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

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

July 15, 2015

Exemption No. 12042
Regulatory Docket No. FAA–2015–1552

Mr. Jake Coon
4603 West Bull Moose Court
West Jordan, UT 84088

Dear Mr. Coon:

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 posted to the public docket on May 11, 2015, you petitioned the Federal Aviation Administration (FAA) for an exemption. You requested to operate an unmanned aircraft system (UAS) to conduct aerial photography and videography.

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 Phantom 3.

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 relief from 14 CFR part 21, *Certification procedures for products and parts,*

Subpart H—Airworthiness Certificates, 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 collection[1]. 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 Astraeus 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, Mr. Jake Coon 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.

Conditions and Limitations

In this grant of exemption, Mr. Jake Coon is hereafter referred to as the operator.

[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.

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 Phantom 3 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.ntsb.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 July 31, 2017, unless sooner superseded or rescinded.

Sincerely,
/s/
John S. Duncan
Director, Flight Standards Service

Enclosures

Submitted by:
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Scope:
Enhance and augment real estate listing videos by using the Phantom 3 Professional Unmanned Aircraft System to conduct aerial photography and videography of real property.

UAV Phantom 3 Professional:
The DJI Phantom 3 is a quad-rotor Unmanned Aircraft System (UAS) weighing less than 3 pounds. The Phantom 3 UAS that Jake Coon will be responsible for also utilizes a mobile ground station. The UAS features a safety Return to Home function that in the event of a signal loss, the UAS will return to a preset position and land. The Return to Home feature can also be triggered manually. The remote connects to your phone or tablet, and a 720p HD view of everything your camera sees as you fly is displayed live. This immersive view streams to you in absolute clarity, enabling safe flying. From takeoff to landing, the Phantom 3 responds to commands while automatically handling the most complex aspects of safe, stable flight.

Request:
An exemption from 91.7(a), 91.119, 91.121, 91.151(a), 91.405(a), 91.407(a)(1), 91.409(a)(2) and 91.417(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) as was granted to Ralph J. Apel in Exemption No. 11410

Petition:
I request an exemption from TITLE 14 OF THE CODE OF FEDERAL REGULATIONS SECTIONS 61.113 (a) and (b); 91.7 (a); 91.119 (c); 91.121; 91.151 (a); 91.405 (a); 91.407 (a) (1); 91.409 (a) (1) and (2); 91.417 (a) and (b)

The Extent Of Relief that Jake Coon seeks
1. Extent of Relief that Jake Coon seeks regarding Section 61.113 (a) and (b) Private Pilot Privileges and Limitations

Relief from Section 61.113 (a) and (b) is requested to allow a Pilot in Command holding a current Private Pilots Certificate to operate the Jake Coon's Phantom 3. The flight would be complimented by a Visual Observer who, along with the pilot, will maintain Visual Line of Sight with the Phantom 3 at all times. All operations conducted will be incidental to Jake Coon's business. The Phantom 3 is not able to carry passengers.

2. Extent of Relief that Jake Coon seeks in regards to Section 91.7(a) Civil Aircraft Airworthiness

Relief from Section 91.7(a) is requested to allow Jake Coon to determine airworthiness of the Phantom 3. As part of this determination the following will be adhered to:

a. Prior to the Phantom 3's flight the PIC will inspect the UA to ensure it is in a condition that will be conducive for a safe flight. The ground control station will be included in the above inspection.

b. Jake Coon will follow the DJI Phantom 3's aircraft/component, maintenance, overhaul, replacement, inspection and life limit requirements.

c. Jake Coon will comply with all DJI manufacturer Safety Bulletins.

3. Extent of Relief that Jake Coon seeks in regards to Section 91.119 Minimum Safe Altitudes General relief from 91.119 is requested to allow Jake Coon to operate the Phantom 3 at altitudes not to exceed 400' AGL over private property at a distance at or greater than 5NM from the nearest airport as depicted on current Aeronautical Charts. Jake Coon also wishes to be granted exemption to operate at an altitude not greater than 50' AGL (below tree level) between 1NM and 5NM from the nearest airport as depicted on current Aeronautical Charts.

Jake Coon will adhere to the following in order to maintain an acceptable level of safety associated with operations over private property:

(a) Jake Coon will display signs in the immediate vicinity of operations stating: "Aerial Photography In Progress. Use Caution."

(b) Jake Coon will not allow the Phantom 3 to operate at a speed greater than 10kts.

(c) Jake Coon will require the UAS operator (PIC) to be fully trained on the Phantom 3 by adhering to the recommendations contained within the Phantom 3's operating manual.

(d) Jake Coon will have accumulated and logged, in a manner consistent with 14 CFR 61.51(b), a minimum of 25 hours of total time as a UAS rotorcraft pilot including at least 10 hours logged as a UAS pilot with a multi-rotor UAS. In addition the operator will have logged a minimum of 5 hours as a UAS pilot operating the make and model UAS that Flying Jake Coon operates.

(e) Jake Coon will be familiar with and able to manually institute the Phantom 3's Return to Home (RTH) feature. This feature aborts a flight operation and automatically returns the UAS to a predetermined GPS safe point.
(f) Jake Coon will not operate over private property without first finding a suitable alternate landing spot on the property.
(g) Jake Coon will abort the flight in the event of unpredicted obstacles or emergencies in accordance with the operating documents.
(h) Jake Coon will utilize a two man flight team consisting of the Pilot in Command (PIC) and a Visual Observer (VO). This team will maintain visual line of sight with the Phantom 3 at all times and remain within hearing of one another.
(i) Jake Coon will not permit flight around vessels, vehicles and structures without permission from the owner.
4. Extent of Relief that Jake Coon seeks in regards to Section 91.121 Altimeter Settings
Relief from 91.121 is requested because the Phantom 3 utilizes electronic GPS with a barometric sensor.
In order to maintain an equal level of safety that 91.121 requires, the PIC of the Jake Coon's UAS will abort the flight in the events that the UA loses communications with the GPS signal.
5. Extent of Relief that Jake Coon seeks in regards to Section 91.151(b) Fuel Requirements for Flight in VFR Conditions
Relief from 91.151(b) is requested to the extent that allows Jake Coon to operate the Phantom 3 up to a point (considering wind and forecast weather conditions) that there is enough power to fly at normal cruising speed to the intended landing point and land the UA with 30% battery power remaining.
6. Extent of Relief that Jake Coon seeks in regards to Sections 91.405(a), 91.407(a)(1), 91.409(a)(1), and (a)(2), 91.417(a) and (b) These are all associated a with Airworthiness certificate
Relief from 91.405(a), 91.407(a)(1), and (a)(2), And 91.417(a) and (b) is requested to the extent that allows Jake Coon to operate the Phantom 3 Quad-Copter as necessary. These sections are all related to airworthiness certificates of aircraft. There is not currently an airworthiness certificate for small UAS's. Jake Coon would comply in full to any conditions and limitations that the Administrator would place in order to receive an approved Grant of Exemption.

Public Interest:

Aerial videography for real estate marketing has been around for a long time through manned fixed wing aircraft and helicopters, but for small business owners, it's expense has been cost-prohibitive. Granting this exemption to me would allow me to provide this service at a much lower cost. My UAS will pose no threat to the public given its small size and lack of combustible fuel when compared to manned aircraft. The operation of my UAS will minimize ecological damage and promote economic growth by providing information to companies looking to relocate or build in the Salt Lake area.

Conclusion:
As set forth herein, Jake Coon seeks an exemption pursuant to 14 C.F.R. § 11.61 and Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA), which will permit safe operation of the DJI Phantom 3 UAS commercially within the Real Estate markets. The Administrator will be assisting small business by granting this petition. In accordance with the FAA Modernization and Reform Act of 2012, Jake Coon respectfully requests that the FAA Administrator grants this petition for exemption from TITLE 14 OF THE CODE OF FEDERAL REGULATIONS SECTIONS 61.113 (a) and (b); 91.7 (a); 91.119 (c); 91.121; 91.151 (a); 91.405 (a); 91.407 (a) (1); 91.409 (a) (1) and (2); 91.417 (a) and (b)