



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

July 15, 2014

Mr. Michael P. Huerta
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Huerta:

I write to express my deep concern about the safety of unmanned aerial vehicles (UAVs), or drones, and to ask that you redouble your efforts to ensure the safety of the airspace and people on the ground in the United States.

I understand that there is currently a moratorium on the commercial use of drones, including those of very small size, except for specific exemptions granted by the FAA on a case-by-case basis. Further, recreational use of drones is illegal if it poses a danger to the airspace, for example by flying carelessly and recklessly near pedestrians or airplanes. The use of drones by public agencies in civil airspace is also subject to strict FAA safety oversight through the granting of Certificates of Authorization (COA). However, press reports of accidents and close calls indicate that these sensible safety rules are inadequate, under-enforced, or without sufficient penalties to deter dangerous behavior. In my view, drones pose a serious threat to people in the air and on the ground, and the FAA's paramount responsibility is to ensure that use of the airspace is safe.

I urge that you increase your enforcement efforts against violations of law by unauthorized drone operators. I further ask that you decline to issue Certificates of Authorization or exemptions for any UAV unless you are confident that the aircraft will be operated safely. And, I ask that you review each Certificate of Authorization or exemption issued to date to ensure that adequate safety precautions are in place. If you do not believe the FAA has sufficient legal authority or resources to protect the safety of the airspace against unlawful or

dangerous use of drones, please let me know. If FAA cannot assure me that the safety of the airspace can be protected against such drone operation, I will introduce legislation to strengthen and extend the current moratorium and put in place further safeguards to protect Americans.

Let me bring your attention to the recent series of articles by Craig Whitlock of *The Washington Post* documenting the numerous crashes and other mishaps that have plagued drone operations. The June 20th article states that “[m]ore than 400 large U.S. military drones have crashed in major accidents around the world since 2001, a record of calamity that exposes the potential dangers of throwing open American skies to drone traffic.” According to the June 23rd article, “[s]ince November 2009, law enforcement agencies, universities and other registered drone users have reported 23 accidents and 236 unsafe incidents, according to FAA records.”

Indeed, data strongly indicate that drones are much more dangerous than manned aircraft to other aircraft and to people on the ground. According to the June 20th article, the number of drone accidents is almost equivalent to the number of major crashes by Air Force fighter jets and attack planes – even though drones flew “far fewer missions and hours.” Available data from the Defense Department and the National Transportation Safety Board indicate that, compared to military or commercial aircraft, drones are by far the most accident-prone per flight-hour. It is clear that there is a lot of work to be done before drones can meet the level of safety we expect the FAA to maintain. This is particularly the case because, as you know, the sorts of drones available and in development today truly are of all shapes and sizes, ranging from a very small drone available for consumer purchase to much larger military drones.

Given these safety issues, one would expect that, as drone use expands in domestic airspace, there will be a growing number of safety scares. And that is exactly what is happening, according to the June 23rd *Washington Post* article, which states: “Hazardous occurrences are becoming more frequent as more drones — legal and illegal — take to the skies.”

In fact, the article states that “[i]n 15 cases over the past two years, drones flew dangerously close to airports or passenger aircraft.” The article describes two incidents on the same day in May in which “airline pilots trying to land at two of the nation’s busiest airports got on their radios to report the unnerving sight of small rogue drones buzzing at high altitudes.” Those two airports were LaGuardia

Airport in New York City and Los Angeles International Airport, where pilots identified drones at altitudes of over 5,000 feet. I also recall the much-reported incident in March 2013 where a drone flew dangerously close to an international flight landing in New York City at John F. Kennedy Airport. We cannot wait until one of these devices brings down an airliner before taking action to protect the public.

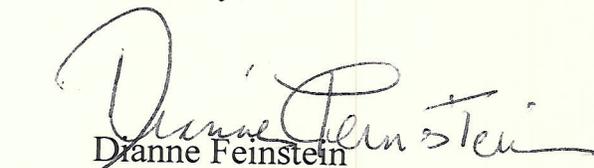
I was concerned to read in the June 22nd *Washington Post* article that, despite the history of accidents, the Defense Department has “161 certificates to operate drones in shared airspace – almost double the number from two years earlier.” In fact, the FAA’s online fact sheet states that, as of December 4, 2013, there were 545 active Certificates of Authorization (COAs) and that 1,387 COAs had been issued by the FAA since 2009. I urge the FAA not to issue a COA for any UAV unless it is confident that the aircraft can be operated safely.

I further ask that you review each COA issued to date and prepare a report documenting, for each COA that has been issued:

- (a) the entity to which the FAA issued the COA, when the COA was issued, and when the COA expired or is scheduled to expire;
- (b) the geographical area of operation covered by the COA, and whether there were any populated areas nearby;
- (c) the make and model of the UAV covered by the COA;
- (d) any accident involving the UAV covered by the COA; and
- (e) any safety measure or precaution required by FAA in connection with the COA.

Thank you very much for your attention to this important issue. I look forward to your prompt response.

Sincerely,


Dianne Feinstein
United States Senator