loss without EC; detect-and-avoid; hospital approaches	"Very difficult to estimate"
Manufacturers and UTM providers	Part 146 detail; automated notice as a new service line	Small Part 108 manufacturer costs only
State and local agencies	Carve-outs for government flights; single prison application; preemption	Applicant costs for 800 emergency services sites, plus federal review

SECTOR	WHAT THE RECORD SHOWS	WHAT IS PRICED
Press	Dwell time for news drones; public notice of every UAFR	Nothing
Insurers and investors	No filing from either group in what we read	Nothing

SCENARIOS AND SIGNPOSTS

Where this goes next

SCENARIO FOR PART 74 ACCESS	LIKELIHOOD	SIGNPOSTS	WHAT IT MEANS
Same text, automation later. § 74.255 stays; the FAA uses "form and manner" to move to a portal or list after the rule	Roughly even chance	Final preamble points to the UAFR Module or an advisory circular for notice; no new rule text on lists	Per-flight duty stays in law; operators depend on FAA systems arriving on time
Lists in the rule. Part 135 and 108 holders exempted from per-flight notice or listed once with the FAA	Unlikely	Final § 74.255 names a list, Remote ID serials or network Remote ID	Scaled delivery and inspection cross UAFRs at near-zero marginal cost
Facility control creeps in. Consent, advance-notice periods or removal of commercial categories for some site types	Unlikely, and can occur alongside either of the others	More post-close ex parte meetings with venue, utility or hospital groups; preamble language on "meaningful control"	Route planning around venues, grid sites and hospitals; higher cost for urban delivery

For Part 108 we judge it likely (55 to 80%) that the final rule keeps an EC-based right-of-way structure in some form and unlikely that it returns full priority to unequipped manned aircraft, with low confidence. The signposts with dates follow.

Any day	OIRA concludes review of 2120-AL82, received July 10, 2026. The FAA has said it hopes to publish by year end.
About Dec. 7, 2026	Statutory deadline for the final BVLOS rule, 16 months after the proposal under 49 U.S.C. 44811(c)[83]. The EO 14307 target of Feb. 1, 2026 has passed.
At publication	The final text of § 108.195, the EC standard adopted, § 108.220 and the TSA security sections.
After publication	TSA's closed technical roundtables on the security program, which meet after both final rules[25].
Not yet scheduled	OIRA receipt of a final Part 74 rule, the final text of §§ 74.250 and 74.255, and the first UAFR public notices.
Watch	Any petition for review in the D.C. Circuit, and state laws taking effect on drones near critical sites, such as New York's, effective Aug. 25, 2026 per the New York Attorney General.

RECOMMENDED ACTIONS

What readers could do, and when

Delivery operators	While Part 108 sits at OIRA, request an EO 12866 meeting on § 108.220 and the TSA layer, since Part 74 access leans on both. Map routes against candidate UAFR sectors in the RIA, rail terminals, substations, chemical sites, prisons and parks first.
Utilities and energy	Decide which role leads. A request for facility consent in Part 74 cuts against the access your own inspection contractors need. Design a standing-authorization list for recurring inspection now.
Venues and hospitals	Expect the FAA to hold that site managers cannot approve or deny. Plan on detection, Remote ID logging and Special UAFR requests

	where a federal partner exists.
Manned operators	Plan EC equipage below 500 ft before the final § 108.195 text. Helicopter and agricultural operators should track whether UAFRs and shielded areas can overlap.
UTM and data providers	Build to the CDA proposal, an ADSP-carried UAFR notice. It fits the FAA's "form and manner" language without new rule text.
State agencies	Prepare for the preemption answer either way, and file one statewide prison application if the FAA allows it.
Press	Watch § 74.250(a)(2) and public notice of each UAFR. Food and agriculture criteria, if the FAA writes them later, would need a new proposal.

AGENCY RESPONSE MATRIX

What to check in each final preamble

ISSUE	STRONGEST COMMENT	CHECK THE PREAMBLE FOR
Part 108 right of way, § 108.195	AOPA reopening; GAMA on 44807(c)(4)(A); DroneUp	Why EC sets priority; how 44807 approvals fit; what unequipped operators pay
EC device availability	DSPA versus Wing and the 126-copy template	Which devices meet § 108.195(a)(2)(ii) and from when
Shielded areas, § 108.205	NAAA; EEI coalition; FPL	Distance, permission, and any UAFR overlap
TSA program, §§ 108.335 and 108.565(f)	Amazon; Wing	Scope of staff vetting; whether TSA proposes separately
Part 146	Amazon on 5 U.S.C. 553	Detail added beyond the proposal
Part 74 notice, § 74.255	Zipline; DoorDash; AUVSI; AAR	List, feed or exemption; timing of notice
Transit time, § 74.250(a)(2)	Amazon; NMC; NAB; GDOT	Non-transitory access for inspection and news
Allowed categories, § 74.250(b) to (f)	Disney; IAAPA; EEI; AMOA	Sector limits; the TSA rationale after the final Part 108
Preemption and federalism	Ten state AGs; Amazon; CTIA	Whether the FAA revisits its E.O. 13132 finding
Food and agriculture, § 74.90	NPPC; Mercy For Animals; Friends of the Earth	Reserved, criteria, or a new proposal
Cost analysis	The RIA's own avoidance gap	Any operator cost estimate; the Part 107 and 108 example fixed

METHOD, SOURCES AND LIMITS

How we built this report

Collection. The Rulemaking Observatory pulled every posted record in both dockets through the Regulations.gov API, with detail and text, and we downloaded attachments for every "see attached" record, every organization and every record whose text points to an attachment. We read 1,008 files from 889 BVLOS comments and 271 files from 257 Part 74 comments, using text extraction and OCR. Three of those BVLOS comments yielded no extractable text. Four BVLOS placeholders and one Part 74 placeholder had no downloadable file. One Part 74 record has no receive date and is counted by its posting date.

Coding. Provision tags come from regular-expression lexicons per docket. Campaigns are groups of comments with nearly identical text, and changing how close two texts must be to count as copies moves the shares in this report by only a few points. Hand-coded random samples of 120 use seed 20261026, with Wilson 95% intervals. One analyst coded each sample, and we report no inter-coder agreement measure. Samples estimate shares of their stated populations only, never of every participant in a docket. We name organizations only after reading their filing, and report individuals only in aggregate.

Status checks. The FAA filed the final Part 108 rule with OIRA on July 10, 2026, as VAI Daily reported on July 15, and an external reviewer of this report confirmed the July 10 receipt on reginfo.gov. Our own tools could not open the RegInfo review page for the final rule on Oct. 26. No final rule for either docket appeared in the Federal Register as of our cutoff.

Limits. Posting dates are day-level and say nothing about when the agency read a comment. Lexicon counts mark mentions, not positions. The posted record cannot speak for anything the FAA received and did not post. We read the draft Part 74 advisory circular only where commenters cite it. Counter-UAS rules from DHS and DOJ are context only, and Part 74 grants no mitigation authority, as the FAA states in the preamble[84].

Data files. BVLOS campaigns, Part 74 campaigns, BVLOS provision mentions, Part 74 provision mentions, BVLOS senders, Part 74 senders, BVLOS right-of-way sample, Part 74 sample, BVLOS letters read, Part 74 letters read, organizations in both dockets. Sample IDs are withheld for individuals, and names in campaign opening texts are redacted. All files are snapshots of the Oct. 26, 2026 database.

APPENDIX

Documents cited

Federal Register. 90 FR 38212, Aug. 7, 2025. 91 FR 3695, Jan. 28, 2026. FR Doc. 2026-02649. 91 FR 24650, May 6, 2026. FR Doc. 2026-13126. TSA notice FR Doc. 2026-18124.

Agency analysis. Part 74 Regulatory Impact Analysis. Memorandum on the Disney meeting.

BVLOS comments. FAA-2025-1908 2872 Amazon, 2986 Wing, 2616 DroneUp, 1886 NBAA, 3482 AOPA, 2940 GAMA, 1842 NAAA, 3434 DSPA, 3960 EEI coalition, 2682 FPL, 2892 Small UAV Coalition, 2544 UTM providers, 3964 manned aviation groups.

Part 74 comments. FAA-2026-4558 1663 Amazon, 1645 Wing, 1527 Zipline, 1684 DoorDash, 1676 DroneUp, 1660 AUVSI, 1639 CDA, 1681 Skydio, 1627 Disney, 1644 IAAPA, 1616 EEI coalition, 1531 FPL, 1636 AAR, 1630 ACC, 1665 AFPM, 1559 AMOA, 1515 VAI, 1566 NAAA, 1638 ALPA, 0565 NPPC, 1669 Mercy For Animals, 1666 Friends of the Earth, 1643 News Media Coalition, 1626 NAB, 1596 CTIA, 1659 state AGs, 1624 Teamsters Rail Conference, 0218 Nevada UAS Test Site, 0471 South Dakota DOT, 1599 SCE, 1564 DRONERESPONDERS.

Other. 49 U.S.C. 44811; 49 U.S.C. 44807; DroneLife correction, July 1, 2026; VAI Daily, July 15, 2026.

ABOUT THIS REPORT

Who made it, and how to correct it

Authors. Vanessa Panitz and John Panitz, ComtIQ. The collection runs on the Rulemaking Observatory.

Independence. No client, funder or party to either rulemaking paid for or reviewed this report. ComtIQ takes no side between drone operators, manned aviation, facility owners or the press.

Corrections. If a number or quote is wrong, tell us through comtiq.com. We fix errors in a new version and list each change.

Version history. 1.0, October 26, 2026, first release. 1.1, October 26, 2026, after external review. Judgments restated as testable outcomes with confirm and refute conditions, and rule-text change separated from automation; standard and special UAFRs distinguished in the summary; the counter finding moved to the record section and replaced by a judgment on preemption; argument ranking renamed and separated from judicial review; campaign threshold sensitivity, code and lexicons published; a notice workload calculator added; print layout and links fixed. 1.2, November 4, 2026. Code,

lexicon and threshold sensitivity files withdrawn from the data files, and the campaign method described without its parameters.

ENDNOTES

Sources for each marked passage

1. **Part 108 defers to Part 74.** "§ 108.220 Unmanned aircraft flight restriction. No operator may operate an unmanned aircraft under this part within an unmanned aircraft flight restriction established in accordance with part 74 of this chapter, unless allowed pursuant to part 74, as appropriate." Proposed 14 CFR 108.220, 90 FR 38370, https://www.federalregister.gov/d/2025-14992.
2. **Allowed operations.** "(1) The unmanned aircraft broadcasts remote identification in accordance with 14 CFR part 89. (2) The unmanned aircraft transitions the UAFR in the shortest amount of time practicable." Proposed 14 CFR 74.250(a), 91 FR 24690, https://www.federalregister.gov/d/2026-08943.
3. **Special UAFRs need approval.** "§ 74.251 Access procedures for a special unmanned aircraft flight restriction. (a) General. Unless otherwise authorized by the Administrator, unmanned aircraft may only operate within a special unmanned aircraft flight restriction established under § 74.6 if the unmanned aircraft meets the following requirements: (1) The unmanned aircraft has the approval of the using agency; and (2) If the aircraft is not operated by the using agency, the unmanned aircraft must have the approval of the Administrator in a form and manner acceptable to the Administrator." Proposed 14 CFR 74.251(a), 91 FR 24690, https://www.federalregister.gov/d/2026-08943. Standard UAFRs use the transit and notice rules of §§ 74.250 and 74.255. Special UAFRs, for sites such as federal facilities, require approval instead. The using agency itself needs no FAA approval to fly there (91 FR 24676).
4. **The FAA floats a whitelist.** "FAA is considering other solutions that may involve one-time submission to the FAA of airman certificate number(s) and remote ID serial number(s) associated with the intended allowed operations, that could be included on a developed ''whitelist'' of remote ID serial numbers to be made available to fixed site facilities. FAA seeks comment on the feasibility of remote ID technologies for providing a more automated notification procedure to support future scaled UAS operations and from fixed site operators on their ability to handle whitelisted operators." Part 74 NPRM preamble, 91 FR 24678, https://www.federalregister.gov/d/2026-08943.
5. **A utility's daily flights.** "Currently, FPL is averaging approximately 50+ missions per day, with an average of 15 flights per mission and 500 total flights per day." Florida Power & Light, FAA-2026-4558-1531, https://www.regulations.gov/comment/FAA-2026-4558-1531.
6. **Ten state attorneys general.** "COMMENTS OF OFFICES OF ATTORNEYS GENERAL OF NEW YORK, ARIZONA, CALIFORNIA, COLORADO, DELAWARE, ILLINOIS, MINNESOTA, NEW JERSEY, NORTH CAROLINA, AND VERMONT" FAA-2026-4558-1659, https://www.regulations.gov/comment/FAA-2026-4558-1659. The letter also asks for one Special UAFR application covering all of a state's prisons and for clarity on the July 6, 2026 Safer Skies interim final rule.
7. **No data on operator detours.** "UAFRs also could potentially have some negative impacts on some UAS operators, such as reducing the airspace accessible by operators not authorized to fly within the UAFR (e.g., part 107 operators, permitted operators under part 108). The commercial drone flight path would automatically be configured to avoid a UFAR. FAA does not have data on any incremental costs associated with this avoidance." Part 74 Regulatory Impact Analysis, p. 26, https://www.regulations.gov/document/FAA-2026-4558-0004. § 74.250(c) and (d) of the proposal allow Part 107 operations and permitted or certificated Part 108 operations to enter a standard UAFR.

8. **The notice requirement.** “to the fixed site facility site manager in a form and manner acceptable to the Administrator. (b) Contents. The notice must include: (1) Name, mailing address, email address, and phone number of the person providing notice;” Proposed 14 CFR 74.255(a) and (b), 91 FR 24690, https://www.federalregister.gov/d/2026-08943. The notice lists eight items, including Remote ID serial numbers, registration numbers, the site and the date, time and area of the flight.
9. **Zipline on notice at scale.** “This is burdensome but achievable for an individual operation, but it is burdensome and unachievable for operations at scale, even today. To give a sense of the burden this requirement would place on our operations, Zipline currently delivers thousands of orders a day and is growing. Our drones plan their routes autonomously and flights are overseen by fleet commanders who monitor many flights simultaneously-as approved by the FAA. Our drones also move between locations; they might move between Chargers in one metro on a day-to-day basis or even be assigned to different locations. As we scale to more metros and operate more flights this burden scales accordingly. To remedy this situation, the FAA should amend proposed § 74.250 to make the notice requirement inapplicable to Part 135 and Part 108 certificate holders.” Zipline, FAA-2026-4558-1527, https://www.regulations.gov/comment/FAA-2026-4558-1527.
10. **DoorDash proposes a whitelist.** “Given that many drone delivery operators currently conduct hundreds or thousands of flights per day, this notification construct is unlikely to hold up under current operational demand across the United States (totalling more than 1,000,000 operations nationwide in calendar year 2026), much less the expected increase in drone operations under FAA proposed Part 108. Therefore, DoorDash proposes that in lieu of the notification requirements in § 74.255, the FAA keep and publish a machine-readable, online database of all operators qualified under § 74.250(b) through (f). This means that any UAFR site proprietor could simply consult a single authoritative FAA source to see all approved Part 91 PAO, Part 107, Part 108, Part 135 and Part 137 operators. Put another way, such a database would be a whitelist of approved operators, and no further notification would be needed.” DoorDash, FAA-2026-4558-1684, https://www.regulations.gov/comment/FAA-2026-4558-1684.
11. **Chemical sites on standing notice.** “The final rule should expressly accommodate facility-owned and facility-authorized operations through a practical mechanism such as standing notifications or a facility-specific list of authorized operators and aircraft.” American Chemistry Council, FAA-2026-4558-1630, https://www.regulations.gov/comment/FAA-2026-4558-1630.
12. **Railroads on notice timing.** “Specifically, notification should be made as soon as possible but not later than 7 days prior to transiting the UAFR, absent extraordinary circumstances.” Association of American Railroads, FAA-2026-4558-1636, https://www.regulations.gov/comment/FAA-2026-4558-1636. AAR prefers permission-only access and offers this as the alternative.
13. **No authority for site managers.** “Individuals should not infer that FAA is delegating this airspace authority to private entities. The purpose of notification is to provide situational awareness to operators and proprietors of lawfully operating unmanned aircraft close to their facilities. Nothing in this proposed rule would confer authority on site managers to approve, disapprove, restrict, or prohibit operations.” Part 74 NPRM preamble, 91 FR 24678, https://www.federalregister.gov/d/2026-08943.
14. **Airline pilots on control of airspace.** “Facility operators should be permitted to request restrictions, but they should not effectively control navigable airspace or determine the scope of restrictions.” ALPA, FAA-2026-4558-1638, https://www.regulations.gov/comment/FAA-2026-4558-1638.
15. **Disney on allowed operations.** “§ 74.250 should remove and expressly prohibit the following commercial activities: • § 74.250(c): routine commercial UAS operations conducted under 14 CFR Part 107;” The Walt Disney Company, FAA-2026-4558-1627, https://www.regulations.gov/comment/FAA-2026-4558-1627. Font ligatures in the PDF text restored. The list continues with Part 108 delivery, inspection and agricultural flights, Part 135 delivery or air carrier flights, and Part 137 flights under § 74.250(f).

16. **A meeting after the close.** “On September 2, 2026, representatives from Disney Worldwide Services, Inc. (Disney) met with the Federal Aviation Administration (FAA) to reiterate topics presented in their public comment posted to Docket ID FAA-2026-4558.” FAA memorandum to the docket, FAA-2026-4558-1691, https://www.regulations.gov/document/FAA-2026-4558-1691. The FAA attendees included the Associate Administrator for Policy and Strategic Engagement, the Executive Director of the Office of Rulemaking and counsel from the Regulations Division. Comments closed Aug. 5, 2026.
17. **IAAPA on consent.** “If FAA declines to adopt that prohibition categorically, the final rule should at minimum require that any such operation receive both FAA approval and the facility operator's advance consent before entering or transiting the UAFR.” IAAPA, FAA-2026-4558-1644, https://www.regulations.gov/comment/FAA-2026-4558-1644.
18. **Utilities as site owners.** “Commercial and recreational drone operations over defense critical electric infrastructure, nuclear sites, and other critical elements of the electric infrastructure pose an inherent risk and should be categorically prohibited. • To the extent commercial and recreational UAS operations are permitted over restricted airspace, such flights should require express approval by the relevant facility prior to operating.” EEI, APPA, LPPC and NRECA, FAA-2026-4558-1616, https://www.regulations.gov/comment/FAA-2026-4558-1616.
19. **Air medical operators.** “the Final Rule should permit UA to be excluded from fixed sites to which air medical flights operate.” Air Medical Operators Association, FAA-2026-4558-1559, https://www.regulations.gov/comment/FAA-2026-4558-1559.
20. **Why allowed operations may enter.** “Allowed operations include those conducted under Parts 91, 107, 108, 135, and 137, which have met rigorous FAA safety requirements and Transportation Security Administration (TSA) security threat assessments where applicable.” Part 74 NPRM summary, 91 FR 24652, https://www.federalregister.gov/d/2026-08943. The preamble repeats the point for Part 107 at 91 FR 24676.
21. **Amazon on the TSA layer.** “TSA should withdraw from the Part 108 rulemaking and, if it proceeds, issue a separate, strategically scoped NPRM or SNPRM that proposes a performance-based regulatory framework tailored to the unique characteristics and risks of drone operations.” Amazon Prime Air, FAA-2025-1908-2872, https://www.regulations.gov/comment/FAA-2025-1908-2872.
22. **Wing on the threat assessment.** “Wing strongly opposes the introduction of a Security Threat Assessment (STA) which is not proportionate to the security risk posed by BVLOS operations or their personnel (14 CFR 108.335), especially ancillary personnel such as retail staff and package loaders.” Wing Aviation, FAA-2025-1908-2986, https://www.regulations.gov/comment/FAA-2025-1908-2986.
23. **Wing on the TSA tie.** “Sophisticated operations under part 135 or proposed part 108, such as Wing’s UAS package delivery operations, present little to no security risk for fixed site facilities. Allowed operations are unnecessarily connected to TSA Security Threat Assessments in the preamble of the Proposed Rule.” Wing Aviation, FAA-2026-4558-1645, https://www.regulations.gov/comment/FAA-2026-4558-1645.
24. **Refiners on Part 108.** “FAA’s 2025 proposed rule incorporates security checks and balances, but the rule has not been finalized and therefore should not be cited as definitive justification. Additionally, the recent reopening of the comment period highlighted continuing uncertainty regarding the ability of current electronic conspicuity (EC) devices to comply with detect-and-avoid (DAA) requirements.” American Fuel & Petrochemical Manufacturers, FAA-2026-4558-1665, https://www.regulations.gov/comment/FAA-2026-4558-1665.
25. **TSA roundtables wait for the final rules.** TSA notice, FR Doc. 2026-18124, Sept. 4, 2026, https://public-inspection.federalregister.gov/2026-18124.pdf. The notice reads "These meetings will be held after publication of the FAA and TSA final rules."
26. **Food and agriculture left reserved.** “FAA, in consultation with the SRMAs, could not identify a facility in this sector that was not already captured by another sector or would rise to the level of national level debilitating impact.” Part 74 NPRM preamble, 91 FR 24669; § 74.90(a) reads "[Reserved]" at 91 FR 24688, https://www.federalregister.gov/d/2026-08943.
27. **Part 74 sample.** Hand coding of 120 records drawn at random (seed 20261026) from the 1,439 Part 74 comments that name no organization. 71 of 120 oppose UAFRs for food and agriculture, 59.2% (Wilson 95% 50.2 to 67.5). Among the 115 that take a position, 61.7%. 37 of the 71 fall inside a detected campaign.

28. **One comment, 15,815 signatures.** “Attached, please find the signatures of 15,815 Friends of the Earth supporters” Friends of the Earth U.S., FAA-2026-4558-1666, https://www.regulations.gov/comment/FAA-2026-4558-1666. The petition asks the FAA to exclude CAFOs and slaughterhouses from eligibility. The typed cover note says the comment is signed by 16,434 members; the attachment says 15,815.
29. **Pork producers ask for eligibility.** “NPPC urges the FAA not only to make livestock and poultry farms, feed operations, and meat and poultry processing facilities eligible to quickly and easily seek UAFRs” National Pork Producers Council, FAA-2026-4558-0565, https://www.regulations.gov/comment/FAA-2026-4558-0565.
30. **The FAA on preemption.** “Attempts by State and local governments to regulate in the fields of aviation safety and the efficient use of the airspace by aircraft are preempted.” Part 74 NPRM preamble, 91 FR 24656, https://www.federalregister.gov/d/2026-08943.
31. **The federalism finding.** “FAA has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.” Part 74 NPRM, E.O. 13132 determination, 91 FR 24683, https://www.federalregister.gov/d/2026-08943.
32. **Amazon on preemption.** “Our position: To address this gap, the FAA must include an express federal preemption provision in the final rule.” Amazon Prime Air, FAA-2026-4558-1663, https://www.regulations.gov/comment/FAA-2026-4558-1663. Font ligatures in the PDF text restored. Amazon cites NRS 493.109 and Texas Penal Code 38.115.
33. **State AGs on preemption.** “First, the FAA should clarify that the Rule would not have the effect of preempting current or future state laws or regulations that restrict operation of drones in low-altitude airspace in the proximity of state-defined critical infrastructure sites, even where a State’s definition of “critical infrastructure” in this context includes site categories not covered by the FAA proposal.” Attorneys General of ten states, FAA-2026-4558-1659, https://www.regulations.gov/comment/FAA-2026-4558-1659. An earlier version signed by eight states is FAA-2026-4558-1647.
34. **BVLOS census.** Rulemaking Observatory census of every posted record through the Regulations.gov API, Oct. 26, 2026., https://www.regulations.gov/docket/FAA-2025-1908. 3,101 records on the proposal (FAA-2025-1908-0023), 827 on the reopening (-3135) and 1 on the denial of extension (-3488). 683 name an organization, 572 distinct names. 553 are "see attached" placeholders. Median receive-to-post lag 1 day.
35. **BVLOS campaigns.** Observatory near-duplicate detection. 26 clusters. The largest are a USHPA member letter (178), a reopening answer to the device questions from the powered paragliding community (126), a low-altitude GA pilot letter (91), and three groups of VAI comments filed by member operators. Campaigns hold 568 of 3,101 proposal-window records and 231 of 827 reopening records.
36. **Part 74 census.** Rulemaking Observatory census of every posted record through the Regulations.gov API, Oct. 26, 2026., https://www.regulations.gov/docket/FAA-2026-4558. All 1,669 posted on the proposal (FAA-2026-4558-0001). 230 name an organization, 222 distinct names. 163 placeholders. 560 received by July 6, 1,109 during the extension to Aug. 5. Median lag 0 days, 90th percentile 2 days. One record lacks a receive date.
37. **Part 74 campaigns.** Observatory near-duplicate detection, same settings. Nine clusters, all opposing UAFRs for food and agriculture facilities in the name of drone photojournalism and animal welfare. The largest holds 205 copies. The Friends of the Earth petition is a single comment and sits outside the clusters.
38. **Attachments read.** Rulemaking Observatory census of every posted record through the Regulations.gov API, Oct. 26, 2026.. 1,008 files from 889 BVLOS comments and 271 files from 257 Part 74 comments, extracted with pdftotext, pandoc and OCR. Four BVLOS placeholders and one Part 74 placeholder had no downloadable file.
39. **Organizations in both dockets.** Observatory name matching, checked by hand. Matches include Amazon Prime Air, Wing, Zipline, DoorDash, DroneUp, Skyports, Skydio, AUVSI, the Commercial Drone Alliance, the Small UAV Coalition, the EEI coalition, Florida Power & Light, Southern Company, AAR, AFPM, ALPA, A4A, VAI, NAAA, AMOA, AAMS, the U.S. Chamber, NRF and CTIA. The list is in the data files.

40. **The FAA counts its own comments.** “More than half of the approximately 3,100 comments received to the NPRM discussed the right-of-way proposal in some capacity.” Reopening notice, 91 FR 3695, Jan. 28, 2026, https://www.federalregister.gov/d/2026-01644. The Federal Register counter for the proposal read 1,025,014, and for the reopening 900,842.
41. **The FAA count for Part 74.** DroneLife, correction to July 1, 2026 story, https://dronelife.com/2026/07/01/faa-section-2209-rule-comment-period/. The correction says the earlier version "incorrectly stated that the FAA had received almost 1 million comments" and that "as of July 3, it had received 488 comments." The Federal Register counter read 901,744. The Observatory finds 518 posted records with a receive date on or before July 3.
42. **Devices available today, says DSPA.** “uAvionix currently produces electronic conspicuity (EC) devices capable of satisfying the proposed requirements of §108.195(a)(2)(ii). Specifically, the skyEcho and ping2020i are available today and are already in use in multiple jurisdictions and operational contexts.” Drone Service Providers Alliance, FAA-2025-1908-3434, https://www.regulations.gov/comment/FAA-2025-1908-3434. Font ligatures in the PDF text restored. Wing (FAA-2025-1908-3908) finds no marketed unit that both fully meets the requirement and fits a low-cost, portable design, and says one could be adapted in months. The 126-copy paragliding template says no compliant device is on the US market.
43. **Rail workers in the sample.** Same sample of 120. 22 of 120, 18.3% (Wilson 12.4 to 26.2). None fall inside a detected campaign.
44. **Rail labor on owner flights.** “However, these restrictions must protect the employees working within those facilities and should not provide railroads with unrestricted authority to conduct drone operations over occupied work areas without adequate notice to ensure that a secure environment can be maintained.” Teamsters Rail Conference, FAA-2026-4558-1624, https://www.regulations.gov/comment/FAA-2026-4558-1624.
45. **BVLOS right-of-way sample.** Hand coding of 120 records drawn at random (seed 20261026) from the 1,958 BVLOS comments that mentioned right of way at the time of the draw. 87 keep manned priority, 72.5% (Wilson 63.9 to 79.7). 4 support the EC-based framework, 4 are mixed, 25 take no position. Among the 95 with a position, 91.6% (84.3 to 95.7). After 122 late-downloaded attachments the frame is 2,005 comments.
46. **Skydio on manual notice.** “if even a small percentage of the tens of thousands of BVLOS operations that occur each week are required to submit manual UAFR notifications for every flight, that’s thousands of manual notifications a week.” Skydio, FAA-2026-4558-1681, https://www.regulations.gov/comment/FAA-2026-4558-1681.
47. **AUVSI on notice.** “Codify in the regulatory text of § 74.250 that notification is situational awareness only and that facility managers may not approve, deny, or condition compliant access;” AUVSI, FAA-2026-4558-1660, https://www.regulations.gov/comment/FAA-2026-4558-1660.
48. **Limits the FAA concedes.** “There are limitations to the effectiveness of this proposed rule because a UAFR would not necessarily deter operators who willfully disregard their responsibilities and obligations for operating in the NAS from operating in close proximity to the fixed site facilities in question.” Part 74 NPRM preamble, 91 FR 24656, https://www.federalregister.gov/d/2026-08943.
49. **Amazon on transit time.** “The FAA should additionally clarify that normal operational maneuvers inherent to delivery, inspection, and other missions conducted by vetted operators authorized to transit UAFRs satisfy the “shortest amount of time practicable” standard in proposed § 74.250(a)(2).” Amazon Prime Air, FAA-2026-4558-1663, https://www.regulations.gov/comment/FAA-2026-4558-1663. Font ligatures in the PDF text restored.
50. **News drones and time limits.** “The Coalition encourages the FAA to more explicitly protect First Amendment UAS activities by making clear that UAS operated by news organizations and journalists within a UAFR need not be limited in duration, so long as the UAS is otherwise complying with all applicable rules and regulations.” News Media Coalition, FAA-2026-4558-1643, https://www.regulations.gov/comment/FAA-2026-4558-1643.
51. **DroneUp backs the transit limit.** “We support this security measure, but recommend the FAA explain in the final rule how the transit requirement is tailored to safety and security needs and how the authorization process preserves reasonable access for protected activities, including newsgathering” DroneUp, FAA-2026-4558-1676, https://www.regulations.gov/comment/FAA-2026-4558-1676.

52. **CTIA on preemption.** “Finally, the FAA should expressly preempt state and local laws that attempt to regulate the airspace above critical infrastructure.” CTIA, FAA-2026-4558-1596, https://www.regulations.gov/comment/FAA-2026-4558-1596.
53. **Detours over waterways and railroads.** “FAA expects the cost to circumnavigate a small volume of airspace would be minimal but larger expanses (e.g., waterways or railroads) could represent greater challenges.” Part 74 Regulatory Impact Analysis, Table 16, p. 26, https://www.regulations.gov/document/FAA-2026-4558-0004.
54. **AOPA in the reopening.** “we remain vehemently opposed to EC devices being used as the sole determining factor as to whether an aircraft has right-of-way or not.” AOPA, FAA-2025-1908-3482, https://www.regulations.gov/comment/FAA-2025-1908-3482.
55. **GAMA on the statute.** “The FAA should ensure that its proposal to amend 91.113, if retained, and introducing 108.195 are aligned with 49 U.S.C. §44807(c)(4)(A).” GAMA, FAA-2025-1908-2940, https://www.regulations.gov/comment/FAA-2025-1908-2940. 49 U.S.C. 44807(c)(4)(A) is a rule of construction. Nothing in that subsection may be read to give an unmanned aircraft operating under it the right of way over a manned aircraft. Part 108 would be a separate rule.
56. **A delivery operator against UA priority.** “Reject proposed §91.113 amendments granting right-of-way to UA over unequipped manned aircraft in Class G airspace. Maintain traditional right-of-way priorities to ensure broad stakeholder support. Call for endorsing a mandate for electronic conspicuity (EC) for all crewed aircraft operating below 500 FT AGL.” DroneUp, FAA-2025-1908-2616, https://www.regulations.gov/comment/FAA-2025-1908-2616.
57. **A manned aviation group for EC.** “If electronic conspicuity is required of all aircraft and coupled with the detect-and-avoid features of unmanned aircraft, the current Part 91 right of way rules would only need a minor revision, stating that unmanned aircraft yield right-of-way to all other aircraft below 500 feet above ground level (AGL).” NBAA, FAA-2025-1908-1886, https://www.regulations.gov/comment/FAA-2025-1908-1886.
58. **Amazon on Part 146.** “Part 146 lacks the specificity and clarity necessary to support implementation or meaningful comments under 5 U.S.C. § 553 (“Administrative Procedure Act” or “APA”).” Amazon Prime Air, FAA-2025-1908-2872, https://www.regulations.gov/comment/FAA-2025-1908-2872.
59. **UTM providers.** “We are strongly supportive of FAA’s proposed requirements to use strategic deconfliction (specifically, strategic conflict detection and aggregate conformance monitoring) as a means to effectively manage ground risk” Twelve UTM providers and operators, FAA-2025-1908-2544, https://www.regulations.gov/comment/FAA-2025-1908-2544.
60. **The BVLOS preamble on Part 74.** “FAA anticipates that the NPRM for part 74, while separate, will be issued at, or near, the same time as this preamble and proposes these changes to remain consistent with that proposal. If the NPRM for part 74 receives comments that lead to changes that affect this requirement, appropriate changes will be made to this section as well.” BVLOS NPRM preamble, 90 FR 38250, https://www.federalregister.gov/d/2025-14992.
61. **Delivery moves from Part 135 to Part 108.** “FAA anticipates that package delivery operations currently conducted under 14 CFR part 135 in UAFR airspace would transition to operations under part 108 in accordance with compliance dates set forth in the Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations final rule.” Part 74 NPRM preamble, 91 FR 24676, https://www.federalregister.gov/d/2026-08943.
62. **A placeholder for Part 74.** “This section is a placeholder for the Section 2209 final rule, as that rulemaking is expected to be completed contemporaneously with a part 108 final rule.” Small UAV Coalition, FAA-2025-1908-2892, https://www.regulations.gov/comment/FAA-2025-1908-2892.
63. **Utilities as operators.** “codifies shielded operations and utility corridors by defining shielded airspace 200 feet around critical infrastructure and clarifying right-of-way expectations.” EEI, APPA, LPPC and NRECA, FAA-2025-1908-3960, https://www.regulations.gov/comment/FAA-2025-1908-3960.

64. **FPL on owner permission.** “the FAA should nonetheless remove the proposed “permission” aspect of the shielding definition in § 108.205(a). It is vital to protect the safety and security of critical infrastructure; however, the need to obtain permission from the infrastructure owner is impractical and challenging for a number of reasons. It is our understanding that the section 2209 rule will address this issue, and we look forward to providing comments on this rule when the proposed rule is published.” Florida Power & Light, FAA-2025-1908-2682, https://www.regulations.gov/comment/FAA-2025-1908-2682.
65. **Part 146 as the notice channel.** “Specifically, the proposed Part 146 framework for certifying Automated Data Service Providers (ADSPs), which will be foundational to enabling scaled operations under the Part 108 rule, could be leveraged to certify surveillance, detection, or network Remote ID service providers offering automated notification services.” Commercial Drone Alliance, FAA-2026-4558-1639, https://www.regulations.gov/comment/FAA-2026-4558-1639.
66. **Wing on notice.** “A Final Rule should replace the proposed manual, web-form advance notification requirement with an automated, machine-to-machine system.” Wing Aviation, FAA-2026-4558-1645, https://www.regulations.gov/comment/FAA-2026-4558-1645.
67. **A state DOT asks for LAANC-like access.** “If FAA approval is necessary, the agency should establish a streamlined, real-time authorization system similar to the Low Altitude Authorization and Notification Capability (LAANC) program.” South Dakota Department of Transportation, FAA-2026-4558-0471, https://www.regulations.gov/comment/FAA-2026-4558-0471.
68. **A safe harbor for avoidance.** “should remain free to execute detect-and-avoid maneuvers, weather avoidance, lost-link contingency procedures, emergency deviations, and other FAA-approved safety procedures without those actions being treated as violations of § 74.250 transit or § 74.255 notification” Skydio, FAA-2026-4558-1681, https://www.regulations.gov/comment/FAA-2026-4558-1681.
69. **EC equipment in the notice.** “Replace the phrase "(4) Remote Identification Serial Number(s) associated with allowed operation" should be replaced with: "(4) Remote Identification Serial Number(s) or electronic conspicuity equipment meeting the proposed § 108.195(a)(2)(ii)” Nevada UAS Test Site, FAA-2026-4558-0218, https://www.regulations.gov/comment/FAA-2026-4558-0218.
70. **Shielded areas and UAFRs overlap.** “However, if codified as proposed, energy substations and other areas designated by the Administrator may become both Part 108 shielded areas and Part 74 UAFRs. The result would be Part 108 operations over this critical infrastructure wherein UAS would not be required to detect nor avoid any manned aircraft. While absolutely an existential issue to pilot safety, in the context of the proposed Part 74, this unmitigated midair collision risk would also threaten the same critical infrastructure the proposed rule is intended to protect. Accordingly, NAAA recommends that UAFRs be explicitly excluded for eligibility as shielded areas.” National Agricultural Aviation Association, FAA-2026-4558-1566, https://www.regulations.gov/comment/FAA-2026-4558-1566.
71. **Helicopter operators want Part 108 first.** “Further, to provide fully informed comments to this NPRM, a final Part 108 rulemaking would be required to evaluate this NPRM for completeness and cohesiveness.” Vertical Aviation International, FAA-2026-4558-1515, https://www.regulations.gov/comment/FAA-2026-4558-1515.
72. **Another utility's volume.** “Halfway though 2026 alone, we have conducted 14,697 flights and logged 3,082 flight hours.” Southern California Edison, FAA-2026-4558-1599, https://www.regulations.gov/comment/FAA-2026-4558-1599.
73. **Public safety flights.** “There are an estimated 30,000 public safety flights per day. At the rate of current DFR program growth, this number could rise to potentially 100,000 flights per day within the next three years.” DRONERESPONDERS, FAA-2026-4558-1564, https://www.regulations.gov/comment/FAA-2026-4558-1564. An estimate by the commenter.
74. **NAAA on shielded areas.** “NAAA’s Highest Concern – Proposed Part 108 Shielded Areas Must Not Be Codified” National Agricultural Aviation Association, FAA-2025-1908-1842, https://www.regulations.gov/comment/FAA-2025-1908-1842.

75. **Summary of costs.** Part 74 Regulatory Impact Analysis, Table 1, p. 6, https://www.regulations.gov/document/FAA-2026-4558-0004. Annualized, in millions of 2024 dollars. At 3% applicants cost $19.7 to $28.8 and government $1.9, for $21.5 to $30.7 in total. At 7% applicants cost $19.5 to $28.7 and government $1.9, for $21.4 to $30.6. Present value over five years is $98.7 to $140.6 at 3% and $87.8 to $125.3 at 7%.
76. **Facilities in the scenario.** Part 74 Regulatory Impact Analysis, Table 12, pp. 24 and 25, https://www.regulations.gov/document/FAA-2026-4558-0004. Eligible facilities in sectors with criteria total 52,121, and the FAA assumes 9,159 apply, 10% to 100% by sector. Defense industrial base, government services and water are "TBD". Food and agriculture shows 0. The alternative limited to six sectors counts 6,536 facilities (p. 30).
77. **Unit costs.** "Therefore, FAA estimated the unit cost to obtain a UAFR based on available estimates of the cost of exemptions (between $5,000 and $10,000). FAA is developing a web-based portal (the UAFR Module) through which applicants can submit all required information. Applicants must also have security monitoring that includes the capability to receive, log, and retain broadcast remote identification messages from unmanned aircraft operating within or in proximity to the UAFR. FAA estimated the unit cost based on an example system ($2,800 onetime and $1,000 annually)." Part 74 Regulatory Impact Analysis, p. 5, https://www.regulations.gov/document/FAA-2026-4558-0004.
78. **Part 108 benefits and costs.** "FAA is unable to quantify the benefits of the proposed rule. However, existing studies are indicative of the types and potential magnitude of benefits. When considered in the context of the myriad of potential applications and locations nationwide, FAA anticipates that the benefits from scaled BVLOS are significant. To the extent risks of scaled operations are successfully mitigated, and the scale or pace of scaling could not occur under the existing framework, benefits are attributable to the proposed rule. Given that the proposed rule includes requirements that mirror current BVLOS exemptions, while also proposing new requirements to mitigate risks inherent in expanded BVLOS operations, there are few incremental costs, and FAA anticipates that the benefits would likely exceed costs." BVLOS NPRM, Regulatory Impact Analysis, 90 FR 38352, https://www.federalregister.gov/d/2025-14992.
79. **Government review cost.** "Preliminarily, FAA estimates the government review costs per application in the range of approximately $1,000." Part 74 Regulatory Impact Analysis, p. 5, https://www.regulations.gov/document/FAA-2026-4558-0004.
80. **Millions of eligible sites.** "FAA and SRMAs recognize that each of the sectors cover a variety of different assets and facility types which could lead to millions of eligible facilities for flight restrictions in the NAS." Part 74 NPRM preamble, 91 FR 24661, https://www.federalregister.gov/d/2026-08943. The RIA counts 52,121 eligible facilities in sectors with criteria and assumes 9,159 apply. SRMAs identified about 125,000 high-priority sites (91 FR 24679).
81. **Notification costs set aside.** "Additional cost components may include updating and renewing UAFRs, processing notification requests, and reporting unauthorized UAS activity within the UAFR, but these are likely highly variable and relatively small." Part 74 Regulatory Impact Analysis, footnote 11, p. 22, https://www.regulations.gov/document/FAA-2026-4558-0004.
82. **Cost to unequipped manned operators.** "Finally, there is uncertainty with respect to the impact on part 91 operators not equipped with ADS–B or EC equipment. These operators may incur costs to add equipment or as a result of loss of right-of-way. However, right-of-way impacts would be very site and situation specific and thus very difficult to estimate." BVLOS NPRM, Regulatory Impact Analysis, 90 FR 38352, https://www.federalregister.gov/d/2025-14992.
83. **Statutory deadline.** 49 U.S.C. 44811, https://www.law.cornell.edu/uscode/text/49/44811. Subsection (c) sets the final rule at 16 months after the proposed rule. The proposal published Aug. 7, 2025, which puts the deadline near Dec. 7, 2026.
84. **No counter-UAS authority.** "The UAFR does not authorize the use of detection or mitigation technologies to interfere with unmanned aircraft; such activities remain subject to existing federal laws, including Title 18 and Title 49 U.S.C." Part 74 NPRM preamble, 91 FR 24656, https://www.federalregister.gov/d/2026-08943.

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