



September 4, 2026

U.S. Federal Aviation Administration (FAA)
Office of Rulemaking, ARM-1
800 Independence Avenue SW
Washington, DC 20591

RE: Docket No. FAA-2026-6739, Notice No. 26-06 (*Ensuring Passenger Safety by Preempting Duty and Rest Requirements*)

The Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the General Aviation Manufacturers Association, the National Air Transportation Association, the National Business Aviation Association, and Vertical Aviation International (hereafter “Associations”) appreciate the FAA’s foresight to address the issue of federal preemption of flightcrew regulations over state and/or local government regulations and welcome the opportunity to provide comments.

Clarity regarding FAA safety requirements and their preemptive effect is an issue of paramount importance to the Associations and their members, which includes aircraft and aircraft-component manufacturers; design approval holders; aircraft owners and pilots; operators conducting passenger, cargo, emergency-response, and public-service missions; fractional program managers; maintenance and repair organizations; and other businesses supporting the National Airspace System (NAS). The Associations collectively represent, through their members, approximately \$339 billion in annual U.S. economic output, \$178 billion in gross domestic product, \$107 billion in labor income, and 1.33 million aerospace jobs.¹

Aviation operations are inherently interstate and national in character. Fixed-wing, rotor, powered-lift, unmanned aircraft, etc., routinely cross multiple local or state jurisdictions during a single operation, while operators often dispatch aircraft and crewmembers from bases serving several states. Aircraft are also manufactured across multiple states and regions. Allowing each jurisdiction to establish different safety requirements would create conflicting obligations, interfere with a pilot’s emergency authority, impede time-critical operations, undermine the consistent federal oversight upon which the NAS’ safety and efficiency depend, etc.

¹ PricewaterhouseCoopers, Contribution of General Aviation to the US Economy in 2023 (Feb. 2025), available at https://gama.aero/wp-content/uploads/General-Aviations-Contribution-to-the-US-Economy_Final_021925.pdf.

Associations support FAA NPRM No. 26-06

The Associations support the FAA's NPRM No. 26-06, Docket No. FAA-2026-6739, titled "Ensuring Passenger Safety by Preempting Duty and Rest Requirements." 91 Federal Register (FR) 40902, July 6, 2026. The Associations support the FAA's decisive efforts to ensure regulatory uniformity and fully endorse "the need to propose regulations to remove confusion over which laws prevail in this field." 91 FR 40904. Flightcrew member and flight attendant duty and rest period ("crew rest") regulations are important to the overall efficiency and safety of the aviation system.

The Associations agree that "Congress has given [the] FAA comprehensive authority to ensure the safety of air travel and the efficient use of the airspace" and the "FAA has issued regulations that cover every aspect of aviation safety." 91 FR 40904 (citing *Nat'l Fed'n of the Blind v. United Airlines, Inc.*, 813 F.3d 718, 733 (9th Cir. 2016)). This unequivocally includes other authorities under the Federal Aviation Act of 1958 ("FAAct").²

The Administrator promotes safe flight of civil aircraft in air commerce by prescribing regulations under 49 U.S. Code (U.S.C.) § 44701, which includes, inter alia, its authority to promulgate crew rest regulations under subparagraph (a)(4), originally codified under FAAct § 601(a).³ The Associations support the FAA's clarification that state and local requirements that attempt to regulate the federal aviation safety framework (i.e., state/local regulations that conflict with the FAA's authorities codified in 49 U.S.C. § 44701) are preempted.

Differing state and local requirements also increase product liability litigation exposure, insurance costs, certification uncertainty, and operating expenses. Those costs are ultimately borne by manufacturers, owners, and operators—and the communities that depend on aviation services.

A clear and singular federal aviation safety and operational framework is paramount as the FAA introduces unmanned aircraft systems (UAS), advanced air mobility (AAM), and other emerging technologies into the NAS. Fragmentation in those fields would impede design and certification, investment, interstate operations and commerce, and the safe integration of new aircraft, and thereby conflict with Congress's clear purpose in the FAAct.

² Federal Aviation Act of 1958 ("FAAct"), Pub. L. No. 85-726, 72 Stat. 731 (1958). The FAAct was recodified under 49 U.S. Code (U.S.C.) under Pub. L. 103-272, 108 Stat. 745, July 5, 1994.

³ *Id.* FAAct § 601(a) was recodified as 49 U.S.C. § 44701(a).

The Associations again thank the FAA for its leadership and clarification of critical federal preemption issues for the aviation industry.

Sincerely,

Aircraft Owners and Pilots Association (AOPA)
Experimental Aircraft Association (EAA)
General Aviation Manufacturers Association (GAMA)
National Air Transportation Association (NATA)
National Business Aviation Association (NBAA)
Vertical Aviation International (VAI)