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

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

CORRECTED COPY

The FAA is reissuing the June 8, 2015 ,grant of exemption of Exemption No. 11775. A correction was made to add footnote 1 and to clarify the aircraft that the operator is authorized to use under this exemption. Below is the amended Exemption No. 11775 that includes the aforementioned changes. We made the correction in our records as of June 19, 2015.

June 8, 2015

Exemption No. 11775
Regulatory Docket No. FAA–2015–0579

Mr. Brad Meier
Aerial Edge, Inc.
3908 Meridian Avenue North
Seattle, WA 98103

Dear Mr. Meier:

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 February 5, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Aerial Edge, Inc. (hereinafter petitioner or operator) for an exemption. The exemption would allow the petitioner to operate an unmanned aircraft system (UAS) to conduct photography and filming commercial operations for use in the television and motion picture industry.

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 Cinestar 8 (AE001, AE002, AE003, AE004)[1] .

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 and closed set motion picture and filming. 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, Aerial Edge, Inc. is granted an exemption from 14 CFR

[1] In the petition dated February 5, 2015, the petitioner also proposed to operate the Cinestar 6 (AE005 and AE006). At this time, the FAA is unable to approve use of these UAS until a further assessment is completed. When the FAA completes its review, we will proceed accordingly and no further action will be required by the petitioner.

§§ 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 and closed set motion picture and filming. This exemption is subject to the conditions and limitations listed below.

Conditions and Limitations

In this grant of exemption, Aerial Edge, 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 Cinestar 8 (AE001, AE002, AE003, AE004) 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 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 5 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 June 30, 2017, unless sooner superseded or rescinded.

Sincerely,

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

Aerial Edge, Inc.
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brad.a.meier@gmail.com

February 5 2015

U. S. Department of Transportation
Docket Management System
1200 New Jersey Ave., SE
Washington, DC 20590

Re: Exemption Request Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations from 14 CFR Parts 61.113 (a) & (b), 91.119 (c), 91.151(a), 91.405 (a), 91.407 (a) (1), 91.409 (a) (2), and 91.417 (a) & (b)

Dear Sir or Madam:

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 and 14 CFR Part 11, Aerial Edge, Inc, an operator of Unmanned Aircraft Systems, hereby applies for the exemption of certain Federal Aviation Regulations during photography and filming commercial operations for use in the television and motion picture industry.

As described more fully below, the requested exemption would permit the operation of small, unmanned and relatively inexpensive sUAS under controlled conditions in airspace that is 1) limited 2) predetermined 3) controlled as to access and 4) would provide safety enhancements to the already safe operations in the film and television industry presently using conventional aircraft. Approval of this exemption would thereby enhance safety and fulfill the Secretary of Transportation's (the FAA Administrator's) responsibilities to "...establish requirements for the safe operation of such aircraft systems in the national airspace system." Section 333(c) of the Reform Act.

The name and address of the applicant is:

Aerial Edge
Attn:Brad Meier
Ph:+1 334 444 5103
Email: brad.a.meier@gmail.com
Address: 3908 Meridian Ave N Seattle WA 98103

Regulations from which the exemption is requested:

14 CFR §61.113 (a) and (b)
14 CFR §91.119 (c)
14 CFR §91.151 (a)
14 CFR §91.405 (a)
14 CFR §91.407 (a) (1)
14 CFR §91.409 (a) (2)
14 CFR §91.417 (a) and (b)

This exemption application is expressly submitted to fulfill Congress' goal in passing Section 333(a) through (c) of the Reform Act. This law directs the Secretary of Transportation to consider whether certain unmanned aircraft systems may operate safely in the national airspace system (NAS) before completion of the rule-making required under Section 332 of the Reform Act.

Aerial Edge, Inc sUASs are rotorcraft, weighting 55 or fewer lbs. including payload. Under normal conditions they operate at a speed of no more than 50 knots, have the capability to hover or move in the vertical and horizontal plane simultaneously. They will operate only in line of sight and only within the sterile area described in the Motion Picture and Television Operations Manual, confidential and attached. Such operations will insure that the sUAS will "not create a hazard to users of the national airspace system or the public."

Given the small size of the sUASs involved and the restricted sterile environment within which they will operate, the applicant falls squarely within that zone of safety (an equivalent level of safety) in which Congress envisioned that the FAA must, by exemption, allow commercial operations of UASs to commence immediately. Also due to the size of the UASs and the restricted areas in which the relevant sUASs will operate, approval of the application presents no national security issue. Given the clear direction in Section 333 of the Reform Act, the authority contained in the Federal Aviation Act, as amended; the strong equivalent level of safety surrounding the proposed operations, and the significant public benefit, including enhanced safety, reduction in environmental impacts, including reduced emissions associated with allowing UASs for movie and television operations, the grant of the requested exemptions is in the public interest. Accordingly, the applicant respectfully requests that the FAA grant the requested exemption without delay.

Aircraft and Equivalent Level of Safety

The limitations proposed by Aerial Edge provide for at least an equivalent or even higher level of safety to operations under the current regulatory structure. These limitations and conditions to which Aerial Edge agrees to be bound when conducting commercial operations under a FAA issued exemption and further detailed in the operations manual:

- The sUAS will weigh less than 55 lbs.
- Flights will be operated within line of sight of a pilot and observer.
- Maximum total flight time for each operational flight will be 30 minutes. Flights will be terminated at 25% battery power reserve should that occur prior to the 30 minute limit.
- Flights will be operated at an altitude of no more than 400 feet AGL
- Minimum crew for each operation will consist of the sUAS Pilot, the Visual Observer, and the Camera Operator.
- sUAS pilot will be an FAA licensed airman with at least a private pilot's certificate and third class medical.
- The UAS will only operate within a confined "Operational Border" as defined in the operations manual.
- A briefing will be conducted in regard to the planned sUAS operations prior to each day's production activities. It will be mandatory that all personnel who will be performing duties within the boundaries of the safety perimeter be present for this briefing.
- The operator will ensure that no persons are allowed within 500 feet of the area except those consenting to be involved and necessary for the filming production. This provision may be

reduced to no less than 200 feet if it would not adversely affect safety and the Administrator has approved it.
- The operator will submit a written Plan of Activities to the FSDO three days before the proposed shoot as required by the operations manual.
- Pilot will have been trained in operation of UAS and current information on the particular UAS to be operated as required by the operations manual.
- Visual Observer will be trained through procedures outlined in the operations manual
- Observer and pilot will at all times be able to communicate by voice.
- If the sUAS loses communications or loses its GPS signal, the UAS will have capability to return to a pre-determined location within the Security Perimeter and land.
- The sUAS will have the capability to abort a flight in case of unpredicted obstacles or emergencies.

Details of Regulations for which Aerial Edge requests Exemption

14 CFR §61.113 (a) and (b): Private Pilot Privileges and Limitations: Pilot in Command

Sections 61.113 (a) and (b) limit private pilots to non-commercial operations. Because the UAS aircraft operated by Aerial Edge will not carry a pilot or passengers, the proposed operations can achieve the equivalent level of safety of current operations by requiring the PIC operating the aircraft to have a private pilot's license rather than a commercial pilot's license to operate a small UAS. Unlike a conventional manned aircraft, a UAS is remotely controlled by a ground-based operator. The operational area is controlled and restricted, and all flights are planned and coordinated in advance. The level of safety exceeds that provided by a single individual holding a commercial pilot's certificate operating a conventional aircraft. The risks associated with the use of a UAS are so diminished from the level of risk associated with commercial operations contemplated by Part 61 allowing UAS use by a private pilot as the PIC exceeds the present level of safety sought by 14 C.F.R. §61.113 (a) and (b).

14 CFR §91.119(c): Minimum Safe Altitudes

Section 91.119 (c) prescribes that "*Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure." Relief is sought from Section 91.119 (c) with respect to those participating persons, vehicles, and structures directly involved in the performance of the actual filming. This is consistent with relief typically provided to manned operations in FAA Order 8900.1 V3,C8,S1 Issue of a Certificate of Waiver for Motion Picture and Television Filming by which the Aerial Edge intends to adhere to. The MPTOM further details the guidelines to be followed regarding operational safety and the safety of participating and non-participating persons and property.

14 CFR §91.151(a): Fuel Requirements for Flight in VFR Conditions

Aerial Edge seeks exemption from the requirements of Section 91.151 (a). Given the limitations on the UAS's proposed flight area and its proposed operations within a predetermined location, a longer time frame for flight in daylight VFR conditions is reasonable.

Furthermore, operating the UAS in a tightly controlled area where only participating personnel will be involved, less than 30 minutes of reserve power does not engender the type of risk that §91.151(a) was intended to address.

UAS aircraft operated by Aerial Edge are battery powered. Current battery technology limits the available total flight time to that of less than the 30 minute reserve prescribed in this Part. As technology advances, however, the available total flight time will increase. Therefore, flight time will be limited to no longer than 30 minutes or 25% remaining battery power, whichever occurs first.

14 CFR §91.405(a): Maintenance Required, §91.407(a)1: Operation After Maintenance, Preventive Maintenance, Rebuilding, or Alteration, §91.409(a)(2): Inspections, §91.417(a) and (b): Maintenance Records

Given that these sections and Part 43 referred to in these sections apply only to aircraft with an airworthiness certificate, these sections will not apply to the applicant. Maintenance will be accomplished by the operator pursuant to the operations manual. An equivalent level of safety will be achieved because the UASs are limited in size, will carry a small payload and operate only in restricted areas for limited periods of time. If mechanical issues arise, the UAS can land immediately and will be operating from no higher than 400 feet AGL. As provided in the Operations Manual, the operator will ensure that the UAS is in working order prior to flight, perform any required maintenance, and keep a log of any maintenance performed. Moreover, the operator is the person most familiar with the UAS and best suited to maintain it in an airworthy condition and provide the equivalent level of safety.

Federal Register Summary

Pursuant to 14 C.F.R. Part 11, the following summary is provided for publication in the Federal Register, should it be determined that publication is needed:

Applicant seeks an exemption from the following rules:
14 CFR Parts 61.113 (a) & (b), 91.119 (c), 91.151(a), 91.405 (a), 91.407 (a) (1), 91.409 (a) (2), and 91.417 (a) & (b) to operate commercially a small unmanned vehicle (55lbs or less) in motion picture and television operations.

Approval of exemptions allowing commercial operations of sUASs in the film industry will enhance safety by reducing risk. Conventional film operations, using jet or piston power aircraft, operate at extremely low altitudes just feet from the subject being filmed and in extreme proximity to people and structures; and present the risks associated with vehicles that weigh in the neighborhood of 4,000lbs., carrying large amounts of jet A or other fuel. Such aircraft must fly to and from the film location. In contrast, a sUAS weighing fewer than 55 lbs. and powered by batteries eliminates virtually all of that risk given the reduced mass and lack of combustible fuel carried on board. The sUAS is carried, not flown to film sets. The sUAS will carry no passengers or crew and, therefore, will not expose them to the risks associated with manned aircraft flights.

The operation of small UASs, weighting less than 55 lbs., conducted in the strict conditions outlined above, will provide an equivalent level of safety supporting the grant of the exemptions requested herein. These lightweight aircraft operate at slow speeds, close to the ground, and in a sterile environment and, as a result, are far safer than conventional operations conducted with turbine helicopters operating in close proximity to the ground and people.

Privacy
All flights will occur over private or controlled access property with the property owner's prior consent and knowledge. Filming will be of people who have also consented to being filmed or otherwise have agreed to be in the area where filming will take place.

Satisfaction of the criteria provided in Section 333 of the Reform Act of 2012--size, weight, speed, operating capabilities, proximity to airports and populated areas and operation within visual line of sight and national security – provide more than adequate justification for the grant of the requested exemptions allowing commercial operation of applicant's UAS in the motion picture and television industry pursuant to the Manual appended hereto.

Sincerely,

Brad Meier