



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick, Staff Director

Sam Graves
Ranking Member

Paul J. Sass, Republican Staff Director

November 22, 2019

The Honorable Stephen M. Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue S.W.
Washington, D.C. 20591

Dear Administrator Dickson:

We write to express our views regarding the Federal Aviation Administration's (FAA) April 15, 2019, notice of proposed rulemaking (NPRM) titled *Streamlined Launch and Reentry Licensing Requirements* (RIN 210-AL17).¹ As its name suggests, the proposed rule seeks to “streamline and increase flexibility in the FAA’s commercial space launch and reentry regulations, and remove obsolete requirements,” among other things.²

There is no question the flourishing commercial space transportation sector is enabling industries, creating jobs, and contributing to the U.S. economy.³ Commercial space transportation services are also helping to fulfill important governmental, commercial, and societal needs through the launch of satellites that offer a range of services with substantial public benefits, from high-speed Internet to weather forecasts.⁴ U.S. commercial space transportation is no longer a nascent industry, with the number of FAA-licensed commercial orbital launches growing in recent years.⁵ The industry’s growth is expected to continue, with the FAA forecasting as many as 56 licensed and permitted launches and reentry operations in 2021—a 400 percent increase from 2015.⁶

In addition to this increasing commercial space transportation activity, the United States is already home to the busiest airspace in the world. Each day, nearly three million passengers fly

¹ 84 Fed. Reg. 15296 (Apr. 15, 2019).

² *Id.* at 15296.

³ See FAA, *The Annual Compendium of Commercial Space Transportation: 2018* (Jan. 2018), 1–3 available at https://www.faa.gov/about/office_org/headquarters_offices/ast/media/2018_AST_Compndium.pdf.

⁴ See *id.* at 9–10.

⁵ See *id.* at 3, 42–43. The number of FAA-licensed orbital launches has grown from eight in 2015 to 33 in 2018. *Id.* at 43; see also FAA, *Launches*, https://www.faa.gov/data_research/commercial_space_data/launches/?type=Licensed (last visited Nov. 7, 2019).

⁶ *FAA Aerospace Forecast: Fiscal Years 2019–2039*, 38 available at https://www.faa.gov/data_research/aviation/aerospace_forecasts/media/Commercial_Space.pdf.

through U.S.-controlled airspace, which on average accommodates more than 44,000 daily flights.⁷ The FAA currently segregates commercial space launch and reentry operations from other air traffic to ensure launches and reentries do not interfere with the safety of the operation of conventional aircraft. To do so, the FAA establishes aircraft hazard areas, closing off wide swaths of airspace to air traffic—in some cases, hundreds of square miles of airspace—over several hours.⁸

While the FAA is working to reduce the amount and duration of each airspace closure during a launch or reentry, the technology necessary to achieve that objective is still in the development and testing stages.⁹ Without this technology in place, the segregation of commercial space operations can disrupt the rest of the airspace system, leading to flight delays and cancellations, longer flight times over increased distances around closed airspace, and added fuel burn, among other adverse effects for airlines, passengers, and general aviation operators.¹⁰ In fact, according to a recent study by Embry-Riddle Aeronautical University, a single rocket launch in Florida costs airlines cumulatively between \$10,000 and \$30,000 in extra fuel to avoid the restricted airspace.¹¹

Additionally, the FAA has granted licenses to launch site operators without adequately considering the potential effects on surrounding flight operations, according to several industry groups. Of particular concern is the proximity of some launch sites to commercial or general aviation airports. While we understand and appreciate that the FAA considers those impacts when evaluating applications for launch licenses or permits, we hope that similar considerations can occur prior to the issuance of a launch site operator license so that such a license may contain any necessary conditions or restrictions. While we agree with Associate Administrator Wayne Monteith that we are not prepared “to say there are a finite number of spaceports we should have” or “[pick] the state that doesn’t get an opportunity,” we want to ensure that prospective launch site operators, launch providers, existing airspace users, and the general public have realistic expectations about what kind of commercial space transportation activity can safely take place at a given location.¹²

The FAA’s core mission is to provide the safest, most efficient airspace system in the world. As the FAA considers public comments on the NPRM, we urge the agency to ensure that any final rule: (1) includes sufficient protections to preserve the safety of existing operators and users, such as airlines, owners and operators of general aviation aircraft, commercial flight crews, and the traveling public; (2) maintains airspace efficiency and minimizes potential disruption of the National Airspace

⁷ FAA, *Air Traffic by the Numbers*, https://www.faa.gov/air_traffic/by_the_numbers/.

⁸ See Daniel P. Murray, *The FAA’s Current Approach to Integrating Commercial Space Operations into the National Airspace System*, 3, https://www.faa.gov/about/office_org/headquarters_offices/ast/reports_studies/media/REMAT-Murray-FAA-FINAL.pdf; Gov’t Accountability Office, *Commercial Space Transportation: Improvements to FAA’s Workforce Planning Needed to Prepare for the Industry’s Anticipated Growth*, 34–35, <https://www.gao.gov/assets/700/699633.pdf>.

⁹ FAA, *Fact Sheet - What is the Space Data Integrator (SDI)?* (June 2019), https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=23476.

¹⁰ Air Line Pilots Ass’n (ALPA), *White Paper: Addressing the Challenges to Aviation from Evolving Space Transportation* (June 2018), 10 available at <http://www.alpa.org/~media/ALPA/Files/pdfs/news-events/white-papers/white-paper-aviation-space.pdf>.

¹¹ Embry-Riddle Aeronautical Univ., *Flying the Crowded Skies: Every Space Launch Takes a Financial Toll on Airlines, Eagle Research Confirms* (July 17, 2018; 8:48 AM), <https://news.erau.edu/headlines/flying-the-crowded-skies-every-space-launch-takes-a-financial-toll-on-airlines-embry-riddle>.

¹² See Bill Carey, *Integrating Spaceports*, Aviation Week & Space Technology, July 29, 2019.

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System attributable to launches and reentries; and (3) ensures continued American leadership in commercial space transportation.

Thank you for your attention to this important matter.

Sincerely,



PETER A. DeFAZIO
Chair



SAM GRAVES
Ranking Member



RICK LARSEN
Chair
Subcommittee on Aviation



GARRET GRAVES
Ranking Member
Subcommittee on Aviation

cc: Wayne R. Monteith
Associate Administrator, Commercial Space Transportation
Federal Aviation Administration