



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

June 5, 2015

Exemption No. 11746
Regulatory Docket No. FAA-2015-0875

Mr. Jamin Yeager
CEO
Aerial Oklahoma, Inc.
4501 North Classen Boulevard
Suite 113
Oklahoma City, OK 73118

Dear Mr. Yeager:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

By letter dated March 30, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Oklahoma Aerial, Inc. (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial photography and surveying.

See Appendix A for the petition submitted to the FAA describing the proposed operations and the regulations that the petitioner seeks an exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner.

Airworthiness Certification

The UAS proposed by the petitioner is a DJI Inspire 1.

The petitioner requested relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*. In accordance with the statutory criteria

provided in Section 333 of Public Law 112–95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft meets the conditions of Section 333. Therefore, the FAA finds that the requested relief from 14 CFR part 21 and any associated noise certification and testing requirements of part 36, is not necessary.

The Basis for Our Decision

You have requested to use a UAS for aerial data collection¹. The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 11062 to Astraerus Aerial (*see* Docket No. FAA–2014–0352), 11109 to Clayco, Inc. (*see* Docket No. FAA–2014–0507), 11112 to VDOS Global, LLC (*see* Docket No. FAA–2014–0382), and 11213 to Aeryon Labs, Inc. (*see* Docket No. FAA–2014–0642), the FAA found that the enhanced safety achieved using an unmanned aircraft (UA) with the specifications described by the petitioner and carrying no passengers or crew, rather than a manned aircraft of significantly greater proportions, carrying crew in addition to flammable fuel, gives the FAA good cause to find that the UAS operation enabled by this exemption is in the public interest.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in Grant of Exemption Nos. 11062, 11109, 11112, and 11213;
- The reasons stated by the FAA for granting Exemption Nos. 11062, 11109, 11112, and 11213 also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, Astraerus Aerial, Inc. is granted an exemption from 14 CFR §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b), to the extent necessary to allow the petitioner to operate a UAS to perform aerial data collection. This exemption is subject to the conditions and limitations listed below.

¹ Aerial data collection includes any remote sensing and measuring by an instrument(s) aboard the UA. Examples include imagery (photography, video, infrared, etc.), electronic measurement (precision surveying, RF analysis, etc.), chemical measurement (particulate measurement, etc.), or any other gathering of data by instruments aboard the UA.

Conditions and Limitations

In this grant of exemption, Aerial Oklahoma, Inc. is hereafter referred to as the operator.

Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or rescission of this exemption.

1. Operations authorized by this grant of exemption are limited to the DJI Inspire 1 when weighing less than 55 pounds including payload. Proposed operations of any other aircraft will require a new petition or a petition to amend this exemption.
2. Operations for the purpose of closed-set motion picture and television filming are not permitted.
3. The UA may not be operated at a speed exceeding 87 knots (100 miles per hour). The exemption holder may use either groundspeed or calibrated airspeed to determine compliance with the 87 knot speed restriction. In no case will the UA be operated at airspeeds greater than the maximum UA operating airspeed recommended by the aircraft manufacturer.
4. The UA must be operated at an altitude of no more than 400 feet above ground level (AGL). Altitude must be reported in feet AGL.
5. The UA must be operated within visual line of sight (VLOS) of the PIC at all times. This requires the PIC to be able to use human vision unaided by any device other than corrective lenses, as specified on the PIC's FAA-issued airman medical certificate or U.S. driver's license.
6. All operations must utilize a visual observer (VO). The UA must be operated within the visual line of sight (VLOS) of the PIC and VO at all times. The VO may be used to satisfy the VLOS requirement as long as the PIC always maintains VLOS capability. The VO and PIC must be able to communicate verbally at all times; electronic messaging or texting is not permitted during flight operations. The PIC must be designated before the flight and cannot transfer his or her designation for the duration of the flight. The PIC must ensure that the VO can perform the duties required of the VO.
7. This exemption and all documents needed to operate the UAS and conduct its operations in accordance with the conditions and limitations stated in this grant of exemption, are hereinafter referred to as the operating documents. The operating documents must be accessible during UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations in this exemption and the procedures outlined in the operating documents, the conditions and limitations herein take precedence and must be followed.

Otherwise, the operator must follow the procedures as outlined in its operating documents. The operator may update or revise its operating documents. It is the operator's responsibility to track such revisions and present updated and revised documents to the Administrator or any law enforcement official upon request. The operator must also present updated and revised documents if it petitions for extension or amendment to this grant of exemption. If the operator determines that any update or revision would affect the basis upon which the FAA granted this exemption, then the operator must petition for an amendment to its grant of exemption. The FAA's UAS Integration Office (AFS-80) may be contacted if questions arise regarding updates or revisions to the operating documents.

8. Any UAS that has undergone maintenance or alterations that affect the UAS operation or flight characteristics, e.g., replacement of a flight critical component, must undergo a functional test flight prior to conducting further operations under this exemption. Functional test flights may only be conducted by a PIC with a VO and must remain at least 500 feet from other people. The functional test flight must be conducted in such a manner so as to not pose an undue hazard to persons and property.
9. The operator is responsible for maintaining and inspecting the UAS to ensure that it is in a condition for safe operation.
10. Prior to each flight, the PIC must conduct a pre-flight inspection and determine the UAS is in a condition for safe flight. The pre-flight inspection must account for all potential discrepancies, e.g., inoperable components, items, or equipment. If the inspection reveals a condition that affects the safe operation of the UAS, the aircraft is prohibited from operating until the necessary maintenance has been performed and the UAS is found to be in a condition for safe flight.
11. The operator must follow the UAS manufacturer's maintenance, overhaul, replacement, inspection, and life limit requirements for the aircraft and aircraft components.
12. Each UAS operated under this exemption must comply with all manufacturer safety bulletins.
13. Under this grant of exemption, a PIC must hold either an airline transport, commercial, private, recreational, or sport pilot certificate. The PIC must also hold a current FAA airman medical certificate or a valid U.S. driver's license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government. The PIC must also meet the flight review requirements specified in 14 CFR § 61.56 in an aircraft in which the PIC is rated on his or her pilot certificate.
14. The operator may not permit any PIC to operate unless the PIC demonstrates the ability to safely operate the UAS in a manner consistent with how the UAS will be

operated under this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from persons, vessels, vehicles and structures. PIC qualification flight hours and currency must be logged in a manner consistent with 14 CFR § 61.51(b). Flights for the purposes of training the operator's PICs and VOs (training, proficiency, and experience-building) and determining the PIC's ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption are permitted under the terms of this exemption. However, training operations may only be conducted during dedicated training sessions. During training, proficiency, and experience-building flights, all persons not essential for flight operations are considered nonparticipants, and the PIC must operate the UA with appropriate distance from nonparticipants in accordance with 14 CFR § 91.119.

15. UAS operations may not be conducted during night, as defined in 14 CFR § 1.1. All operations must be conducted under visual meteorological conditions (VMC). Flights under special visual flight rules (SVFR) are not authorized.
16. The UA may not operate within 5 nautical miles of an airport reference point (ARP) as denoted in the current FAA Airport/Facility Directory (AFD) or for airports not denoted with an ARP, the center of the airport symbol as denoted on the current FAA-published aeronautical chart, unless a letter of agreement with that airport's management is obtained or otherwise permitted by a COA issued to the exemption holder. The letter of agreement with the airport management must be made available to the Administrator or any law enforcement official upon request.
17. The UA may not be operated less than 500 feet below or less than 2,000 feet horizontally from a cloud or when visibility is less than 3 statute miles from the PIC.
18. If the UAS loses communications or loses its GPS signal, the UA must return to a pre-determined location within the private or controlled-access property.
19. The PIC must abort the flight in the event of unpredicted obstacles or emergencies.
20. The PIC is prohibited from beginning a flight unless (considering wind and forecast weather conditions) there is enough available power for the UA to conduct the intended operation and to operate after that for at least five minutes or with the reserve power recommended by the manufacturer if greater.
21. Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA). All operations shall be conducted in accordance with an ATO-issued COA. The exemption holder may apply for a new or amended COA if it intends to conduct operations that cannot be conducted under the terms of the attached COA.
22. All aircraft operated in accordance with this exemption must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification

(N–Number) markings in accordance with 14 CFR part 45, Subpart C. Markings must be as large as practicable.

23. Documents used by the operator to ensure the safe operation and flight of the UAS and any documents required under 14 CFR §§ 91.9 and 91.203 must be available to the PIC at the Ground Control Station of the UAS any time the aircraft is operating. These documents must be made available to the Administrator or any law enforcement official upon request.
24. The UA must remain clear and give way to all manned aviation operations and activities at all times.
25. The UAS may not be operated by the PIC from any moving device or vehicle.
26. All Flight operations must be conducted at least 500 feet from all nonparticipating persons, vessels, vehicles, and structures unless:
 - a. Barriers or structures are present that sufficiently protect nonparticipating persons from the UA and/or debris in the event of an accident. The operator must ensure that nonparticipating persons remain under such protection. If a situation arises where nonparticipating persons leave such protection and are within 500 feet of the UA, flight operations must cease immediately in a manner ensuring the safety of nonparticipating persons; and
 - b. The owner/controller of any vessels, vehicles or structures has granted permission for operating closer to those objects and the PIC has made a safety assessment of the risk of operating closer to those objects and determined that it does not present an undue hazard.

The PIC, VO, operator trainees or essential persons are not considered nonparticipating persons under this exemption.

27. All operations shall be conducted over private or controlled-access property with permission from the property owner/controller or authorized representative. Permission from property owner/controller or authorized representative will be obtained for each flight to be conducted.
28. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries of the operational area as defined by the applicable COA must be reported to the FAA's UAS Integration Office (AFS–80) within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.nts.gov.

If this exemption permits operations for the purpose of closed-set motion picture and television filming and production, the following additional conditions and limitations apply.

29. The operator must have a motion picture and television operations manual (MPTOM) as documented in this grant of exemption.
30. At least 3 days before aerial filming, the operator of the UAS affected by this exemption must submit a written Plan of Activities to the local Flight Standards District Office (FSDO) with jurisdiction over the area of proposed filming. The 3-day notification may be waived with the concurrence of the FSDO. The plan of activities must include at least the following:
- a. Dates and times for all flights;
 - b. Name and phone number of the operator for the UAS aerial filming conducted under this grant of exemption;
 - c. Name and phone number of the person responsible for the on-scene operation of the UAS;
 - d. Make, model, and serial or N-Number of UAS to be used;
 - e. Name and certificate number of UAS PICs involved in the aerial filming;
 - f. A statement that the operator has obtained permission from property owners and/or local officials to conduct the filming production event; the list of those who gave permission must be made available to the inspector upon request;
 - g. Signature of exemption holder or representative; and
 - h. A description of the flight activity, including maps or diagrams of any area, city, town, county, and/or state over which filming will be conducted and the altitudes essential to accomplish the operation.
31. Flight operations may be conducted closer than 500 feet from participating persons consenting to be involved and necessary for the filming production, as specified in the exemption holder's MPTOM.

Unless otherwise specified in this grant of exemption, the UAS, the UAS PIC, and the UAS operations must comply with all applicable parts of 14 CFR including, but not limited to, parts 45, 47, 61, and 91.

This exemption terminates on June 30, 2017, unless sooner superseded or rescinded.

Sincerely,

John S. Duncan
Director, Flight Standards Service

Enclosures

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

Aerial Oklahoma, Inc.

4501 North Classen Boulevard
Suite 113
Oklahoma City, OK 73118

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

Operation of DJI Inspire 1 Unmanned Aircraft Systems at or below 200 feet Above Ground Level (AGL) for the purpose of aerial data collection.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

N/A

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative 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 are set forth and attached.

This certificate FAA-2015-0875-333E is effective from June 8, 2015 to June 30, 2017 and is subject to cancellation at any time upon notice by the Administrator or his/her authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

/S/

FAA Headquarters, AJV-115
(Region)

Jacqueline R. Jackson
(Signature)

June 2, 2015
(Date)

Manager, UAS Tactical Operations Section
(Title)

STANDARD PROVISIONS

A. General.

1. The approval of this COA is effective only with an approved FAA Grant of Exemption.
2. A copy of the COA including the special limitations must be immediately available to all operational personnel at each operating location whenever UAS operations are being conducted.
3. This authorization may be canceled at any time by the Administrator, the person authorized to grant the authorization, or the representative designated to monitor a specific operation. As a general rule, this authorization 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 the authorization is cause for cancellation. The operator will receive written notice of cancellation.

B. Safety of Flight.

1. The operator or pilot in command (PIC) is responsible for halting or canceling activity in the COA area if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this authorization.

See-and-Avoid

Unmanned aircraft have no on-board pilot to perform see-and-avoid responsibilities; therefore, when operating outside of active restricted and warning areas approved for aviation activities, provisions must be made to ensure an equivalent level of safety exists for unmanned operations consistent with 14 CFR Part 91 §91.111, §91.113 and §91.115.

a. The pilot in command (PIC) is responsible:

- To remain clear and give way to all manned aviation operations and activities at all times,
- For the safety of persons or property on the surface with respect to the UAS, and
- For compliance with CFR Parts 91.111, 91.113 and 91.115

b. UAS pilots will ensure there is a safe operating distance between aviation activities and unmanned aircraft (UA) at all times.

c. Visual observers must be used at all times and maintain instantaneous communication with the PIC.

d. The PIC is responsible to ensure visual observer(s) are:

- Able to see the UA and the surrounding airspace throughout the entire flight, and
 - Able to provide the PIC with the UA's flight path, and proximity to all aviation activities and other hazards (e.g., terrain, weather, structures) sufficiently for the PIC to exercise effective control of the UA to prevent the UA from creating a collision hazard.
- e. Visual observer(s) must be able to communicate clearly to the pilot any instructions required to remain clear of conflicting traffic.
2. Pilots are reminded to follow all federal regulations e.g. remain clear of all Temporary Flight Restrictions, as well as following the exemption granted for their operation.
 3. The operator or delegated representative must not operate in Prohibited Areas, Special Flight Rule Areas or, the Washington National Capital Region Flight Restricted Zone. Such areas are depicted on charts available at http://www.faa.gov/air_traffic/flight_info/aeronav/. Additionally, aircraft operators should beware of and avoid other areas identified in Notices to Airmen (NOTAMS) which restricts operations in proximity to Power Plants, Electric Substations, Dams, Wind Farms, Oil Refineries, Industrial Complexes, National Parks, The Disney Resorts, Stadiums, Emergency Services, the Washington DC Metro Flight Restricted Zone, Military or other Federal Facilities.
 4. All aircraft operated in accordance with this Certificate of Waiver/Authorization must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification (N-Number) markings in accordance with 14 CFR part 45, Subpart C. Markings must be as large as practicable.

C. Reporting Requirements

1. Documentation of all operations associated with UAS activities is required regardless of the airspace in which the UAS operates. NOTE: Negative (zero flights) reports are required.
2. The operator must submit the following information through <mailto:9-AJV-115-UASOrganization@faa.gov> on a monthly basis:
 - a. Name of Operator, Exemption number and Aircraft registration number
 - b. UAS type and model
 - c. All operating locations, to include location city/name and latitude/longitude
 - d. Number of flights (per location, per aircraft)
 - e. Total aircraft operational hours
 - f. Takeoff or Landing damage

- g. Equipment malfunctions. Reportable malfunctions include, but are not limited to the following:
 - (1) On-board flight control system
 - (2) Navigation system
 - (3) Powerplant failure in flight
 - (4) Fuel system failure
 - (5) Electrical system failure
 - (6) Control station failure
- 3. The number and duration of lost link events (control, performance and health monitoring, or communications) per UA per flight.

D. Notice to Airmen (NOTAM).

A distant (D) NOTAM must be issued when unmanned aircraft operations are being conducted. This requirement may be accomplished:

- a. Through the operator's local base operations or NOTAM issuing authority, or
- b. By contacting the NOTAM Flight Service Station at 1-877-4-US-NTMS (1-877-487-6867) not more than 72 hours in advance, but not less than 24 hours prior to the operation, unless otherwise authorized as a special provision. The issuing agency will require the:
 - (1) Name and address of the pilot filing the NOTAM request
 - (2) Location, altitude, or operating area
 - (3) Time and nature of the activity.

AIR TRAFFIC CONTROL SPECIAL PROVISIONS

A. Coordination Requirements.

- 1. Operators and UAS equipment must meet the requirements (communication, equipment and clearance) of the class of airspace they will operate in.
- 2. Operator filing and the issuance of required distance (D) NOTAM, will serve as advance ATC facility notification of UAS operations in an area.
- 3. Operator must cancel NOTAMs when UAS operations are completed or will not be conducted.
- 4. Coordination and deconfliction between Military Training Routes (MTRs) is the operator's responsibility. When identifying an operational area the operator must evaluate whether an MTR will be affected. In the event the UAS operational area overlaps (5 miles either side of centerline) an MTR, the operator will contact the

scheduling agency 24 hours in advance to coordinate and deconflict. Approval from the scheduling agency is not required. Scheduling agencies are listed in the Area Planning AP/1B Military Planning Routes North and South America, if unable to gain access to AP/1B contact the FAA at email address <mailto:9-AJV-115-UASOrganization@faa.gov> with the IR/VR routes affected and the FAA will provide the scheduling agency information. If prior coordination and deconfliction does not take place 24 hours in advance, the operator must remain clear of all MTRs.

B. Communication Requirements.

1. When operating in the vicinity of an airport without an operating control tower, announce your operations in accordance with the FAA Aeronautical Information Manual (AIM) 4-1-9 Traffic Advisory Practices at Airports without Operating Control Towers.

C. Flight Planning Requirements.

Note: For all UAS requests not covered by the conditions listed below, the exemption holder may apply for a new Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA).

This COA will allow small UAS (55 pounds or less) operations during daytime VFR conditions under the following conditions and limitations:

- (1) At or below 200 feet AGL; and
- (2) Beyond the following distances from the airport reference point (ARP) of a public use airport, heliport, gliderport, seaplane base and military airports listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications.
 - a) 5 nautical miles (NM) from an airport having an operational control tower; or
 - b) 3 NM from an airport having a published instrument flight procedure, but not having an operational control tower; or
 - c) 2 NM from an airport not having a published instrument flight procedure or an operational control tower; or
 - d) 2 NM from a heliport, gliderport or seaplane base

D. Emergency/Contingency Procedures.

1. Lost Link/Lost Communications Procedures:

- If the UAS loses communications or loses its GPS signal, the UA must return to a pre-determined location within the private or controlled-access property and land.
- The PIC must abort the flight in the event of unpredicted obstacles or emergencies.

2. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries defined in this COA must be reported to the FAA via email at <mailto:9-AJV-115-UASOrganization@faa.gov> within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.nts.gov

AUTHORIZATION

This Certificate of Waiver or Authorization does not, in itself, waive any Title 14 Code of Federal Regulations, nor any state law or local ordinance. Should the proposed operation conflict with any state law or local ordinance, or require permission of local authorities or property owners, it is the responsibility of the operator to resolve the matter. This COA does not authorize flight within Special Use airspace without approval from the scheduling agency. The operator is hereby authorized to operate the small Unmanned Aircraft System in the National Airspace System.