

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

Wing
Responsible Person: Chris Jackman
Waiver Number: 107W-2021-03097

Address:
3400 Hillview Ave., Bldg. 4
Palo Alto, CA 94304

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

sUAS flight operations beyond visual line of site of the Remote Pilot in Command (RPIC) and the Visual Observer (VO) and operation over non-participating human beings for the purpose of small package delivery testing in accordance with the Partnership for Safety Promotions agreement.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR § 107.31—Visual line of sight aircraft operation,
14 CFR § 107.33(b) and (c)(2)—Visual observer,
14 CFR § 107.39—Operation over people, and
14 CFR § 107.145—Operations over moving vehicles

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 39, inclusive, are set forth on the attached pages.

This Certificate of Waiver is effective from November 16, 2021, to November 30, 2025, and is subject to cancellation at any time upon notice by the Administrator or an authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

General Aviation and Commercial Division, AFS-800

**SPECIAL PROVISIONS ISSUED TO
Wing**

General

This Waiver is an amendment and supersedes waiver 107W-2021-00181A. Waiver 107W-2021-00181A is no longer valid.

The FAA's Flight Standards Service has reviewed your application to ensure compliance with the requirements of 14 CFR § 107.200. The Administrator finds that the proposed sUAS operation can be conducted safely under the provisions of this Certificate of Waiver (Waiver) as listed below because you have established adequate mitigations for risks involved with operating your sUAS in the manner you described. Adherence to the provisions of this Waiver establishes the required level of safety within the national airspace system.

This Waiver may be canceled at any time by the Administrator, the person authorized to grant the Waiver, or the representative designated to monitor a specific operation. As a general rule, this Waiver may be canceled when it is no longer required, there is an abuse of its provisions, or when unforeseen safety factors develop. Failure to comply with any provision listed below is a violation of the terms of this Waiver and may serve as justification for cancellation.

List of Regulations Waived by Section and Title. The following regulations are waived:

- 14 CFR § 107.31**, Visual line of sight aircraft operation, is waived to allow operation of the small unmanned aircraft (sUA) beyond the direct visual line of sight of the remote pilot in command (PIC) and any visual observer (VO) who is participating in the operation.

- 14 CFR § 107.33(b) and (c) (2)**, is waived to the extent necessary to allow operation of the small unmanned aircraft (sUA) when each VO who is participating in the operation may not be able see the unmanned aircraft in the manner specified in §107.31.

- 14 CFR § 107.39**, Operations over human beings is waived to allow sUA operations over human beings who are not direct participants, necessary for the safe operation of the small unmanned aircraft.

- 14 CFR § 107.145**, Operations over moving vehicles, is waived to allow sUA operations over moving vehicles.

No part of this waiver will function as an airspace authorization under 14 CFR § 107.41. The FAA's Air Traffic Organization responds directly to requests for such authorizations.

Common Special Provisions. The Responsible Person is directly responsible for safety of operations conducted under this Waiver and will ensure the Remote Pilot in Command (remote PIC), manipulator of the controls, and Visual Observer(s)¹ comply with all provisions of this Waiver.

1. The Responsible Person listed on the Waiver is responsible to the FAA for the safe conduct of the operations. Prior to conducting operations that are the subject of this Waiver, the responsible person:
 - a. Must ensure the remote PIC, manipulators of the controls, and VO(s) are informed of the terms and provisions of this Waiver and strictly observe the terms and provisions herein;
 - b. Must ensure the remote PIC, manipulators of the controls, and VO(s) are informed and familiar with part 107 regulations; and
 - c. Evidence of the above (a and b) must be documented and must be presented for inspection upon request from the Administrator or an authorized representative;
2. This Waiver may be combined with waiver 107W-2016-01223E as amended and for operations under 14 CFR §107.35 only. This Waiver may not be combined with any other waiver(s), authorization(s), or exemption(s) without specific authorization from the FAA;
3. The FAA has the authority to cancel or delay any or all flight operations if the safety of persons or property on the ground or in the air are in jeopardy or there is a violation of the terms of this Waiver;
4. A copy of this Waiver must be accessible and available to the Remote Pilot in Command (remote PIC) at the ground control station during sUAS operations that are the subject of this Waiver;
5. The Responsible Person listed on this Waiver must maintain a current list of pilots by name and remote pilot certificate number used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
6. The Responsible Person listed on this Waiver must maintain a current list of small unmanned aircraft (sUA) by registration number(s) used in the Waiver holder's operations. This list must be presented for inspection upon request from the Administrator or an authorized representative;
7. For the purposes of this Waiver, Direct Participants are the remote pilots in command (PICs), persons manipulating the controls, visual observers (VOs), and any persons whose involvement is necessary for safety of the sUAS operation. All other persons are considered non-participants, including the merchant-loader and customer retriever;

¹ Title 14 CFR § 107.3 defines the term "visual observer." Any VO participating in operations conducted under this Waiver must meet the requirements listed in § 107.33 throughout the duration of flight operations.

Waiver Specific Special Provisions. sUAS operations beyond the visual line of sight (BVLOS) of the remote PIC and VO(s), and over human beings may be conducted under this waiver when the operation complies with the following provisions:

OPERATIONAL PROVISIONS

8. Operations under this Waiver must use one or more VO(s);
9. A remote PIC must be physically located at the sUA operational location;
10. The remote PIC must ensure sufficient VO(s) are used to identify any non-participating aircraft prior to their entry into the planned operational area. For the purpose of this Waiver, sufficient VO(s) is defined as the minimum number of VO(s) required to continuously observe at least a 2 statute mile radius of airspace surrounding each sUA in flight;
11. Individuals directly participating in the operation of the sUAS must be easily identifiable visually (e.g., apparel, safety vests);
12. The Responsible Person must ensure all operations conducted under this Waiver follow the procedures outlined in the operations manual. If a discrepancy exists between the provisions in this Waiver and the procedures outlined in the operations manual, the provisions of this Waiver take precedence and must be followed;
13. The operations manual contains at least the following items:
 - a. Operator name, address, and telephone number,
 - b. Method of manual distribution and revision,
 - c. Certificate of Waiver. The operations manual must include a copy of the current Waiver(s),
 - d. Aircraft description and limitations list by aircraft type and model,
 - e. Method to ensure safety of non-participating persons and aircraft,
 - f. Safety briefing of Direct Participants,
 - g. Direct Participant minimum requirements,
 - h. Method of communications,
 - i. Normal operating procedures,
 - j. Abnormal operating procedures,
 - k. Emergency procedures,
 - l. Crew Resource Management,
 - m. Risk management, and
 - n. Accident Notification. The operations manual must contain procedures for notification and reporting of accidents in accordance with 14 CFR § 107.9 and NTSB 830;
14. The Responsible Person may update or revise its operations manual. The Responsible Person must track such revisions and present revised documents to the Administrator or an authorized representative upon request. The Responsible Person must also present revised documents when applying for extension of or amendment to this Waiver. If any revision to the manual would be contrary to the information provided in the waiver application or obviate a condition or limitation of this waiver, then the Responsible Person must apply for an amendment to this Waiver;

15. The Responsible Person must ensure a copy of the operations manual is available to the remote PIC and all other direct participants prior to and during sUAS operations that are the subject of this Waiver;
16. Prior to conducting operations under this Waiver, the remote PIC and VO(s) must be proficient in visual line of sight (VLOS) operations and trained in accordance with the waiver applicants training program;
17. The Responsible Person listed on this Waiver must ensure each remote PIC who will conduct operations under this Waiver is trained in a manner that addresses the items listed in § 107.49(a)-(e) and in a manner that is consistent with how the sUAS will be operated under this Waiver. All training and demonstration for all remote PICs and VOs must be documented and made available upon request by the Administrator or an authorized representative. Training operations may only be conducted under the standard requirements of part 107 (without waiver). The training must include:
 - a. sUA limitations,
 - b. sUA programming,
 - c. sUA operational procedures,
 - d. Abnormal procedures,
 - e. Air traffic avoidance procedures,
 - f. Crew Resource Management,
 - g. sUA flight training, and
 - h. Demonstration of sUA ground and flight skills;
18. Prior to operations under this Waiver, all direct participants must attend a safety briefing that addresses at minimum, the following items:
 - a. Designated positions, physical locations, responsibilities, and Crew Resource Management,
 - b. Planned flight operating area,
 - c. Designated launch and recovery areas,
 - d. Verification of geo-fence boundaries,
 - e. Verification of flight profile(s), and course,
 - f. Verification of emergency landing site(s), land profile, and course,
 - g. Procedures for avoidance of other aircraft, and
 - h. Procedures for operating under this Waiver;
19. Communication between the remote PIC and VO(s) must occur to facilitate, when necessary, the remote PIC taking action to maneuver the sUA with sufficient time to:
 - a. Give way to all other aircraft in accordance with § 107.37,
 - b. React to any unforeseen operational or mechanical failure without creating a hazard to other people, other aircraft, or property in the event of a loss of control of the sUA, and
 - c. Maintain compliance with this Waiver and the requirements of part 107;
20. Operations subject to this waiver must cease if, at any time:
 - a. Safety of human beings or property on the ground or in the air is in jeopardy,
 - b. Any failure to comply with the provisions of this Waiver exists,
 - c. Full-duplex communications cannot be maintained between the remote PIC and any VO participating in the operation,
 - d. The ability to immediately alter the sUA flight course is unavailable to the remote PIC or the manipulator of the controls,
 - e. A non-participating aircraft enters the designated flight operating area,
 - f. GPS signal is lost, or
 - g. sUA GPS location information is degraded;

21. All planned launches of the sUA must be within VLOS of the remote PIC, or within a location monitored by a direct participant and restricted to access by non-participants;
22. Not less than 24 hours prior to conducting operations that will not meet the definition of line of sight contained with 14 CFR § 107.31, a Notice to Airmen (NOTAM) must be filed. The NOTAM must include location, altitude, and/or operating area, time and nature of the activity, and number of sUA flying in the operating area;
23. No sUA flight that occurs under this waiver may carry the property of another for compensation or hire;
24. The Responsible Person must establish and maintain a Safety Management System (SMS) appropriate for the size, scope, and complexity of operations that occur under this Waiver. Guidance on establishing and maintaining an SMS is available in FAA Advisory Circular 120-92B (or current revision). This program must be made available upon request by the Administrator;

TECHNICAL PROVISIONS

25. Operations conducted under this Waiver may only occur with the Hummingbird sUAS, as described in the waiver application;
26. During operations, the sUA must be equipped with lighting visible from a distance of no less than 1 statute mile;
27. All sUAS operations conducted in accordance with this Waiver must adhere to all manufacturer guidelines, recommendations and limitations for the sUAS;
28. The Responsible Person must maintain each sUAS and its components in accordance with manufacturer's instructions and recommendations. sUAS maintenance includes scheduled and unscheduled overhaul, repair, inspection, modification, replacement, and system software upgrades of the sUAS and its components necessary for flight. A log of all maintenance performed must be kept for each aircraft operated under this waiver. This log must be available to the remote PIC for review prior to conducting operations that are the subject of this waiver. Each sUAS maintenance log must be presented to the Administrator when requested. The log must contain the following information for each maintenance activity:
 - a. A description (or reference data acceptable to the Administrator) of work performed,
 - b. The date of completion of the work performed,
 - c. The name of the person who performed the work, and
 - d. The signature of the person who performed the work;
29. Any sUA that has undergone maintenance must undergo a functional test flight prior to conducting operations under this Waiver. A log entry must be made for each functional test flight. The log entry must contain at minimum the:
 - a. Calendar date,
 - b. sUA registration or serial number,
 - c. Remote PIC who performed the functional test flight,
 - d. Duration of the flight, and
 - e. The result of the functional flight test;
30. A functional test flight may only be conducted under the standard requirements of part 107 (without waiver);

31. sUAS flight routes must be planned, and sUAS must be programmed for semi-autonomous flight;
32. The sUAS ground control station must audibly or visually alert the remote PIC of degraded system performance, sUAS malfunction, and loss of Command and Control link with the sUA;
33. At all times during sUAS operations, the sUAS ground control station must display in real time, at least the following information:
 - a. sUA altitude, sUA position,
 - b. sUA direction of flight, and
 - c. sUAS flight mode;
34. ADS-B out (1090/978 MHz) may not be transmitted from the sUAS when operating pursuant to this Waiver;
35. All emitters used in sUAS must be in compliance with all applicable FCC regulations and all provisions of the FCC authorization granted for the emitter. A FCC experimental authorization may not be used for sUAS operations under this Waiver;
36. Prior to conducting operations under this Waiver, the remote PIC must determine all control links used in the sUAS will maintain command and control link at the maximum planned distance for the proposed operation. At all times during operations that are the subject of this Waiver, the remote PIC must maintain the ability to direct the sUA to ensure compliance with the applicable provisions of this chapter;
37. If the remote PIC loses command or control link or the command and control link latency has the potential to degrade the ability of the RPIC to immediately maneuver the sUA, the sUA must follow a predetermined route to either reestablish link or immediately recover/land at a predesignated location;
38. If communication between the VO and the remote PIC will occur by electronic device:
 - a. The device must be continuous full-duplex,
 - b. The remote PIC must be able to use the device hands-free, and
 - c. There must be a reliable back-up communication method;

ENVIRONMENTAL PROVISIONS

39. sUAS operations subject to this Waiver may occur at the three areas described in “Attachment A” of document “WaiverUpdate_EVLOSOOP_(107.31_107.33_107.39)_03162021” attached to waiver application 107W-2021-00982, except:
 - a. The portion of the flight area depicted with the orange box, on page 7, south and southwest of Interstate 280.