



August 3, 2026

The Honorable Bryan Bedford
Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

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

Re: FAA NPRM (Docket No. 2026-4558) Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility

Dear Administrator Bedford:

The American Public Transportation Association (APTA) represents the \$102 billion public transportation industry that directly employs more than 450,000 people and supports millions of private-sector jobs. APTA supports the Federal Aviation Administration's (FAA) commitment to establishing a process for operators and proprietors of certain fixed site facilities to request and maintain an unmanned aircraft flight restriction (UAFR). APTA and public transportation agencies have a long history of successful partnership and collaboration with the U.S. Department of Transportation, and we look forward to continuing this important work together.

Safety is the public transportation industry's highest priority, including for bus and passenger rail operators. The employees who manage and operate public transportation systems are committed to strengthening the safety of their systems, passengers, colleagues, and the public. On behalf of our members, APTA appreciates the opportunity to respond to the FAA's Notice of Proposed Rulemaking, "Designation—Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility," published in the *Federal Register* at 91 Fed. Reg. 24650 on May 6, 2026 (UAFR NPRM). APTA is pleased to offer the following comments on the UAFR NPRM.

Definition of Qualifying Hub

APTA believes that the definition of intermodal passenger transportation hubs is too restrictive as the definition of a hub is a facility that serves multiple modes (i.e., ferries, commuter rail, heavy rail transit, Amtrak, intracity buses, and intercity buses). APTA also suggests adding passenger ridership as a category to allow hubs that meet a specific volume threshold to qualify regardless of the number of services it provides.

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As the FAA notes in the UAFR NPRM, the mass transit and passenger rail subsector systems include buses, heavy rail (subways), light rail, commuter rail, and monorail systems. These systems manage billions of passenger trips annually and are considered vulnerable due to high passenger volume and open access environments. Facilities serving multiple transportation modes (such as bus, rail, and ferry connections) are considered high-value sites. These surface transportation hubs qualify for targeted airspace restrictions due to their importance and risk exposure.

Additional Considerations for Special Events, Accidents, and Incidents

Rail infrastructure is extensive and critical to national coordination and defense. While the FAA rejected broad airspace restrictions along entire rail corridors to avoid disrupting transit access and efficiency, APTA strongly encourages FAA to consider restricting the operation of unmanned aircraft during special events with high transit usage, accidents, and incidents.

Twenty-six public transit agencies in 11 U.S. host cities have expanded service, strengthened safety and security, upgraded infrastructure, and coordinated operations to move millions of fans, workers, and visitors during the 2026 Federation International Football Association (FIFA) World Cup. While APTA understands that FAA must balance the need to protect transportation infrastructure with maintaining the efficient movement of people, events like the FIFA World Cup, and future mega-events like the Olympics in Los Angeles and in Salt Lake City are about more than just moving people – they also include the need to secure critical infrastructure. The December 2025 Federal Communications Commission (FCC) National Security Determination explicitly identifies World Cup and Olympic venues as potential targets for Unmanned Aircraft Systems (UAS) enabled surveillance. Security measures like perimeter fences, magnetometers, and bag checks are rendered irrelevant by an airborne threat, and the rapid proliferation and technological maturation of UAS has fundamentally transformed the threat landscape for public safety and event security. Accordingly, FAA must ensure that public transportation agencies have the ability to request a UAFR for these events.

Moreover, for accidents, the potential for impacts on life safety activities alone should serve as justification for clearing airspace during an accident. A UAS hovering over an accident scene could interfere with operational activities and distract and endanger first responders. Furthermore, for threat incidents, the concern of UAS-enabled attack scenarios and UAS-enabled surveillance is a safety and security concern. Protecting sensitive critical infrastructure locations from UAS incursion is crucial for national security and public safety. The threats to mass transit from a UAS that could deliver explosive payloads to crowded stations, disperse chemical or biological agents, conduct a cyber-attack, perform physical sabotage of critical rail infrastructure, and/or coordinated GPS/communication jamming, suggest focus should be extended to owners and operators that convey a safety or security risks when applying for an UAFR.

Expanded Criteria

APTA recommends that FAA consider revising the criteria allowing transportation operators to apply for a UAFR. FAA's proposed regulations would require the applicant to identify the lateral boundaries for the requested UAFR, and that the requested UAFR boundary not exceed the operator or proprietor's property boundary.¹ However, there

¹ See 91 Fed. Reg. 24622, 24685 (May 6, 2026).

are certain circumstances when the FAA should expand the lateral boundaries beyond the property line. There may be conditions where expanding airspace restrictions beyond physical property boundaries is critical to mitigating risks to a facility. Transit agencies would need to demonstrate the need that a facility is specifically vulnerable to UAS exploitation.

Large open-air intercity, commuter, and mass transit railyards should be eligible for consideration for UAFR because UAS malfunctions or intentional sabotage could damage critical rail infrastructure. Such damage could significantly disrupt transit operations. A malfunctioning UAS over catenary-powered mass transit tracks could also create major service disruptions, especially along the Northeast Corridor. The FAA should also consider areas around tunnel entrances that serve intercity, commuter, or mass transit train traffic, where UAS-related damage to critical rail infrastructure at or inside an entrance could severely disrupt service.

Conclusion

APTA supports the expansion of the certification requirements and criteria applicable to the mass transit and passenger rail subsector for restricting the operation of unmanned aircraft. Public transportation owners and operators should have the ability to apply for a UAFR based on credible safety or security threats or conditions. APTA encourages the FAA to provide a practical process for requesting both permanent and temporary UAFRs, reflect on the unique safety and security concerns and threats associated with the mass transit and passenger rail subsector and permit reasonable restrictions established by risk assessments, available intelligence, operational requirements, and facility footprint.

APTA appreciates the opportunity to comment on this UAFR NPRM. If finalized, these UAFR procedures will greatly assist the public transportation sector's ability to address the increase in UAS operators, and the concomitant threat posed by the proliferation of unregulated UAS. APTA looks forward to assisting FAA in decisions on any proposed changes protecting critical infrastructure. If you have questions regarding topics discussed in this letter, please contact Polly Hanson, Senior Director of Security, Risk and Emergency Management at (703) 505-2523 or phanson@apta.com, or contact Taria Barron, General Counsel, at (202) 496-4808 or tbarron@apta.com. Thank you for your consideration. We look forward to continuing to work with FAA to improve transportation safety and security.

Sincerely,

A handwritten signature in blue ink that reads "Paul P. Skoutelas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Paul P. Skoutelas
President and CEO