

August 5, 2026

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

RE: Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility

Docket No. FAA-2026-4558

Administrator Bedford:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) regarding the establishment of a process for operators and proprietors of certain fixed site facilities to request and maintain an unmanned aircraft flight restriction. By way of background, TTD consists of 39 affiliated unions whose members work across all modes of transportation, including in aviation and rail transportation.¹ We are encouraged by the FAA's efforts to promulgate this long-overdue rulemaking. Additionally, we endorse the comments filed in this docket by our affiliate(s), the Brotherhood of Locomotive Engineers and Trainmen (BLET), the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD).

Background

In order to address potential national and homeland security risks posed by the operation of UAS in close proximity to certain fixed site facilities, Congress enacted section 2209 of the FAA Extension, Safety and Security Act of 2016 (FESSA). Section 2209 directed the FAA to create a system under which operators or proprietors of these facilities are able to request unmanned aircraft flight restrictions (UAFRs).

This rulemaking has been delayed for nearly a decade, and comes on the heels of multiple Congressional mandates for action on this important issue. We are pleased to see the FAA issue this NPRM and recognize the safety concerns inherent in the operation of unmanned aircraft in close proximity to rail facilities.

¹ Attached is a complete list of TTD's affiliate Unions

Critical Transportation Infrastructure

We appreciate that the FAA has recognized the importance of securing fixed transportation infrastructure sites through this proposed rule. Fixed site facilities throughout the transportation network, including maritime ports, rail yards, and other intermodal rail facilities frequently facilitate the movement of dangerous goods and passengers. Given the nature of these operations, it is critical that these sites be eligible for UAFRs and Special UAFRs. Drone incursions into these sensitive areas can pose preventable safety risks to employees and passengers, along with physical and cybersecurity concerns.

UAS Activity in Close Proximity to Rail Yards

Congress rightly concluded that rail transportation facilities should be considered a fixed site facility eligible for UAFRs and Special UAFRs. Rail workers routinely perform safety sensitive tasks from which distractions can be deadly. Daily operations involve moving locomotives, railcars, heavy machinery, hazardous materials, and complex switching operations. Drone incursions in rail yards can easily divert focus and attention from this critical work and could ultimately result in a preventable tragedy.

As SMART-TD notes in its comments in this docket, “A drone hovering over a switching movement or operating near a crew member’s work location is not a harmless gadget. It is a foreign object operating in a hazardous industrial environment. Every unnecessary distraction increases risk. Every unnecessary risk increases the likelihood of injury or death.” As such, we encourage the FAA to expand the criteria for rail fixed site facilities beyond rail facilities required by law to have a rail secure area as defined in 49 CFR 1500.3, as is currently proposed. Major classification yards, passenger terminals, locomotive servicing facilities, intermodal terminals, dispatching support facilities, and locations where hazardous materials consists are routinely assembled or stored may present equal or greater vulnerabilities despite not fitting within the proposed framework. These areas should be eligible for UAFRs, as well.

Cybersecurity Risks

Many dangerous and hazardous goods are transported by rail on a daily basis. Not only does the assembly of those consists require diligent focus by those working in the yard, but unauthorized surveillance of those materials and their locations on the train pose serious security concerns. These risks are heightened by the potential for UAS software to be hijacked or hacked. If an unauthorized user is able to gain control of the device for nefarious purposes, sensitive and safety critical information, such as the location of certain hazardous materials on a train, may be exposed.

Additionally, recent cybersecurity incidents in Minnesota have highlighted the need for heightened cybersecurity measures at critical infrastructure facilities. According to the Federal Bureau of Investigation (FBI), since late July 2026, Water and Wastewater Sector (WWS) utility companies in at least seven states have reported cyber attack incidents, and some of that activity degraded

water operations. Operational effects reported to the FBI have included loss of pressure and flooding.² Pressure loss in water systems could potentially allow untreated ground water to seep into pipes, resulting in health and safety risks to the communities served. While not the result of unauthorized UAS activity, these incidents underscore the need for robust cybersecurity measures at fixed site facilities.

We therefore encourage the FAA to consider requiring UAFR holders who intend to operate their own drones at fixed site facilities to share the cybersecurity measures in place for their devices prior to deployment.

Emergency Response Operations and Accident Investigations

We support limiting UAS operations in close proximity to rail yards and other critical transportation infrastructure whenever possible. However, we urge the FAA to consider maintaining exceptions for law enforcement operations, emergency response, and accident and incident investigations.

Conclusion

We appreciate the opportunity to comment on this proposed rule and we look forward to working with the FAA in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Greg Regan", enclosed within a faint circular outline.

Greg Regan
President

² <https://www.fbi.gov/investigate/cyber/alerts/2026/malicious-cyber-actors-targeting-water-and-wastewater-sector-internet--facing-programmable-logic-controllers-causing-operational-disruptions>