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

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

June 9, 2015

Exemption No. 11788
Regulatory Docket No. FAA–2015–1003

Mr. David C. Whiteley
President
Bird's Eye Aerial Photography, Inc.
289 Hundley Lane
Madison Heights, VA 24572

Dear Mr. Whiteley:

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 letters dated April 6, 2015, and June 2, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Bird's Eye Aerial Photography, Inc. (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial photography, videography and photogrammetry services.

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 Spreading Wings S900, DJI Spreading Wings S800 EVO, DJI Phantom 3, and DJI Inspire 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[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, Bird's Eye Aerial Photography, 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, Bird's Eye Aerial Photography, 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 D DJI Spreading Wings S900, DJI Spreading Wings S800 EVO, DJI Phantom 3, and 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.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

Enclosures

# Bird's Eye Aerial Photography, Inc.

289 Hundley Lane
Madison Heights, VA 24572

April 6, 2015

United States Department of Transportation
Docket Management System
1200 New Jersey Ave., SE
West Building Ground Floor Room W12-140
Washington, DC 20590

**RE: Bird's Eye Aerial Photography, Inc.'s Petition for Exemption to Operate Unmanned Aircraft Systems for Aerial Photography, Videography, and Photogrammetry**

Dear Sir or Madam:

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) and 14 C.F.R. Part 11, Bird's Eye Aerial Photography, Inc. hereby applies for an exemption from the Federal Aviation Regulations (FARs) listed herein and any other necessary to allow its operation of small Unmanned Aircraft Systems (UAS) to provide aerial photography, videography and photogrammetry services. The requested exemption would permit the operation of DJI Spreading Wings S800 and S900 UAS to obtain aerial photographs and video for mapping, surveying, structural inspections, and real estate sales.

## BACKGROUND

David Whiteley founded Bird's Eye Aerial Photography (BEAP) in 2012 and began producing professional grade aerial photography equipment as a Value Added Reseller (VAR) for his own use as well as for other photographers by assembling components from manufacturers such as DJI and 3D Robotics. Mr. Whiteley's professional background includes education as an electrical engineer and a professional career as a custom software developer. He also is a private pilot, amateur radio operator, photographer and has built and flown radio control aircraft for the past 35+ years. All of these skills enable him to produce high quality reliable multirotor aircraft for professional aerial photography. Because of the current regulatory environment, sales have been limited to hobby use customers. BEAP would like to expand operations and provide professional aerial photography, videography, and photogrammetry services to businesses and individuals in the Lynchburg area and surrounding counties of Amherst, Appomattox, Campbell, and Bedford.

The Unmanned Aircraft (UA) described herein is smaller, lighter and more maneuverable than conventional aircraft running on combustible fuel, operates at lower altitudes with no people on board and will thereby reduce current risk levels, enhance safety and diminish the likelihood of death or serious bodily injury. With a small payload and maximum flight time of only 15 minutes, this offers little or no risk to national security.

Additionally BEAP requests to be allowed to use its system to benefit first responders nearby who may require assistance, including fire fighters, the police, the sheriff, et al., while remaining subject to all limitations cited herein as we do so.

## THE UNMANNED AIRCRAFT (UA)

### DJI Spreading Wings S900

- **S900 Airframe**
  - Professional grade
  - Under 20 pounds takeoff weight
  - 6 motors
  - 7 to 15 minute flight time depending on battery size
- **DJI A2 - Flight Controller with GPS**
  - Provides Fail Safe features that allow the aircraft to return to the launch point and land automatically in the event the command and control signal is lost or the battery has reached a pre-determined threshold. If battery reaches a critical level, the aircraft will descend and land at the current location. Control of the aircraft is maintained during descent to allow the PIC to guide it to a safe landing.
  - Home Lock function allows safe return of the aircraft in the event of a motor failure
  - Contains a database of airports and restricted airspace and automatically prevents operation in these areas
- **DJI 5.8 GHz Video Downlink Transmitter** – FCC Licensed.
- **DJI iOSD Mark II - On Screen Display of Telemetry.** The iOSD Mark II superimposes telemetry data on the video downlink to provide the pilot with heading, speed, height, distance, GPS information, and current battery voltage as well as indicating proximity to airports and restricted airspace. Direction back to launch point is also indicated.

### DJI Spreading Wings S800 EVO

- **S800 EVO Airframe**
  - Professional Grade
  - Under 18 pounds takeoff weight
  - 6 motors
  - 7 to 15 minute flight time depending on battery
- **DJI A2** – Flight Controller. Same as S900
- **DJI 5.8 GHz Video Downlink** (same as S900)
- **DJI IOSD Mark II Telemetry** (same as S900)

## GROUND STATION EQUIPMENT

The ground station equipment is comprised of a dual control and audio communication equipment.

- Primary controller is for the Pilot in Command (PIC)
  - 2.4 GHz radio control unit (FCC Licensed)
  - 5.8 GHz video receiver (FCC Licensed)
  - Display of video and telemetry
- Camera Controller operates the camera gimbal and does not affect aircraft control
  - 2.4 GHz radio control unit. (FCC Licensed)
  - 5.8 GHz video receiver (both PIC and Cameraman receive the same signal)
  - Display of video and telemetry
  - Directional antenna for improved video reception.
- VHF radios (License WQMQ587) for communications if needed to overcome distance or environmental noise.

## GROUND CREW

- Pilot in Command (PIC). The pilot in command will have at least a private pilot license and a third class medical.
- Camera Operator (optional). The Camera operator controls the camera onboard the aircraft for photography and videography missions. For photogrammetry missions, the camera is in a fixed position and the camera operator is not necessary.
- Visual Observer (VO). The visual observer will provide additional situational awareness during flight operations.

## OPERATIONAL PARAMETERS

1. The UAS will weigh less than 55 pounds.
2. Flights will be operated within visual line of sight of a pilot and/or observer.
3. 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.
4. Flights will be operated at an altitude of no more than 400 feet (122 meters) AGL. Unless a specific COA is obtained, the limit will be according to the "blanket" COA of 200 feet (61 meters).
5. Minimum crew for each operation will consist of the UAS pilot and the Visual Observer.
6. UAS pilot will be an FAA licensed airman with at least a private pilot's certificate and third class medical. PIC will have completed operator and safety training from BEAP. PIC will also have accumulated and logged at least 25 hours total time as a UAS rotorcraft pilot including at least 10 hours logged as a UAS pilot with a multi-rotor UAS and 5 hours in the same make and model of UAS proposed under this exemption request. Local AMA flying fields and rules will be used to accumulate flying time and practice

emergency procedures. PIC will also remain current for the type of aircraft for which the PIC is licensed.

7. Written and/or oral permission will be obtained from the property owner.
8. Pilot and observer will be able to communicate by voice at all times during the operation. Communication may be assisted by VHF or UHF radio when necessary. Text communications are not allowed.
9. The UAS will only be operated during daytime hours in VFR weather conditions.
10. Operations may not be conducted aboard a moving device or vehicle.
11. Operation near airports will be conducted according to the "blanket" COA unless another COA is obtained.
    - 5 nautical miles (NM) from an airport having an operational control tower; or
    - 3 NM from an airport with a published instrument flight procedure, but not an operational tower; or
    - 2 NM from an airport without a published instrument flight procedure or an operational tower; or
    - 2 NM from a heliport with a published instrument flight procedure
12. Maximum speed 50 knots.

## PRE-FLIGHT CHECKLIST

1. Weather conditions are suitable for VFR flight and wind is 18 mph or less.
2. Measure battery voltage to make sure batteries are sufficiently charged before takeoff.
3. Verify that all wiring connections are tight.
4. Raise and lock all rotor arms. Inspect for cracks, damage, and loose hardware.
5. Check to make sure propellers are secure and free from dirt, cracks and chips.
6. Install main battery and check balance.
7. Turn on camera equipment.
8. Verify all switch positions on the RC transmitters. Generally they are all in the forward position with the exception of the Mode which should be set to "GPS".
9. Turn on radio control transmitters and video equipment.
10. Connect the UAS main battery. Check for radio connection with RC transmitters and video downlink.
11. During warmup, check the A2 Flight Controller LED indicator. One green flash indicates GPS mode. Wait for both of the following LED indications:
    a. A string of 10 or more green flashes indicating that the forward direction has been recorded.
    b. 2 or less red flashes to indicate that 5 or more GPS satellites have been obtained. This may also be observed in the video telemetry information.
12. Announce your intention to take off by announcing "Take Off".

## DOCUMENTATION

The following documents are attached and provided to support this petition.

- DJI Spreading Wings S800 EVO User Manual Version 1.10
- Spreading Wings S900 User manual Version 1.2
- A2 Flight Controller System User Manual Version 1.20
- iOSD (On Screen Display) User Manual Version 2.10
- BEAP Preflight Checklist

## SPECIFIC SECTIONS OF 14 C.F.R. FROM WHICH PETITIONERS SEEK AN EXEMPTION

A. 14 C.F.R. §§ 61.113(a) and (b) Private Pilot Privileges and Limitations: Pilot in Command.

These regulations limit private pilots to non-commercial operations. Because the UAS will not carry a pilot or passengers and be operated within limited areas and altitudes, 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 this small UAS.

B. 14 C.F.R. § 91.7(a) Civil Aircraft Airworthiness

While the UAS will not have an airworthiness certificate in accordance with 14 C.F.R. part 21, Subpart H, the airworthy condition of the UAS will be the responsibility of the PIC in accordance with 14 C.F.R. § 91.7(b).

C. 14 C.F.R. § 91.119(c) Minimum safe altitudes over congested and other areas

This regulation establishes safe altitudes for operation of civil aircraft over areas other than congested areas. BEAP requests relief from this section with respect to persons involved in the operation as well as vehicles and structures. The UAS will not be operated above 400 feet altitude. It will be operated in a defined area where people and buildings will not be exposed to operations without their pre-obtained consent.

D. 14 C.F.R. § 91.121 Altimeter Settings

This regulation requires each person operating an aircraft to maintain cruising altitude by reference to an altimeter that is set "…to the elevation of the departure airport or an appropriate altimeter setting available before departure." As the UAS does not have a barometric altimeter, an exemption is requested. The UAS Flight Controller utilizes GPS equipment aided by a static pressure sensor to determine and maintain altitude. The aircraft altitude above the takeoff point is provided in the video downlink telemetry information and provides sufficient information for the PIC to maintain altitudes at or below the 400 foot (122 meter) limitations.

E. 14 C.F.R. § 91.151(a) Fuel requirements for flight in VFR conditions

Section 91.151(a) prohibits an individual from beginning "a flight in an airplane under VFR conditions unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing, and, assuming normal cursing speed – (1) During the day to fly after that for at least 30 minutes; or (2) At night, to fly after that for at least 45 minutes."

Given that the UAS aircraft only fly for a maximum of 30 minutes and typically carry about 15 minutes of batter power, an exemption is requested. The UAS operations are always conducted within a few minutes of the takeoff and landing point and within a restricted area. BEAP believes that terminating the flight with 25% remaining battery power provides an equivalent amount of safety that is intended by section 191.151(a).

F. 14 C.F.R. § 91.405(a) Maintenance Required;
14 C.F.R. § 91.407(a)(1) Operation after maintenance, preventative 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

These regulations require that an aircraft operator or owner "shall have that aircraft inspected as prescribed in subpart E of this part and shall between required inspections, except as provided in paragraph (c) of this section have discrepancies repaired as prescribed in part 43 of this chapter…," and others shall inspect or maintain the aircraft in compliance with part 43.

Given that the sections and Part 43 apply only to aircraft with an airworthiness certificate, these sections will not apply to the Petitioner. Maintenance will be accomplished by the operator pursuant to the Owner's Manuals. An equivalent level of safety will be achieved because these small UAS are very limited in size and 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. The operator will ensure that the UAS is in working order prior to initial flight, perform required maintenance and keep a log of any maintenance performed. Moreover, the operator is the person most familiar with the aircraft and best suited to maintain the aircraft in an airworthy condition to provide the equivalent level of safety. The FAA issued exemption to these regulations in Exemption No. 11062.

**SUMMARY TO BE PUBLISHED IN THE FEDERAL REGISTER**

*Petitioner*: Bird's Eye Aerial Photography, Inc.

*Sections of 14 C.F.R Affected*: §§ 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)

*Description of Relief Sought*: Bird's Eye Aerial Photography, Inc. seeks relief from the requirements of 14 C.F.R. §§ 61.113(a) and (b); 14 C.F.R. § 91.7(a); 14 C.F.R. § 91.119(c); 14 C.F.R. § 91.121; 14 C.F.R. § 91.151(a); 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 small unmanned aircraft systems (UAS) for the purpose of aerial photography, videography, and photogrammetry.

Respectfully Submitted,

David C. Whiteley
President
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289 Hundley Lane
Madison Heights, VA 24572
Phone: 434-609-0002