



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

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

June 29, 2015

Exemption No. 11936
Regulatory Docket No. FAA-2015-1359

Mr. Drew Farrington
Drew's Aerial Photography
2370 130th Avenue Northeast, #103
Bellevue, WA 98005

Dear Mr. Farrington:

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 20, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Drew's Aerial Photography (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial video and photography.

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 Vision+ 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 collection¹. The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 11062 to 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, Drew’s Aerial Photography 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, Drew’s Aerial Photography 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 Vision+ 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.nts.gov.

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

29. The operator must have a motion picture and television operations manual (MPTOM) as documented in this grant of exemption.

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

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

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

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service

Enclosures

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

Regulatory Docket No. _____

**IN THE MATTER OF THE PETITION FOR EXEMPTION OF:
DREW'S AERIAL PHOTOGRAPHY
FOR AN EXEMPTION SEEKING RELIEF FROM THE REQUIREMENTS OF
TITLE 14 OF THE CODE OF FEDERAL REGULATIONS
SECTIONS 61.113(a) & (b), 91.7(a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1),
91.409(a)(1) & (a)(2), AND 91.417(a) & (b) CONCERNING COMMERCIAL
OPERATION OF DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UNMANNED
AIRCRAFT SYSTEMS
PURSUANT TO SECTION 333 OF
THE FAA MODERNIZATION AND REFORM ACT OF 2012
(PUBLIC LAW 112-95)**

Submitted on April 20, 2015

Drew Farrington
Drew's Aerial Photography
2370 130th Avenue NE, #103
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GLOSSARY OF ABBREVIATIONS

AGL	Above Ground Level
AOI	Area of Interest
ATC	Air Traffic Control
ATO	Air Traffic Organization
AV	Aerial Vehicle
CFR	Code of Federal Regulations
COA	Certificate of Authorization
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
GCS	Ground Control Station
GPS	Global Positioning System
LOL	Loss of Link
NAS	National Airspace System
NOTAM	Notice to Airman
PIC	Pilot In Command
Section 333	FAA Modernization and Reform Act of 2012 (FMRA) Section 333
SO	Safety Observer
SOP	Standard Operating Procedures
UA	Unmanned Aircraft
UAS	Unmanned Aircraft System
VFR	Visual Flight Rules
VLOS	Visual Line of Site
VMC	Visual Meteorological Conditions
VTOL	Vertical Takeoff and Landing

SUMMARY

Drew Farrington and Charles Farrington doing business as Drew's Aerial Photography ("DAP") seeks exemption from the requirements of 14 C.F.R. §§ 61.113(a) & (b) or alternatively an exemption from C.F.R. §§ 61.113, 91.7(a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b), to operate an Unmanned Aircraft System pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA). This exemption will permit DAP to operate an Unmanned Aircraft System (UAS) for the commercial purpose of conducting aerial video and photography of construction sites, real estate, and landscape over certain areas of the United States.

INTRODUCTION AND INTERESTS OF THE PETITIONERS

Drew Farrington and Charles Farrington have over 4 years recreational/hobby experience in all aspects of aerial flight and 3 years of aerial video and photography. The objective of DAP's aerial video and photography operations is to provide high quality imaging for a variety of commercial, public, and residential uses, specifically targeting:

- Construction sites before and after
- Appraisals
- Real-estate marketing
- Motion Picture Filming
- Aerial acquisitions used for inspections of public and private structures.
- Search and Rescue operations
-

BACKGROUND

Unmanned Aircraft Systems: DJI Phantom 2 Vision+, DJI Inspire 1 UASs

DAP seeks an exemption to operate DJI systems for compensation or hire within the NAS. The DJI Phantom 2 Vision+ and DJI Inspire 1 are vertical takeoff and landing (VTOL) Unmanned Aircraft (UA) with a Ground Control Station (GCS) utilizing electronic tablet or smart phone systems. The DJI Phantom 2 Vision+ has a maximum gross weight of approximately 2 pounds 11 ounces, while having a length of 16 inches width of 16 inches, height of 8 inches, and a maximum speed of approximately 29 knots. The DJI Inspire 1 has a maximum gross weight of 6 pounds 7.5 ounces, a length of 17.3 inches, width of 17.7 inches, height of 11.8 inches, and a maximum speed of approximately 42 knots. The DJI Phantom 2 Vision+ and DJI Inspire 1 UAs are equipped with four main rotors; driven by Lithium Polymer battery powered electric motors.

The DJI Phantom 2 Vision+ and DJI Inspire 1 UAs that will be operated by DAP will be registered in accordance with 49 U.S.C. 44103, *Registration of Aircraft*, as well as 14 C.F.R Part 47, *Aircraft Registration*, and marked in accordance with 14 C.F.R. Part 45, *Identification and Registration Marking*.

BASIS FOR PETITION

Petitioner, DAP, pursuant to the provisions of the Federal Aviation Regulations (14 C.F.R. § 11.61) and the FAA Modernization and Reform Act of 2012 (FMRA), Section 333, *Special Rules for Certain Unmanned Aircraft Systems*, hereby petitions the Administrator to commercially operate the DJI Phantom 2 Vision+, DJI Inspire 1 UASs in the National Airspace System (NAS), and for an exemption from the requirements of 14 C.F.R §§ 61.113(a) & (b), 91.7(a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b).

In consideration of the speed, weight, size, and limited operating area associated with the unmanned aircraft and its operation, DAP operation of DJI Phantom 2 Vision+ and DJI Inspire 1 UASs meets the conditions of FMRA Section 333 and therefore, will not require an airworthiness certificate in accordance with 14 C.F.R. Part 21, Subpart H.

Accordingly, DAP requests relief from Sections 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b), as these sections set forth requirements for maintenance that only apply to aircraft with an airworthiness certificate.

DAP submits that the requested relief is proper since an equivalent level of safety will be ensured. DAP will use experienced personnel or technicians to perform maintenance, alterations, or preventive maintenance on the UASs using the methods, techniques, and practices prescribed in the operating documents (i.e., Monthly Maintenance Log, and DJI Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual). Furthermore, DAP will document and maintain all maintenance records for the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs.

Relief from certain requirements of Section 61.113(a) and (b), entitled *Private pilot privileges and limitations: Pilot in command*, is requested by DAP to the extent necessary to allow a Pilot in Command (PIC) is able to safely operate the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs in a manner consistent with this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from people, vessels, vehicles and structures. Alternatively, DAP request that the requirement of private pilot licensing for commercial UA use required of previous exemptions be lifted in this particular request pursuant to DAP's argument herein.

DAP seeks relief from Section 91.7(a), entitled *Civil aircraft airworthiness*, because the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs do not require an airworthiness certificate in accordance with 14 C.F.R. Part 21, Subpart H. As such, DAP submits that he will ensure that the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs are in an airworthy condition, prior to every flight, by determining that the UASs are in compliance with the operating documents (i.e., Monthly Maintenance Log, and DJI Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual), and that the aircraft are in a condition for safe flight.

DAP also seeks an exemption from the requirements of Section 91.121, entitled *Altimeter Settings*, as the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs will not have a typical barometric altimeter onboard. However, altitude information of the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs will be provided to the PIC via Global Positioning System (GPS) equipment and radio communications telemetry data link, which downlinks from the UA to the GCS for active monitoring of the flight path. This altitude information, combined with DAP's operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs within visual line of sight, at or below 400 feet AGL, will ensure a level of safety equivalent to Section 91.121.

Additionally, DAP seeks an exemption from the requirements of Section 91.151(b), entitled *Fuel requirements for flight in VFR conditions*. DAP submits that safety will not be affected by operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs during daylight hours in visual meteorological conditions (VMC) under visual flight rules (VFR), with enough battery power to fly for a total duration of approximately 13.5 minutes to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 4.5 minutes.

In accordance with 14 C.F.R. § 11.81, DAP provides the following information in support of his petition for exemption:

A. NAME AND ADDRESS OF THE PETITIONER.

The name and address of the Petitioners and point of contact are:
Drew Farrington and Charles Farrington, DAP
2370 130th Avenue NE, #103
Bellevue, Washington 98005
Email: charles@pricefarrington.com

B. THE SPECIFIC SECTIONS OF 14 C.F.R. FROM WHICH DAP SEEKS EXEMPTION.

1. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTION 61.113.

DAP'S ARGUMENT FOR EXEMPTION FROM 14 C.F.R. §61.113: PRIVATE PILOT PRIVILEGES AND LIMITATIONS: PIC.

DAP requests an exemption from 14 C.F.R. §61.113 so that the PIC of the UA will not be required to possess a private or commercial pilot's license. As the FAA and numerous other national airspace regulators have recognized, UA operations conducted by persons who do not hold a pilot's license can still achieve the equivalent level of safety of current operations by manned aircraft with pilots holding a private or commercial pilot's license.

Although it recognizes that a pilot's license is unnecessary for safe UA operation, the FAA has to date declined to allow grant exemptions under Section 333 that would permit

individuals who possess neither a private nor a commercial pilot's certificate to conduct commercial UA operations. It has specified two reasons for declining to do so. First, it has stated that it does not possess the authority under Section 333 to exempt individuals from the requirement under 49 U.S.C. §44711 to hold an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued. Exemption No. 11110 at 14. Second, the FAA has concluded that the Department of Homeland Security (DHS) security screening required of all certified airmen meets the statutory requirement in Section 333 that operations not pose a threat to national security. Exemption No. 11110 at 15.

DAP respectfully requests that the FAA reconsider its position. There is no dispute that it is unnecessary for an operator of a UA to go through the rigorous process of becoming a certified pilot in order to safely operate a UA. In addition, the FAA does have the authority to exempt UA operators from the requirement in 49 U.S.C. §44711 to hold an airman certificate for "serv[ing] in the capacity for which the certificate was issued." Indeed, it has exercised that authority repeatedly in the Section 333 process. Finally, the FAA's security concerns can be addressed by a variety of methods involving operator background checks to be conducted by government agencies.

2. THE FAA AND FOREIGN REGULATORS RECOGNIZE THAT OBTAINING A MANNED AIRCRAFT PILOT LICENSE IS UNNECESSARY FOR SAFE OPERATION OF A UA

The FAA, like the other national airspace regulators that have considered the issue, has concluded that UA operations conducted by persons who do not hold a pilot's license can still achieve the equivalent level of safety of current operations by manned aircraft with pilots holding a private or commercial pilot's license. In its recent UAS NPRM, the FAA stated:

"While these airman certification requirements are necessary for manned aircraft operations, they impose an unnecessary burden for many small UAS operations. This is because a person typically obtains a private or commercial pilot certificate by learning how to operate a manned aircraft. Much of that knowledge would not be applicable to small UAS operations because a small UAS is operated differently than manned aircraft. In addition, the knowledge currently necessary to obtain a private or commercial pilot certificate would not equip the certificate holder with the tools necessary to safely operate a small UAS... Thus, requiring persons wishing to operate a small UAS to obtain a private or commercial pilot certificate imposes the cost of certification on those persons, but does not result in a significant safety benefit because the process of obtaining the certificate does not equip those persons with the tools necessary to mitigate the public risk posed by small UAS operations." Operation and Certification of Small Unmanned Aircraft, 80 Fed. Reg. 9543 at 9550 (proposed Feb. 23, 2015 (to be codified at 14 C.F.R. Parts 21, 43, 45, et al.)).

The FAA's conclusion that manned aircraft flying experience is unnecessary for the operation of a UA is supported by research by the FAA and the Army Research Laboratory. They demonstrate that UAs, even those much larger than the sUAS proposed by DAP, can be safely flown by non-certificated pilots with a small amount of training. For example, one Army Research Laboratory study concluded:

"[T]he specific motor skills needed to control the radio-controlled UAV would have to be learned by aviators independently of the motor skills learned in flying an aircraft. In particular, the somatic and visual cues that pilots use during aircraft landings would not be useful (and perhaps even counter-productive) for the different skill sets and perceptual viewpoint necessary for radio-controlled landings."¹

Additional research reports lend further support for the exclusion requested. For example, a report sponsored by the FAA concluded that "We know that certain systems, like the U.S. Army Hunter and Shadow systems, are successfully flown by pilots with no manned aircraft experience."²

In addition, foreign government airspace regulators that have examined the issue have consistently recognized that the skills required to fly a manned aircraft are irrelevant to operating a UA. For that reason, they have concluded that UA operators do not need to have a private or commercial pilot's license. Canada, for example, does not require a pilot's license to operate a UA. Transport Canada requires training of UA operators, but that training is limited to pilot ground school and flight operation training on UAs, not manned aircraft.³ Moreover, Canada allows this training to be "provided by other pilots, manufacturers, [UA] flight training organizations or . . . self taught."⁴

¹ Michael J. Barnes, Beverly G. Knapp, Barry W. Tillman, Brett A. Walters & Darlene Veliki,

Crew systems analysis of unmanned aerial vehicle (UAV) future job and tasking environments, Technical Report ARL-TR-2081, Aberdeen Proving Ground, MD: Army Research Laboratory, page 12 (2000), available at <http://www.dtic.mil/dtic/tr/fulltext/u2/a374230.pdf>.

² Kevin W. Williams, *Unmanned Aircraft Pilot Medical Certification Requirements*, Report DOT/FAA/AM-07/3, FAA Civil Aerospace Medical Institute, page 2, (2007), available at <http://fas.org/irp/program/collect/ua-pilot.pdf>. While the authors speculated that UAS use in populated areas may change this assessment, indicating further research was needed to address this concern, this concern is inapplicable as Helios's flights will not be in congested areas. See also Jason S. McCarley & Christopher D. Wickens, *Human Factors Implications of UAVs in the National Airspace*, Institute of Aviation, Aviation Human Factors Division, University of Illinois at Urbana-Champaign, 13 (2004), available at <http://www.tc.faa.gov/logistics/grants/pdf/2004/04-G-032.pdf>.

³ See Civil Aviation, Standards, Transport Canada, Advisory Circular: Guidance Material for Operating Unmanned Air Vehicle Systems under an Exemption at 14 and 18-22, (Nov. 27, 2014) available at <http://www.tc.gc.ca/media/documents/ca-opssvs/ac-600-004.pdf>.

⁴ *Id.* at 14.

Similarly, the United Kingdom's Civil Aviation Authority (CAA) recognized that determining "Remote Pilot qualification requirements on the same basis as manned aircraft may yield requirements that are too inflexible, too onerous and inappropriate for UAS operations."⁵ As a result, the CAA only requires UA operators to demonstrate UA operator competence.⁶ While there are a variety of ways to demonstrate competence, the most common is to complete a course that will lead to a ground exam and flight test. Australia, too, requires only passage of a UA-specific ground school program in lieu of a private pilot license.⁷ Finally, more than a dozen countries, including Germany, Italy, France, Spain and the Netherlands, have adopted the National UAS Certificate for Small Unmanned Aircraft (BNUC-S) Standard for UA pilot certification.⁷ This standard results in a type-specific UA certificate and does not require the operator to have a pilot's license. The process involves taking a short ground school course, passing a ground school test and then passing a practical test on commercial operation of the specific UAS per the UAS manufacturer's operations manual.

All of this experience and evidence indicates that the proposed exemption will provide a greater level of safety than operations under 14 C.F.R. §61.113. In this instance, the PIC has years of UA experience. He has focused his training and education on UAs generally, and in particular on the aircraft to be operated, rather than taking on the cost, additional time and risk to train on a manned aircraft, weighing several thousand pounds and carrying highly flammable fuel.

The FAA has concluded in the NPRM that such UA-specific training is more than sufficient to provide an equivalent level of safety for UA operations. Sometime in the next 18 to 24 months, that position will be enshrined in a valid regulation. However, in the meantime, the FAA claims it lacks the authority to relax the requirement to possess a pilot certificate. As described *infra*, that position is both incorrect and contradicted by the FAA's recent decisions.

3. THE FAA HAS ALREADY EXERCISED THE AUTHORITY TO EXEMPT APPLICANTS FROM THE AIRMAN CERTIFICATE REQUIREMENT

⁵ Civil Aviation Authority, Safety Regulation Group, Unmanned Aircraft System Operations in UK Airspace – Guidance, Section 2, Chapter 5, Page 2 (Aug. 10, 2012), *available at* <https://www.caa.co.uk/docs/33/CAP722.pdf>.

⁶ Civil Aviation Authority, Unmanned Aircraft and Aircraft Systems, *available at* <http://www.caa.co.uk/default.aspx?catid=1995&pagetype=90>

⁷ Australian Government Civil Aviation Safety Authority, *available at* http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD::pc=PC_100374.

⁷ See EuroUSC International, "Pilot Qualification," *available at* <http://eurousc.com/services/pilot-qualifications/>.

The FAA claims that it lacks authority to exempt UA operators from the requirement of 49 U.S. §44711 to hold an airman certificate authorizing the airman “to serve in the capacity for which the certificate was issued.” See, e.g., Exemption No. 11110 at 14. This claim is inconsistent with both (i) the statutory language of that section and Section 333, and (ii) numerous recent FAA decisions.

The operative part of 49 USC §44711 provides that a “person may not . . . serve in any capacity as an airman with respect to a civil aircraft, . . . used, or intended for use, in air commerce — (A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued . . . “ If the FAA’s interpretation were correct, this language would require that any person wishing to operate a UA for commercial operations have an airman certificate authorizing the person to serve as an airman in commercial operations.

However, in all of its recent grants of Section 333 petitions, the FAA has – without explicitly acknowledging the fact - exempted commercial UA operators from the § 44711(A) requirement that they hold an airman certificate authorizing them “to serve in the capacity for which the certificate was issued.” It has done so by allowing them to operate a UA so long as they hold a private pilot’s or sport pilot’s authorization, even though such a certificate does not permit commercial operations. Exemption No. 11062 at 15-18; Exemption No. 11110 at 14-16; Exemption No. 11191 at 3-5; and Exemption No. 11229 at 3 and 8.

The FAA argues that it cannot exempt applicants from the requirements of §44711 because, while the specific language of Section 333 grants it limited statutory flexibility relative to 49 U.S.C. §44704 for the purposes of airworthiness certification, Section 333 does not provide flexibility relative to §44711 and other sections of Title 49. Exemption No. 11110 at 14. This argument ignores the plain language of the statute. The relevant language of Section 333 is:

(a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 332 of this Act or the guidance required by section 334 of this Act.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

The language of Section 333(b) is permissive: it requires that the Secretary “determine, at a minimum . . . whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).” Nothing in (b) precludes the Secretary from determining whether or not a pilot’s license is required for operation of a UA identified under paragraph (b)(1).

Indeed, the FAA has implicitly conceded the point by granting exemptions from the requirement that commercial UA operators hold a commercial pilot certificate. From an analytical standpoint, there is no difference between granting an exemption from the commercial pilot’s license requirement and granting an exemption from the private or sport pilot’s license requirement. Both are clearly exemptions from a specific statutory requirement in 49 U.S.C. §44711. If the FAA has the statutory authority under Section 333(b) to do the former, it has the same authority to do the latter.⁸

For the reasons set forth above, the FAA should reconsider its position and exercise its full authority to grant an exemption from all the requirements of 49 USC §44711, so that DAP serving as a commercial UA operator need not have a pilot’s license.

Alternatively:

1. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTION 61.113(a) and (b).

Section 61.113, entitled Private pilot privileges and limitations: *Pilot in command*, subsections (a) and (b) prescribe the following, in relevant part:

⁸ The FAA has not specifically identified the statutory provision that underpins its authority to grant the exemptions from the commercial pilot’s license requirement. Whether the statutory basis is Section 333 or some other provision makes no difference. If there is a basis for a partial exemption from in 49 U.S.C. § 44711, that basis also justifies an exemption from the entire provision.

- (a) No person who holds a private pilot certificate may act as a pilot in command (PIC) of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as PIC of an aircraft.
- (b) A private pilot may, for compensation or hire, act as PIC of an aircraft in connection with any business or employment if—
 - (1) The flight is only incidental to that business or employment; and
 - (2) The aircraft does not carry passengers or property for compensation or hire.

2. DAP SEEKS EXEMPTION FROM THE REQUIREMENT OF SECTION 91.7(a).

Section 91.7, entitled *Civil aircraft airworthiness*, subsection (a), states the following:

- (a) No person may operate a civil aircraft unless it is in an airworthy condition.

3. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTION 91.121.

Section 91.121, entitled *Altimeter settings*, subsection (a), states the following, in part:

- (a) Each person operating an aircraft shall maintain the cruising altitude or flight level of that aircraft, as the case may be, by reference to an altimeter that is set, when operating--
 - (1) Below 18,000 feet MSL, to--
 - (i) The current reported altimeter setting of a station along the route and within 100 nautical miles of the aircraft;
 - (ii) If there is no station within the area prescribed in paragraph (a)(1)(i) of this section, the current reported altimeter setting of an appropriate available station; or
 - (iii) In the case of an aircraft not equipped with a radio, the elevation of the departure airport or an appropriate altimeter setting available before departure.

4. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTION 91.151(b).

Section 91.151, entitled *Fuel requirements for flight in VFR conditions*, subsection

- (b), states the following:

- (b) *No person may begin a flight in a rotorcraft 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 cruising speed, to fly after that for at least 20 minutes.*

5. DAP SEEKS EXEMPTION FROM THE REQUIREMENT OF SECTION 91.405(a).

Section 91.405, entitled *Maintenance required*, subsection (a), states the following: Each owner or operator of an aircraft—

- (a) 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[.]

6. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTION 91.407(a)(1)

Section 91.407, entitled *Operation after maintenance, preventive maintenance, rebuilding, or alteration*, subsection (a)(1), states the following:

- (a) No person may operate any aircraft that has undergone maintenance, preventive maintenance, rebuilding, or alteration unless--

- (1) It has been approved for return to service by a person authorized under § 43.7 of this chapter.

7. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTIONS 91.409(a)(1) and 91.409(a)(2).

Section 91.409, entitled *Inspections*, subsection (a), states the following:

- (a) Except as provided in paragraph (c) of this section, no person may operate an aircraft unless, within the preceding 12 calendar months, it has had --

- (1) An annual inspection in accordance with part 43 of this chapter and has been approved for return to service by a person authorized by § 43.7 of this chapter; or
(2) An inspection for the issuance of an airworthiness certificate in accordance with part 21 of this chapter.

8. DAP SEEKS EXEMPTION FROM THE REQUIREMENTS OF SECTIONS 91.417(a) and 91.417(b).

Section 91.417, entitled *Maintenance records*, subsections (a) and (b), state the following:

- (a) Except for work performed in accordance with §§ 91.411 and 91.413, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:
 - (1) Records of the maintenance, preventive maintenance, and alteration and records of the 100-hour, annual, progressive, and other required or approved inspections, as appropriate, for each aircraft (including the airframe) and each engine, propeller, rotor, and appliance of an aircraft. The records must include--
 - (i) A description (or reference to data acceptable to the Administrator) of the work performed; and
 - (ii) The date of completion of the work performed; and
 - (iii) The signature, and certificate number of the person approving the aircraft for return to service.
 - (2) Records containing the following information:
 - (i) The total time in service of the airframe, each engine, each propeller, and each rotor.
 - (ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.
 - (iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.
 - (iv) The current inspection status of the aircraft, including the time since the last inspection required by the inspection program under which the aircraft and its appliances are maintained.
 - (v) The current status of applicable airworthiness directives (AD) and safety directives including, for each, the method of compliance, the AD or safety directive number and revision date. If the AD or safety directive involves recurring action, the time and date when the next action is required.
 - (vi) Copies of the forms prescribed by § 43.9(d) of this chapter for each major alteration to the airframe and currently installed engines, rotors, propellers, and appliances.
- (b) The owner or operator shall retain the following records for the periods prescribed:

- (1) The records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for 1 year after the work is performed.
- (2) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.
- (3) A list of defects furnished to a registered owner or operator under § 43.11 of this chapter shall be retained until the defects are repaired and the aircraft is approved for return to service.

C. THE EXTENT OF RELIEF DAP SEEKS AND THE REASON DAP SEEKS THE RELIEF

1. EXTENT OF RELIEF DAP SEEKS AND THE REASON DAP SEEKS RELIEF FROM SECTION 61.113(a) and (b).

Relief from Section 61.113(a) and (b) entitled *Private pilot privileges and limitations: Pilot in command*, is requested to the extent necessary to allow a PIC holding a FAA airman certificate or in the alternative an unmanned aircraft operator certificate with a small UAS rating (like existing pilot airman certificates) as well as a current and valid airman medical certificate, and who has met certain flight-hour and currency requirements, to conduct the proposed UAS flight operations for compensation or hire.

This relief is requested since the limitations set forth in Section 61.113(a) and (b) state that a private pilot may, for compensation or hire, act as PIC of an aircraft in connection with any business or employment if: (1) The flight is only incidental to that business or employment; and (2) The aircraft does not carry passengers or property for compensation or hire.

As set forth more fully below, DAP submits that an equivalent level of safety will be maintained because no PIC will be allowed to operate the DJI Phantom 2 Vision+ UAS or DJI Inspire 1 UAS unless that PIC has met certain flight-hour and currency requirements, demonstrating that the PIC is able to safely operate either the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS in a manner consistent with the operations specifications as described in this exemption, including evasive and emergency maneuvers, as well as maintaining appropriate distances from people, vessels, vehicles and structures.

Further, DAP submits that all flights of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, conducted by the PIC pursuant to the grant of this Petition: (1) will be incidental to DAP's business; and (2) will not carry passengers or property for compensation or hire.

2. EXTENT OF RELIEF DAP SEEKS AND THE REASON DAP SEEKS RELIEF FROM SECTION 91.7(a).

Relief from Section 91.7(a) entitled *Civil aircraft airworthiness*, is requested to the extent required to allow DAP to determine that the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs are in airworthy condition prior to every flight by ensuring that the UAS is in compliance with the operating documents (i.e., the DAP Aerial Operations Manual, Monthly Maintenance Log, and DJI Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual).

DAP seeks the requested relief because the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs do not require an airworthiness certificate in accordance with 14 C.F.R. Part 21, Subpart H. Therefore, DAP will ensure that the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs are in airworthy condition based upon its compliance with the operating documents (i.e., Monthly Maintenance Log, and DJI Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual) prior to every flight, and further, determine that the aircraft are in condition for safe flight, as stated in the conditions and limitations below.

3. EXTENT OF RELIEF DAP SEEKS AND THE REASON DAP SEEKS RELIEF FROM SECTION 91.121.

Relief from Section 91.121, entitled Altimeter settings, may be required to allow flight operations of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, which utilize a barometric pressure sensor, GPS equipment, and a radio communications telemetry data link to downlink altitude information from the UA to the PIC at the ground control station (GCS). Since the FAA requires that any altitude information concerning UAS operations be reported to air traffic control (ATC) in feet above ground level (AGL), DAP seeks the requested relief because the DJI Phantom 2 Vision+ and DJI Inspire 1 UA's altimeter may be set on the ground to zero feet AGL, rather than the local barometric pressure or field altitude, before each flight.

Considering the limited altitude of the proposed operations, relief from 14 CFR 91.121 is sought to the extent necessary to comply with the applicable conditions and limitations stated below. As more fully set forth herein, an equivalent level of safety will be maintained since the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs are equipped with a barometric pressure sensor and GPS equipment, which automatically ensures that a ground level pressure setting will be established prior to each flight, and provides the PIC with altitude information of the UA on the heads-up display of the GCS.

4. EXTENT OF RELIEF DAP SEEKS AND THE REASON DAP SEEKS RELIEF FROM SECTION 91.151(b).

Relief from Section 91.151(b) entitled Fuel requirements for flight in VFR conditions, is requested to the extent required to allow flights of the battery powered DJI Phantom 2 Vision+ and DJI Inspire 1 UAs during daylight hours in visual meteorological conditions (VMC), under visual flight rules (VFR), for a total duration of 13.5 minutes to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 4.5 minutes. DAP seeks the requested relief because without an exemption from Section 91.151(b), the flight time duration of the battery powered DJI Phantom 2 Vision+ and DJI Inspire 1 UAs will severely constrain the practicality of any aerial video or still photo flight operations that DAP proposes to conduct pursuant to this Petition.

Significantly, as set forth below, the technical specifications of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, the DJI Phantom 2 Vision+ and DJI Inspire 1 operating documents, and DAP's proposed operating limitations, ensure that DAP will safely operate the battery powered DJI Phantom 2 Vision+ and DJI Inspire 1 UAs during daylight hours in visual meteorological conditions (VMC), under visual flight rules (VFR), with enough battery power to fly for a total duration of 13.5 minutes to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 4.5 minutes.

5. EXTENT OF RELIEF DAP SEEKS AND THE REASON DAP SEEKS RELIEF FROM SECTIONS 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), And 91.417(a) & (b).

Since Sections 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b) only apply to aircraft with an airworthiness certificate, DAP requests relief from these Sections because the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs do not require airworthiness certificates. As set forth more fully below, the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs meet the conditions of FMRA Section 333 for operation without an airworthiness certificate. Accordingly, DAP will use trained technicians to perform maintenance, alterations, or preventive maintenance on the UASs using the methods, techniques, and practices prescribed in the UAS operating documents (i.e., the DAP Aerial Operations Manual, Monthly Maintenance Log, and DJI Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual). Furthermore, DAP will document and maintain all maintenance records for the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs.

D. REASONS WHY GRANTING DAP'S REQUEST WOULD BE IN THE PUBLIC INTEREST.

Granting the present Petition will further the public interest by allowing DAP to safely, efficiently, and economically perform aerial video and photography of construction sites, real estate, and landscape over certain areas of the United States.

Additionally, use of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will decrease congestion of the NAS, reduce pollution, and provide significant benefits to the economy. Notably, the benefits of DAP's proposed operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will be realized without implicating any privacy issues.

1. THE PUBLIC WILL BENEFIT FROM DECREASED CONGESTION OF THE NAS.

The DJI Phantom 2 Vision+ and DJI Inspire 1 UAs are battery powered and serve as a safe, efficient, and economical alternative to the manned aircraft traditionally utilized to obtain aerial imagery. By reducing the amount of manned aircraft needed to perform aerial acquisitions, an exemption allowing the use of a DJI Phantom 2 Vision+ or DJI Inspire 1 UAS would reduce the amount of manned aircraft in the NAS, reduce noise and air pollution, as well as increase the safety of life and property in the air and on the ground.

Furthermore, by reducing the number of manned aircraft operating in the NAS, congestion around airports caused by arriving and departing aircraft will be reduced. The DJI Phantom 2 Vision+ and DJI Inspire 1 UAs do not require an airport to takeoff or land. Likewise, a reduction of manned aircraft conducting aerial video and photography missions would result in fewer aircraft that must be handled by air traffic control during the ground, takeoff, departure, arrival, and landing phases of flight operations.

2. THE PUBLIC WILL BENEFIT FROM THE SAFETY AND EFFICIENCY OF THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS.

Conducting aerial acquisitions with the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, instead of manned aircraft, will greatly benefit the public by drastically reducing the levels of air and noise pollution generated during traditional aerial video and still photography flight operations. By using battery power and electric motors, the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs produce no air pollution, and is the most viable environmentally conscious alternative to the cabin class, six cylinder internal combustion engine aircraft that are typically utilized for aerial video and photography, while burning approximately 20-30 gallons per hour of leaded aviation fuel. The DJI Phantom 2 Vision+ and DJI Inspire 1 UAs, while reducing the carbon footprint of aerial acquisitions, also eliminates noise pollution, as the UAs are propelled by battery powered electric motors, rather than an internal combustion engine.

By using the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs to perform aerial acquisitions, the substantial risk to life and property in the air and on the ground, which is usually associated with traditional manned aircraft flight operations, will be substantially reduced or completely eliminated. Aside from the lack of flight crew members located onboard the aircraft, the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs (weighing approximately 2 pounds 11 ounces and 6 pounds 7.5 ounces respectively, at their maximum gross weights with lengths of 16 inches and 17.3 inches respectively, widths of 16 inches and 17.7 inches respectively, and with no fuel on board), has less physical potential for collateral damage to life and property on the ground, and in the air, compared to the manned aircraft that typically conduct similar operations (weighing approximately 6,000 pounds with a wingspan of approximately 42 feet, a length of 34 feet, and a fuel capacity of 180 gallons).

3. PERFORMING AERIAL VIDEO AND PHOTOGRAPHY OPERATIONS WITH THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS WILL BENEFIT THE ECONOMY.

In addition to being safe and efficient, the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs are also an economical alternative to using manned aircraft to conduct similar aerial operations. As such, operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will allow United States based companies, like DAP, to remain competitive and contribute to growth of the U.S. economy. Specifically, with the rising cost of aviation fuel and the Environmental Protection Agency (“EPA”) regulatory actions phasing out leaded aviation fuels, U.S. owned and operated companies must adopt new and alternative technology in

order to remain competitive. Operating the battery powered DJI Phantom 2 Vision+ and DJI Inspire 1 UASs is one such technology that not only allows companies greater operational flexibility compared to manned aircraft, but provides such flexibility without the high operational cost of a traditional manned aircraft.

By operating the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, companies such as DAP, can remain competitive and profitable, and therefore, provide greater job stability to employees and contractors, which will ultimately contribute to growth of the U.S. economy. Improved financial performance of U.S. companies, through commercial use of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, provides a stable workforce that increases consumer spending; improves local, state, and federal tax revenues; and allows companies to invest in research and development in order to remain competitive both in the United States and abroad.

4. THERE ARE NO PRIVACY ISSUES.

Similar to the manned aerial acquisition flight operations that have been conducted for decades, DAP's proposed operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will not implicate any privacy issues. Specifically, the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will be operated only in compliance with operating documents (i.e., the DAP Aerial Operations Manual, Monthly Maintenance Log, and DJI Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual) which requires property owner involvement as well as local law enforcement notification, and in accordance with the Federal Aviation Regulations, including the minimum altitude requirements of 14 C.F.R. § 91.119.

E. REASONS WHY GRANTING THE EXEMPTION WOULD NOT ADVERSELY AFFECT SAFETY, OR HOW THE EXEMPTION WOULD PROVIDE A LEVEL OF SAFETY AT LEAST EQUAL TO THAT PROVIDED BY THE RULE FROM WHICH DAP SEEKS EXEMPTION.

1. REASONS WHY THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UAS MEET THE CONDITIONS OF THE FAA MODERNIZATION AND REFORM ACT OF 2012 (FMRA) SECTION 333.

In consideration of the size, weight, speed, and limited operating area associated with the unmanned aircraft and its operation, DAP's operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs meet the conditions of FMRA Section 333, and will not require an airworthiness certificate in accordance with 14 C.F.R. Part 21, Subpart H.

Section 333 provides authority for a UAS to operate without airworthiness certification and sets forth requirements for considering whether a UAS will create a hazard to users of the NAS or the public, or otherwise pose a threat to national security. Specifically, FMRA Section 333 states the following, in part:

(a) In General.--Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and

rulemaking required by section 332 of this Act or the guidance required by section 334 of this Act.

(b) Assessment of Unmanned Aircraft Systems.--In making the determination under subsection (a), the Secretary shall determine, at a minimum--

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) Requirements for Safe Operation.--If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

In seeking this exemption, DAP submits that the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs can operate safely in the NAS pursuant to FMRA Section 333, as demonstrated by: (a) the characteristics of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs; (b) the pilot certification requirement; and (c) the specific operating limitations.

a. THE SPECIFICATIONS OF THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS DEMONSTRATE ITS SAFE CHARACTERISTICS.

The DJI Phantom 2 Vision+ and DJI Inspire 1 UASs do not create a hazard to users of the NAS or the public, or otherwise pose a threat to national security considering its size, weight, speed, and operational capability.

i. TECHNICAL SPECIFICATIONS OF THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS.

The technical specifications of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs are set forth by the DJI Phantom 2 Vision+ and DJI Inspire 1 Specifications and Data Sheet, attached hereto as Exhibits A and B.

ii. THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS AUTONOMOUS FLIGHT AND NAVIGATION MODES ENABLE THE UASS TO REMAIN WITHIN A DEFINED OPERATIONAL AREA.

The DJI Phantom 2 Vision+ and DJI Inspire 1 UASs may be operated in both manual and fully autonomous flight modes. A complete description of the flight and navigational

modes of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs is provided at pages 31-34 of the DJI Phantom 2 Vision+ and pages 12-16 and 45-50 of the DJI Inspire 1 User Manuals, attached hereto as Exhibit C and D.

iii. THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS ARE DESIGNED FOR AUTOMATIC RETURN TO HOME POINT OR HOVER IN THE EVENT OF LOSS OF THE CONTROL LINK OR NAVIGATION.

When the Control Link is lost, the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs will remain stationary, in flight, for 3 seconds or more. If, after 3 seconds, the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs do not reacquire control link data from the GCS, the UAs will assume that the Control Link is lost and the UAs will return to the home position (i.e., failsafe mode) via GPS, and will descend to the takeoff position and shutdown.

A complete description of the Failsafe Functions of the DJI Phantom 2 Vision+ UAS are set forth at pages 32 - 34 and for the DJI Inspire 1 at pages 13 through 15 of the DJI Phantom 2 Vision+ and DJI Inspire 1 User Manuals, attached hereto as Exhibit C and D.

iv. THE DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 GCS AND ITS OPERATION.

A complete description of the operation and specifications of the DJI Phantom 2 Vision+ and DJI Inspire 1 GCS and flight control software is provided at pages 31 through 41 of the DJI Phantom 2 Vision+ User Manual and pages 40 through 51 of the DJI Inspire 1 User Manual. DJI Phantom 2 Vision+ and DJI Inspire 1 User Manuals are attached hereto as Exhibits C and D.

b. FLIGHT OPERATIONS OF DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS ARE LIMITED TO THE LINE OF SIGHT OF A CERTIFICATED PILOT IN COMMAND WITH A SAFETY OBSERVER.

DAP will only utilize certificated pilots to act as a pilot in command (PIC) of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs. Additionally, a safety observer will assist all pilots during flight time.

c. FLIGHTS OF DJI PHANTOM 2 VISION+ AND DJI INSPIRE 1 UASS WILL BE CONDUCTED PURSUANT TO SPECIFIC OPERATING LIMITATIONS.

In seeking this exemption, DAP proposes to commercially operate DJI Phantom 2 Vision+ and DJI Inspire 1 UASs for the special purpose of conducting aerial video and photography over certain areas of United States, pursuant to the following specific operating limitations:

1. Operations authorized by this grant of exemption will be limited to the following aircraft described in the operating documents, rotorcraft UASs weighing less than 55 pounds maximum gross weight: DJI Phantom 2 Vision+ and DJI Inspire 1

Unmanned Aircraft Systems. Proposed operations of any other aircraft will require a new petition or a petition to amend this grant.

2. UAS operations under this exemption will be limited to conducting operations for the purpose of aerial video and photography.
3. The UAs may not be flown at an indicated airspeed exceeding 20 knots.
4. The UA must be operated at an altitude of no more than 500 feet above ground level (AGL), as indicated by the procedures specified in the operating documents unless a special request is made and approved by ATC. All altitudes reported to ATC must be in feet AGL.
5. The UAs 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.
6. The use of first person view (FPV) by the PIC or safety observer (SO) is not permitted.
7. All operations must utilize a safety observer (SO). The SO may be used to satisfy the VLOS requirement as long as the PIC always maintains VLOS capability. The SO 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 SO can perform the functions prescribed in the operating documents.
8. The SO must not perform any other duties beyond assisting the PIC with seeing and avoiding other air traffic and other ground based obstacles/obstructions and is not permitted to operate the camera or other instruments.
9. The operating documents and the grant of exemption must be accessible during UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations contained in the grant of exemption and the procedures outlined in the operating documents, the conditions and limitations contained in the grant of exemption 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 upon request. The operator must also present updated and revised documents if it petitions for extension or amendment to the grant of exemption. If the operator determines that any update or revision would affect the basis upon which the FAA granted the exemption, then the operator must petition for 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.

10. Prior to each flight the PIC must inspect the UAS to ensure that it is in a condition for safe flight. 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. The Ground Control Station must be included in the preflight inspection. All maintenance and alterations must be properly documented in the aircraft records.
11. 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. The PIC who conducts the functional test flight must make an entry in the aircraft records.
12. The pre-flight inspection must account for all potential discrepancies, e.g. inoperable components, items, or equipment, not already covered in the relevant sections of the operating documents.
13. The operator must follow the UAS manufacturer's aircraft/component, maintenance, overhaul, replacement, inspection, and life limit requirements.
14. The operator must carry out its maintenance, inspections, and record keeping requirements, in accordance with the operating documents. Maintenance, inspection, alterations, and status of replacement/overhaul component parts must be noted in the aircraft records, including total time in service, description of work accomplished, and the signature of the authorized person returning the UAS to service.
15. Each UASs operated under this exemption must comply with all manufacturer Safety Bulletins.
16. The authorized person must make an entry in the aircraft record of the corrective action taken against discrepancies discovered between inspections.
17. The PIC must possess at least a private pilot certificate and at least a current third-class medical certificate.
18. The operator may not permit any PIC to operate unless the PIC meets the operator's qualification criteria and demonstrates the ability to safely operate the UAS in a manner consistent with how the UAS will be operated under the exemption, including evasive and emergency maneuvers and maintaining appropriate distances from persons, vessels, vehicles and structures. PIC qualification flight hours must be logged in a manner consistent with 14 C.F.R. § 61.51(b). Flights for the purposes of training the operator's PICs are permitted under the terms of the 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 C.F.R. § 91.119.

19. UAS operations may not be conducted during night, as defined in 14 C.F.R. § 1.1. All operations must be conducted under visual meteorological conditions (VMC). If flight at night is required, a special request will be made at the FAA office closest to proposed area of operations. Flights under special visual flight rules (SVFR) are not authorized.
20. The UA may not operate within 5 nautical miles of an airport reference point as denoted on a current FAA-published aeronautical chart unless a letter of agreement with that airport's management is obtained, and the operation is conducted in accordance with a NOTAM as required by the operator's COA. The letter of agreement with the airport management must be made available to the Administrator upon request.
21. 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.
22. If the UA loses communications or loses its GPS signal, it must return to a pre-determined location within the planned operating area and land or be recovered in accordance with the operating documents.
23. The PIC must abort the flight in the event of unpredicted obstacles or emergencies in accordance with the operating documents.
24. The PIC is prohibited from beginning a flight unless (considering wind and forecast weather conditions) there is enough power to fly at normal cruising speed to the intended landing point and land the UA with 25% battery power remaining.
25. The operator must obtain an Air Traffic Organization (ATO) issued Certificate of Waiver or Authorization (COA) prior to conducting any operations under the grant of exemption. This COA will also require the operator to request a Notice to Airman (NOTAM) not more than 72 hours in advance, but not less than 48 hours prior to the operation. All operations shall be conducted in accordance with airspace requirements in the ATO issued COA including class of airspace, altitude level and potential transponder requirements.
26. All aircraft operated in accordance with the exemption must be identified by serial number, registered in accordance with 14 C.F.R. part 47, and have identification (N- Number) markings in accordance with 14 C.F.R. part 45, Subpart C. Markings must be as large as practicable.
27. Before conducting operations, the radio frequency spectrum used for operation and control of the UA must comply with the Federal Communications

Commission (FCC) or other appropriate government oversight agency requirements.

28. The documents required fewer than 14 C.F.R. 91.9 and 91.203 must be available to the PIC at the Ground Control Station of the UAS any time the UAS is operating. These documents must be made available to the Administrator or any law enforcement official upon request.
 29. The UA must remain clear and yield the right of way to all manned aviation operations and activities at all times.
 30. The UAS may not be operated by the PIC from any moving device or vehicle.
 31. Flight operations must be conducted at least 500 feet from all nonparticipating persons (persons other than the PIC, SO, operator trainees or essential 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 and/or;
 - b. The aircraft is operated near vessels, vehicles or structures where the owner/controller of such vessels, vehicles or structures has granted permission 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, and;
 - c. Operations nearer to the PIC, SO, operator trainees or essential persons do not present an undue hazard to those persons per § 91.119(a).
 32. All operations shall be conducted over private or controlled-access property with permission from the land owner/controller or authorized representative. Permission from land owner/controller or authorized representative will be obtained for each flight to be conducted.
 33. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries of the operational area as defined by the applicable COA must be reported to the FAA's UAS Integration Office (AFS-80) within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.nts.gov.
- 2. REASONS WHY AN EXEMPTION FROM THE REQUIREMENTS OF SECTION 61.113(a) AND (b) WOULD NOT ADVERSELY AFFECT SAFETY.**

DAP submits that the equivalent level of safety established by Section 61.113(a) and (b) will be maintained because no PIC will be allowed to operate the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs unless that PIC has demonstrated, by meeting minimum flight-hour and currency requirements, that the PIC is able to safely operate the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS in a manner consistent with the exemption, including evasive and emergency maneuvers and maintaining appropriate distances from people, vessels, vehicles and structures.

Considering DAP's proposed area of operations, and the airmanship skills necessary to safely operate the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS, DAP submits that the additional manned airmanship experience of a certificated pilot would not correlate to the airmanship skills necessary for DAP's specific proposed flight operations.

The FAA has previously granted relief from Section 61.113(a) and (b) specific to UAS, in circumstances similar, in all material respects, to those presented herein (e.g. Exemption Nos. 11062, 11063, 11064, 11065, 11066, 11067, 11080, 11109, 11110, 11112, 11136, 11138, 11150, 11153, 11156, 11158, 11159, 11160, 11161).

DAP will not allow any PIC to operate the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS unless that PIC has demonstrated, by meeting minimum flight-hour requirements or the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS training and currency requirements, that the PIC is able to safely operate the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS in a manner consistent with this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from people, vessels, vehicles and structures.

Specifically, the PIC must have accumulated and logged, in a manner consistent with 14 C.F.R. § 61.51(b), 25 hours of total time as a UAS rotorcraft pilot (with a minimum of 5 hours of those hours as a UAS pilot operating the same make and model of UAS to be used for operations under the exemption). In addition to the hour requirements, the PIC must accomplish 3 takeoffs and landings in the preceding 90 days (for currency purposes).

As in Exemption Nos. 11062, 11138, and 11153, prior documented flight experience that was obtained in compliance with applicable regulations will ensure an equivalent level of safety during DAP's proposed operations. The Administrator has held that prior documented flight experience that was obtained in compliance with applicable regulations would ensure safe operations, stating as follows:

In Exemption No. 11062, the FAA required that prior to conducting operations for the purpose of motion picture filming (or similar operations), the PIC must have accumulated and logged, in a manner consistent with 14 CFR 61.51(b), 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. Prior to operations under Exemption No. 11062, the PIC must also have accumulated and logged a minimum of 5 hours as a UAS pilot operating the same make and model of UAS to be used for operations under the exemption. For clarification, the FAA considers these minimum hour requirements to be inclusive rather than additive; i.e. 5 hours make and model time may be included in the 10 hours of multi-rotor time and the 10 hours may be included in the

total 25 hours of UAS rotorcraft time. In addition to the hour requirements, the PIC must accomplish 3 takeoffs and landings in the preceding 90 days (for currency purposes). The FAA finds that at a minimum, the flight-hour requirements in Exemption No. 11062 are appropriate to practice and build proficiency in the skills necessary to safely conduct the petitioner's proposed operations. The FAA also finds that prior documented flight experience that was obtained in compliance with applicable regulations would satisfy this requirement. Training, proficiency, and experience-building flights can also be conducted under the grant of exemption to accomplish the required flight time. During training, proficiency, and experience-building flights the PIC is required to operate the UA with appropriate distances in accordance with 14 C.F.R. 91.119.

Exemption No. 11138 at page 15.

Accordingly, DAP will ensure safe operations by not allowing any PIC to operate the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS unless that PIC has demonstrated, by meeting minimum flight-hour and currency requirements, that the PIC is able to safely operate the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS in a manner consistent with the exemption, including evasive and emergency maneuvers and maintaining appropriate distances from people, vessels, vehicles and structures.

3. REASONS WHY AN EXEMPTION FROM THE REQUIREMENTS OF SECTION 91.7(A) WOULD NOT ADVERSELY AFFECT SAFETY.

The equivalent level of safety established by Section 91.7(a) will be maintained because prior to every flight, DAP will ensure that the DJI Phantom 2 Vision+ or DJI Inspire 1 UAS is in an airworthy condition based upon the UAS's compliance with its operating documents and as stated in the conditions and limitations herein.

Additionally, the FAA has previously granted relief from Section 91.7(a) specific to UAS, in circumstances similar, in all material respects, to those presented herein (e.g. Exemption Nos. 11062, 11063, 11064, 11065, 11066, 11067, 11080, 11109, 11110, 11112, 11136, 11138, 11150, 11153, 11156, 11157, 11158, 11159, 11160, 11161).

4. REASONS WHY AN EXEMPTION FROM THE REQUIREMENTS OF SECTION 91.121 WOULD NOT ADVERSELY AFFECT SAFETY.

The equivalent level of safety established by Section 91.121 will be maintained because the altitude information of the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs will be provided to the PIC via GPS equipment and a radio communications telemetry data link, which downlinks from the UA to the GCS for active monitoring of the flight path and altitude. This altitude information, combined with DAP's operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UAs within visual line of sight, at or below 500 feet AGL, will ensure a level of safety equivalent to Section 91.121. The altitude information will be generated by GPS equipment installed onboard the aircraft. Prior to each flight, a zero altitude initiation point is automatically established by the UASs at ground level.

The FAA has previously granted relief from Section 91.121 specific to UAS, in circumstances similar, in all material respects, to those presented herein (e.g. Exemption Nos. 11062, 11063, 11064, 11065, 11066, 11067, 11080, 11109, 11112, 11136, 11138, 11150, 11153, 11156, 11157, 11158, 11159, 11160, 11161).

5. REASONS WHY AN EXEMPTION FROM THE REQUIREMENTS OF SECTION 91.151(B) WOULD NOT ADVERSELY AFFECT SAFETY.

A grant of this exemption would ensure an equivalent level of safety established by 14 C.F.R. Section 91.151(b) as a result of (1) the technical specifications of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs; (2) the limitations on the proposed flight operations; and (3) the location of the proposed flight operations. Accordingly, DAP will ensure that it will safely operate the battery powered DJI Phantom 2 Vision+ and DJI Inspire 1 UAs during daylight hours in VFR conditions, with enough battery power to fly for a total duration of 13.5 minutes to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 4.5 minutes.

Here, as in Exemption No. 11109, the technical specifications of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs; the limitations on the proposed flight operations; and the location of the proposed operations, will ensure an equivalent level of safety established by 14 C.F.R. Section 91.151(b). Furthermore, safety will be ensured as the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs provide audible and visual warnings to the PIC at the GCS when the UAs experiences low battery voltage, the first warning occurring at approximately 33% remaining battery power, and again at approximately 10% remaining battery power. At the critically low battery level, the DJI Phantom Vision+ and DJI Inspire 1 UASs will descend and land automatically.

Significantly, previous exemptions granted by the FAA concerning Section 91.151 establish that safety is not adversely affected when the technical characteristics and operating limitations of the UAS are considered. Relief has been granted for manned aircraft to operate at less than the minimums prescribed in Section 91.151, including Exemption Nos. 2689, 5745, and 10650. Moreover, the FAA has previously granted relief from Section 91.151 specific to UAS, in circumstances similar, in all material respects, to those presented herein (e.g. Exemption Nos. 8811, 10808, 10673, 11042, 11062, 11063, 11064, 11065, 11066, 11067, 11080, 11109, 11110, 11136, 11138, 11150, 11153, 11156, 11157, 11158, 11159, 11160, 11161).

6. REASONS WHY AN EXEMPTION FROM THE REQUIREMENTS OF SECTIONS 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), And 91.417(a) and (b) WOULD NOT ADVERSELY AFFECT SAFETY.

In seeking this exemption, DAP submits that the equivalent level of safety with regard to the regulatory maintenance and alteration requirements established by Sections 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b) will be met because DAP will use trained technicians to perform maintenance, alterations, or preventive maintenance on the UASs using the methods, techniques, and practices prescribed in the operating documents (i.e., the DAP Aerial Operations Manual, Monthly Maintenance Log, and DJI

Phantom 2 Vision+ and DJI Inspire 1 Instruction Manual). Furthermore, DAP will document and maintain all maintenance records for the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs.

Since the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will be inspected as prescribed by the operating documents, DAP will maintain the equivalent level of safety established by Sections 91.405(a), 91.409(a)(1), and 91.409(a)(2). A copy of the DJI Phantom 2 Vision+ and DJI Inspire 1 User Manuals are attached hereto as Exhibit C and D; a copy of the DJI Phantom 2 Vision+ and DJI Inspire 1 UAS Maintenance LOG is attached hereto as Exhibit E.

Likewise, the exemption sought will not adversely affect safety because DAP will use trained technicians to perform maintenance, alterations or preventive maintenance on the UAS using the methods, techniques, and practices prescribed by the operating documents.

Furthermore, the exemption sought would maintain an equivalent level of safety established by Sections 91.407, 91.417(a) and 91.417(b), because all maintenance of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs will be performed by trained technicians. Maintenance will be documented and maintained utilizing the monthly maintenance log.

Significantly, previous exemptions granted by the FAA concerning Sections 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b) establish that safety is not adversely affected when the technical characteristics and operating limitations of the UAS are considered.

In consideration of DAP's proposed operating limitations, the operating documents, and the technical aspects of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, DAP submits that safety will not be adversely affected by granting exemption from 14 C.F.R. Sections 91.405(a), 91.407(a)(1) and (a)(2), 91.409(a)(2), and 91.417(a) and (b). The FAA has previously granted relief specific to UAS in circumstances similar, in all material respects, to those presented herein (e.g. Exemption Nos. 11062, 11063, 11064, 11065, 11066, 11067, 11080, 11109, 11110, 11112, 11136, 11138, 11150, 11153, 11156, 11157, 11158, 11159, 11160, 11161).

7. THE FAA MAY PRESCRIBE ANY OTHER CONDITIONS FOR SAFE OPERATION.

In accordance with Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) and 14 C.F.R. § 21.16 entitled Special Conditions, DAP requests that the FAA prescribe special conditions for the intended operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, which contain such safety standards that the Administrator finds necessary to establish a level of safety equivalent to that established by 14 C.F.R. Part 21, Subpart H, and 14 C.F.R §§ 61.113(a) & (b), 91.7 (a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b). Such special conditions will permit safe operation of the UAS for the limited purpose of conducting aerial video and photography

over certain areas of the United States for compensation or hire. FMRA Section 333 sets forth the requirements for considering whether a UAS will create a hazard to users of the NAS or the public, or otherwise pose a threat to national security; and further, provides the authority for such UAS to operate without airworthiness certification in accordance with any requirements that must be established for the safe operation of the UAS in the NAS.

Likewise, the Administrator may prescribe special conditions pursuant to 14 C.F.R. § 21.16, for operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, since the airworthiness regulations of 14 C.F.R. Part 21 do not contain adequate or appropriate safety standards, due to the novel or unusual design features of the aircraft. Section 21.16, entitled Special Conditions, states the following:

If the FAA finds that the airworthiness regulations of this subchapter do not contain adequate or appropriate safety standards for an aircraft, aircraft engine, or propeller because of a novel or unusual design feature of the aircraft, aircraft engine or propeller, he prescribes special conditions and amendments thereto for the product. The special conditions are issued in accordance with Part 11 of this chapter and contain such safety standards for the aircraft, aircraft engine or propeller as the FAA finds necessary to establish a level of safety equivalent to that established in the regulations.

See 14 C.F.R. § 21.16.

Therefore, in accordance with FMRA Section 333 and 14 C.F.R. § 21.16, the FAA may prescribe special conditions for DAP's intended operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs, which contain such safety standards that the Administrator finds necessary to establish a level of safety equivalent to that established by 14 C.F.R. Part 21, Subpart H, and 14 C.F.R. Sections 61.113(a) & (b), 91.7(a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b).

F. A SUMMARY THAT CAN BE PUBLISHED IN THE FEDERAL REGISTER, STATING: THE RULES FROM WHICH DAP SEEKS EXEMPTION:

DAP seeks exemption from the requirements of 14 C.F.R. Sections 61.113(a)&(b), alternatively 14 C.F.R. Section 61.113, and 91.7(a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b).

A BRIEF DESCRIPTION OF THE NATURE OF THE EXEMPTION DAP SEEKS:

This exemption will permit DAP to commercially operate an Unmanned Aircraft System (UAS) for the purpose of conducting aerial video and photography over allowed areas of the United States.

G. ANY ADDITIONAL INFORMATION, VIEWS, OR ARGUMENTS AVAILABLE TO SUPPORT DAP'S REQUEST.

This Petition is made pursuant to the FAA Modernization and Reform Act of 2012 (FMRA) Section 333, which directs the Secretary of Transportation to determine if certain UAS may operate safely in the NAS. As such, DAP's request for exemption may be granted pursuant to the authority of FMRA Section 333 and 14 C.F.R. Part 11, as set forth above.

FMRA Section 333 sets forth the requirements for considering whether a UAS will create a hazard to users of the NAS or the public, or otherwise pose a threat to national security; and further, provides the authority for such UAS to operate without airworthiness certification.

As discussed in detail above, DAP will operate the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs safely in the NAS, without creating a hazard to users of the NAS, or the public, or otherwise pose a threat to national security.

CONCLUSION

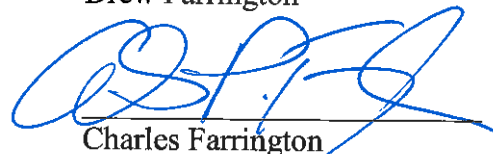
As set forth herein, DAP seeks an exemption pursuant to 14 C.F.R. § 11.61 and Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA), which will permit safe operation of the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs commercially, without an airworthiness certificate, for the limited purpose of conducting aerial video and photography over certain areas of the United States. By granting this Petition, the FAA Administrator will be fulfilling the Congressional mandate of the FAA Modernization and Reform Act of 2012, while also advancing the interests of the public, by allowing DAP to safely, efficiently, and economically operate the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs commercially within the NAS.

WHEREFORE, in accordance with the Federal Aviation Regulations and the FAA Modernization and Reform Act of 2012, Section 333, DAP respectfully requests that the Administrator grant this Petition for an exemption from the requirements of 14 C.F.R. Sections 61.113(a) & (b) or alternatively 14 C.F.R. Sections 61.113, 91.7(a), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (a)(2), and 91.417(a) & (b), and permit DAP to operate the DJI Phantom 2 Vision+ and DJI Inspire 1 UASs commercially for the purpose of conducting aerial video and photography over certain areas of the United States.

Dated: April 16, 2015

Respectfully submitted by:

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