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

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

July 15, 2015

Exemption No. 12045
Regulatory Docket No. FAA–2015–1538

Mr. Victor Viglianti
376 SW Callaway Drive
Lake City, Florida 32024

Dear Mr. Viglianti:

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 April 22, 2015, you petitioned the Federal Aviation Administration (FAA) for an exemption. The petitioner 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 are the DJI Phantom 2, DJI Inspire 1, and DJI Phantom 3.

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, *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. Victor Viglianti 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. Victor Viglianti 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 2, DJI Inspire 1, and 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

April 22, 2015

Victor Viglianti
376 SW Callaway DR
32024, Lake City Florida
Mobile: (478) 273-0465
Email: vic9050@gmail.com

Federal Aviation Administration:

I, Victor Viglianti, am writing pursuant to the FAA Modernization and Reform Act of 2012 and the procedures contained within 14 C.F.R. 11, to request that I, Victor Viglianti, an owner and operator of small unmanned aircraft, be exempted from the Federal Aviation Regulations ("FARs") listed below so that I, Victor Viglianti, may operate a small ultra light weight unmanned aircraft system ("UAS") commercially in airspace regulated by the Federal Aviation Administration ("FAA") in accordance with FAA UAS Regulations & Policies.

I would like to formally submit for an exemption from the following Section 333 regulations: 14 C.F.R. Part 21, 14 C.F.R. 45.23(b), 14 C.F.R. 61.113(a), 14 C.F.R. 91.7(a), 14 C.F.R. 91.9(b)(2), 14 C.F.R. 91.119(c), 14 C.F.R. 91.121, 14 C.F.R. 91.151(a)(1), 14 C.F.R. 91.203(a) and (b), 14 C.F.R. 91.405(a), 14 C.F.R. 91.407(a)(1), 14 C.F.R. 91.409(a)(1) and (2), 14 C.F.R. 91.417(a) and (b). To operate DJI's following UAS: Phantom 2, Phantom 3, and Inspire 1 along the guidelines of the accompanying DJI Phantom 2, DJI Inspire 1, and DJI Phantom 3 Operator's manuals. These UAS will be equipped with detachable cameras and will be transported in proper storage. This proposed exemption would allow me operation of unmanned aircraft systems (UAS) for the purpose of aerial videography/ photography as a service to the public/ business interests. As found in exemption No. 11138 (Trudeau), the FAA recently approved similar use of a Phantom 2 UAS.

These devices were selected because they have proven reliable flying capabilities managed by gyro stabilized flight, ground detection (phantom 3 and inspire 1) ,GPS aided navigation, a compass, blinking LEDs, failsafe mode for returning home and prop guards. This will act to further safety protocols exclusive to lightweight UAS's specific to video and photography usage as I, Victor Viglianti, record flight data and other information gained through permitted flight operations to share with the FAA through any required FAA reports to assists with future protocol and safety regulations.

Specific section or sections of 14 CFR which I seek relief and the reason I seek relief:

14 C.F.R. Part 21: Airworthiness Certificates

Given the size and limited operating area associated with the aircrafts to be utilized by I, Victor Viglianti, an exemption from Part 21 meets the requirements of an equivalent level of safety under Part 11 and Section 333 of the reform Act. In all cases, an analysis of these criteria demonstrates that the UA operated without an airworthiness certificate, in the restricted environment and under the conditions proposed will be at least as safe, or safer, than conventional aircraft operating with an airworthiness certificate without restrictions and conditions proposed.

14 C.F.R. 45.23: Display of marks: general

The UAs will not have a cabin, cockpit, pilot station, fuselage, boom, or tail on which to mark certain words or phrases. Further, the two-inch lettering is difficult to place on such a small aircraft with dimensions smaller than the minimal lettering requirement.

14 C.F.R. 61.113(a) & (b): Private pilot privileges and limitations: Pilot in command

The FAA has previously declared that additional manned airship experience of a commercially certified pilot would not correlate to the airmanship skills necessary for similarly proposed operations in previously issued exemptions to this regulation through Exemption Nos. 11062 and 11138.

14 C.F.R 91.7: Civil aircraft airworthiness

Currently, since there is no certificate applicable to the UAs in question, this regulation is inapplicable.

14 C.F.R. 91.9 (b)(2): Civil aircraft flight manual, marking, and placard requirements

Requires an aircraft flight manual in the aircraft, however there are no pilots or passengers on board this aircraft and given its size, this regulation is inapplicable. An equivalent level of safety will be achieved by maintaining a safety/flight manual with the operator.

14 C.F.R. 91.119(c): Minimum safe altitudes

I, Victor Viglianti will ensure that UAS do not operate any higher than 400 feet at ground level. I will not fly over congested areas. I will plan operations before hand, for proper flight safety, and proper height analysis as to avoid collisions.

14 C.F.R. 91.121: Altimeter settings

The UAS utilize electronic GPS with a barometric sensor. An equivalent level of safety will be achieved by using this.

14 C.F.R. 91.151(a)(1): Fuel Requirements for flight in VFR conditions

The UAS that I will fly are powered by electricity, using lithium polymer batteries that currently have a flight limit of approximately no more than 20 minutes. Therefore, due to the limitations of the batteries, it is currently impossible to comply with part 91.151.

14 C.F.R. 91.203(a) and (b): Civil aircraft: Certifications required

Currently, there are no procedures for providing airworthiness certificates for the mentioned UAS. I, Victor Viglianti, however will always fly safely while having the manuals of the DJI Phantom 2, DJI Inspire 1, and the DJI Phantom 3.

14 C.F.R. 91.405(a): Maintenance Required,
14 C.F.R. 91.407(a)(1): Operation after maintenance, preventive maintenance, rebuilding, or alteration,
14 C.F.R. 91.409(a)(1) and (2): Inspections &
14 C.F.R. 91.417 (a) and (b): Maintenance records

Maintenance inspections may be required and should be granted since they only apply to aircraft with an airworthiness certificate. However I, Victor Viglianti, will perform preflight inspections of the UAS before each flight as outlined in the operating documents. I, Victor Viglianti, will also follow manufacturer recommendations from said operating documents.

Public Interest

Aerial photography and videography as an available service to the public allows for a cheaper method to capturing imagery than its alternative. Its alternative being aircraft and helicopters. They are expensive, create lots of noise, and are much more threatening due to size and combustible fuel.

I, Victor Viglianti, would gladly offer my services upon request and with proper coordination to any official search and rescue or emergency services organization to benefit the public.

Also as mentioned in the Trudeau exemption, exemption No.11138:

““Manned aircraft conducting aerial filming and photography can weigh 5,000 lbs. or more, are operated by an onboard pilot and may carry other onboard crewmembers, as well as 100 gallons or more of fuel. The petitioner’s [sUAS] weighs less than 3 lbs. The pilot and crew will be remotely located from the aircraft. The limited weight reduces the potential for harm to persons or damage to property in the event of an incident or accident. The risk of an onboard pilot and crew during an incident or accident is eliminated with the use of a [sUAS] for the proposed operation.”

Summary

I, Victor Viglianti, am seeking exemption from the following rules:

14 C.F.R. Part 21, 14 C.F.R. 45.23(b), 14 C.F.R. 61.113(a), 14 C.F.R. 91.7(a), 14 C.F.R. 91.9(b)(2), 14 C.F.R. 91.119(c), 14 C.F.R. 91.121, 14 C.F.R. 91.151(a)(1), 14 C.F.R. 91.203(a) and (b), 14 C.F.R. 91.405(a), 14 C.F.R. 91.407(a)(1), 14 C.F.R. 91.409(a)(1) and (2), 14 C.F.R. 91.417(a) and (b)

With the exemptions of the mentioned rules I, Victor Viglianti, will be seeking to make my drone photography/videography services available to the public. Alternatively the public had seeked to use helicopters and aircraft to achieve what I can offer in a safer, more cost efficient manner. By not using combustible fuel, flying at safe heights and strictly following the usage recommendations from DJI.

These include but are not limited to:

- Flying the following UAS Safely
    - DJI Inspire 1
    - DJI Phantom 2
    - DJI Phantom 3
- Flying below 400 feet

- Proper visual inspection of UAS before flights
- Keeping mentioned UAS in visual sight at all times when in operation
- Using an observer to assist if needed
- Remain well clear of and do not interfere with manned aircraft operations, and avoid other aircraft and obstacles at all times
- Not intentionally fly over unprotected persons or moving vehicles
- Contact the airport or control tower before flying within 5 miles of an airport
- Not flying in adverse weather conditions such as high winds or reduced visibility
- Not flying under the influence of alcohol or drugs
- Ensure the operating environment is safe
- Not flying over sensitive infrastructure or property such as power stations, water treatment facilities, correctional facilities, etc.
- Check and follow all local laws and ordinances before flying over private property
- Do not conduct surveillance or photograph persons in areas where there is an expectation of privacy without the individual's permission.

Respectfully,

Victor Viglianti

376 SW Callaway DR
32024, Lake City Florida
Mobile: (478) 273-0465
Email: vic9050@gmail.com