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

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

June 30, 2015

Exemption No. 11955
Regulatory Docket No. FAA–2015–1409

Mr. J. Michael Tate
dba AirVue
200 Christina Lane
Kingsland, GA 31548

Dear Mr. Tate:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

By letter posted to the public docket on May 5, 2015, you petitioned the Federal Aviation Administration (FAA) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to produce aerial video.

See Appendix A for the petition submitted to the FAA describing the proposed operations and the regulations that the petitioner seeks an exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner.

Airworthiness Certification

The UAS proposed by the petitioner is a DJI Inspire 1.

The petitioner requested relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*. In accordance with the statutory criteria provided in Section 333 of Public Law 112−95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft

meets the conditions of Section 333. Therefore, the FAA finds that the requested relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and any associated noise certification and testing requirements of part 36, is not necessary.

The Basis for Our Decision

You have requested to use a UAS for aerial data collection[1]. The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 11062 to Astraeus Aerial (*see* Docket No. FAA−2014−0352), 11109 to Clayco, Inc. (*see* Docket No. FAA−2014−0507), 11112 to VDOS Global, LLC (*see* Docket No. FAA−2014−0382), and 11213 to Aeryon Labs, Inc. (*see* Docket No. FAA−2014−0642), the FAA found that the enhanced safety achieved using an unmanned aircraft (UA) with the specifications described by the petitioner and carrying no passengers or crew, rather than a manned aircraft of significantly greater proportions, carrying crew in addition to flammable fuel, gives the FAA good cause to find that the UAS operation enabled by this exemption is in the public interest.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in Grant of Exemption Nos. 11062, 11109, 11112, and 11213;
- The reasons stated by the FAA for granting Exemption Nos. 11062, 11109, 11112, and 11213 also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, J. Michael Tate dba AirVue 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, J. Michael Tate dba AirVue 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 Inspire 1 when weighing less than 55 pounds including payload. Proposed operations of any other aircraft will require a new petition or a petition to amend this exemption.

2. Operations for the purpose of closed-set motion picture and television filming are not permitted.

3. The UA may not be operated at a speed exceeding 87 knots (100 miles per hour). The exemption holder may use either groundspeed or calibrated airspeed to determine compliance with the 87 knot speed restriction. In no case will the UA be operated at airspeeds greater than the maximum UA operating airspeed recommended by the aircraft manufacturer.

4. The UA must be operated at an altitude of no more than 400 feet above ground level (AGL). Altitude must be reported in feet AGL.

5. The UA must be operated within visual line of sight (VLOS) of the PIC at all times. This requires the PIC to be able to use human vision unaided by any device other than corrective lenses, as specified on the PIC's FAA-issued airman medical certificate or U.S. driver's license.

6. All operations must utilize a visual observer (VO). The UA must be operated within the visual line of sight (VLOS) of the PIC and VO at all times. The VO may be used to satisfy the VLOS requirement as long as the PIC always maintains VLOS capability. The VO and PIC must be able to communicate verbally at all times; electronic messaging or texting is not permitted during flight operations. The PIC must be designated before the flight and cannot transfer his or her designation for the duration of the flight. The PIC must ensure that the VO can perform the duties required of the VO.

7. This exemption and all documents needed to operate the UAS and conduct its operations in accordance with the conditions and limitations stated in this grant of exemption, are hereinafter referred to as the operating documents. The operating documents must be accessible during UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations in this exemption and the procedures outlined in the operating documents, the conditions and limitations herein take precedence and must be followed. Otherwise, the operator must follow the procedures as outlined in its operating documents. The operator may update or revise its operating documents. It is the operator's responsibility to track such revisions and present updated and revised

documents to the Administrator or any law enforcement official upon request. The operator must also present updated and revised documents if it petitions for extension or amendment to this grant of exemption. If the operator determines that any update or revision would affect the basis upon which the FAA granted this exemption, then the operator must petition for an amendment to its grant of exemption. The FAA's UAS Integration Office (AFS−80) may be contacted if questions arise regarding updates or revisions to the operating documents.

8. Any UAS that has undergone maintenance or alterations that affect the UAS operation or flight characteristics, e.g., replacement of a flight critical component, must undergo a functional test flight prior to conducting further operations under this exemption. Functional test flights may only be conducted by a PIC with a VO and must remain at least 500 feet from other people. The functional test flight must be conducted in such a manner so as to not pose an undue hazard to persons and property.

9. The operator is responsible for maintaining and inspecting the UAS to ensure that it is in a condition for safe operation.

10. Prior to each flight, the PIC must conduct a pre-flight inspection and determine the UAS is in a condition for safe flight. The pre-flight inspection must account for all potential discrepancies, e.g., inoperable components, items, or equipment. If the inspection reveals a condition that affects the safe operation of the UAS, the aircraft is prohibited from operating until the necessary maintenance has been performed and the UAS is found to be in a condition for safe flight.

11. The operator must follow the UAS manufacturer's maintenance, overhaul, replacement, inspection, and life limit requirements for the aircraft and aircraft components.

12. Each UAS operated under this exemption must comply with all manufacturer safety bulletins.

13. Under this grant of exemption, a PIC must hold either an airline transport, commercial, private, recreational, or sport pilot certificate. The PIC must also hold a current FAA airman medical certificate or a valid U.S. driver's license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government. The PIC must also meet the flight review requirements specified in 14 CFR § 61.56 in an aircraft in which the PIC is rated on his or her pilot certificate.

14. The operator may not permit any PIC to operate unless the PIC demonstrates the ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from persons, vessels, vehicles and structures. PIC qualification flight hours and currency must be logged in a manner consistent with

14 CFR § 61.51(b). Flights for the purposes of training the operator's PICs and VOs (training, proficiency, and experience-building) and determining the PIC's ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption are permitted under the terms of this exemption. However, training operations may only be conducted during dedicated training sessions. During training, proficiency, and experience-building flights, all persons not essential for flight operations are considered nonparticipants, and the PIC must operate the UA with appropriate distance from nonparticipants in accordance with 14 CFR § 91.119.

15. UAS operations may not be conducted during night, as defined in 14 CFR § 1.1. All operations must be conducted under visual meteorological conditions (VMC). Flights under special visual flight rules (SVFR) are not authorized.

16. The UA may not operate within 5 nautical miles of an airport reference point (ARP) as denoted in the current FAA Airport/Facility Directory (AFD) or for airports not denoted with an ARP, the center of the airport symbol as denoted on the current FAA-published aeronautical chart, unless a letter of agreement with that airport's management is obtained or otherwise permitted by a COA issued to the exemption holder. The letter of agreement with the airport management must be made available to the Administrator or any law enforcement official upon request.

17. The UA may not be operated less than 500 feet below or less than 2,000 feet horizontally from a cloud or when visibility is less than 3 statute miles from the PIC.

18. If the UAS loses communications or loses its GPS signal, the UA must return to a pre-determined location within the private or controlled-access property.

19. The PIC must abort the flight in the event of unpredicted obstacles or emergencies.

20. The PIC is prohibited from beginning a flight unless (considering wind and forecast weather conditions) there is enough available power for the UA to conduct the intended operation and to operate after that for at least five minutes or with the reserve power recommended by the manufacturer if greater.

21. Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA). All operations shall be conducted in accordance with an ATO-issued COA. The exemption holder may apply for a new or amended COA if it intends to conduct operations that cannot be conducted under the terms of the attached COA.

22. All aircraft operated in accordance with this exemption must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification (N−Number) markings in accordance with 14 CFR part 45, Subpart C. Markings must be as large as practicable.

23. Documents used by the operator to ensure the safe operation and flight of the UAS and any documents required under 14 CFR §§ 91.9 and 91.203 must be available to the PIC at the Ground Control Station of the UAS any time the aircraft is operating. These documents must be made available to the Administrator or any law enforcement official upon request.

24. The UA must remain clear and give way to all manned aviation operations and activities at all times.

25. The UAS may not be operated by the PIC from any moving device or vehicle.

26. All Flight operations must be conducted at least 500 feet from all nonparticipating persons, vessels, vehicles, and structures unless:
    a. Barriers or structures are present that sufficiently protect nonparticipating persons from the UA and/or debris in the event of an accident. The operator must ensure that nonparticipating persons remain under such protection. If a situation arises where nonparticipating persons leave such protection and are within 500 feet of the UA, flight operations must cease immediately in a manner ensuring the safety of nonparticipating persons; and
    b. The owner/controller of any vessels, vehicles or structures has granted permission for operating closer to those objects and the PIC has made a safety assessment of the risk of operating closer to those objects and determined that it does not present an undue hazard.

    The PIC, VO, operator trainees or essential persons are not considered nonparticipating persons under this exemption.

27. All operations shall be conducted over private or controlled-access property with permission from the property owner/controller or authorized representative. Permission from property owner/controller or authorized representative will be obtained for each flight to be conducted.

28. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries of the operational area as defined by the applicable COA must be reported to the FAA's UAS Integration Office (AFS−80) within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.ntsb.gov.

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

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

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

31. Flight operations may be conducted closer than 500 feet from participating persons consenting to be involved and necessary for the filming production, as specified in the exemption holder's MPTOM.

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

This exemption terminates on July 31, 2017, unless sooner superseded or rescinded.

Sincerely,

John S. Duncan
Director, Flight Standards Service

Enclosures

U.S. Department of Transportation, Docket Operations
West Building Ground Floor, Room w12-140
1200 New Jersey Avenue, SE., Washington DC 20590

Dear Sir or Madam:

J. Michael Tate (private pilot, single engine land, cert # 3712268) dba AirVue hereby applies for an exemption from the listed Federal Aviation Regulations and any other rules necessary to allow operation of a small hobby-sized (approximately 5 lbs.) unmanned aircraft (UAS) in order to produce aerial video of marketed real estate at a height of 400 feet or less. The purpose of using the UAS is to gather video documentation of selected marketed real estate in order to safely provide interested parties additional information about a selected property here-to-for unattainable before purchase. Video will safely show interested clients properties vegetation/obstructions, boundaries, roof problems, overall curb appeal, water/stream issues, general information on topography, and a sense of where the property sits in relations to roads, traffic, and construction. Judicious use of the UAS will greatly assist prospective buyers in selecting property while posing no safety or privacy threat to the general public, the participating inspection parties, or non-participating parties.

This request is similar to previous Grants of Exemption Nos 11062, 11109, 11112 and 111213 where the exemption was granted in the public interest.

1. J. Michael Tate dba AirVue
   200 Christina Lane
   Kingsland, GA 31548
   FAX (912) 882 7514
   Phone (912) 322 2598
   Email: tatej@tds.net

2. The specific section or sections of 14 CFR from which you seek an exemption:

Exemption Request Pursuant to Section 333 of the FMRA and Part 11 of the Federal Aviation Regulations, Seeking Exemption from 14 C.F.R. Part 21 Subpart H; 14 C.F.R. & 45.23(b); 14 C.F.R. & 45.27; 14 C.F.R. && 61.113(a) and (b); 14 C.F.R. & 91.119(c); 14 C.F.R. & 91.121; 14 C.F.R. & 91.151(a); 14 C.F.R. & 91.405(a); 14 C.F.R & 91.407(a)(1); 14 C.F.R. &&91.409(a)(1) and (2); 14 C.F.R. && 91.417 (a) and (b).

3. The extent of relief you seek and the reason you seek relief:

J. Michael Tate dba AirVue am requests relief and exemption from listed Federal Aviation Regulations and any other applicable rules in order to all of the use of a small unmanned aircraft system (UAS as defined by the US Congress in Section 331, PL 112-95, 2014; “6) SMALL UNMANNED AIRCRAFT. The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds. “to conduct unmanned reconnaissance of specific properties to

provide additional information to prospective buyers regarding their proposed purchase. The UAS will fly no higher than 400 feet above a selected property and will not infringe on the property rights of adjacent or nearby properties. The UAS will remain inside the selected property and public by ways. All commercial UAS flights will be scheduled with the owner/representative and a signed document will be required for flight/photography. Every day thousands of properties are bought and sold with improper regard to topography (especially important in lowlands in SE Georgia). UAS flights will provide prospective owner with close-up roof inspection, hidden flaws in design, or outright damage unavailable from the ground. UAS flights reveal the character of the selected property with regard to other general property in the area thus providing the prospective buyer with otherwise unattainable information (short of more dangerous manned aircraft flight). UAS flight might reveal unseen and unsightly industrial blight just out of sight of selected property that would be otherwise/unlikely attainable. UAS flight will reveal the selected property against a backdrop of where it (home or business) sits on the property and how it "fits in" to natural vegetation or topography. UAS would provide the platform for pictures/video on properties where dense underbrush or other dangerous obstacles might be detrimental to the health and safety of the investigating individual. In short, the use of a UAS would eliminate the risk of photographers who attempt to capture high resolution pictures of particular conditions surrounding a selected property.

4. How your request would benefit the public as a whole:

a. Safety of real estate personnel is a paramount consideration. Persons attempting to gain high-resolution video/pictures are at risk of injury by attempting to capture images outside their safety zone. i.e. Pictures of risky marsh land or swamps. Pictures requiring additional elevation to gain perspective. Pictures of roofs, porches, lakes, docks or vegetation relevant to the sale of the property. Pictures involving open water settings requiring boats/docks. The easy production of otherwise risky photography minimizes impacts on the general public.

b. High resolution video/photography from UAS can be instantly transmitted to interested parties for immediate resolution of pre-purchase questions thus simplifying and shortening the decision making process for everyone. Conflict resolution could be minimized for the general public.

c. Aerial photography can be accomplished quickly and easily with little or no impact on the surrounding neighborhood. Modern UAS utilizes sufficiently quiet motors that unless nearby and outside, the general population would be unaware of activity. Given the amount of data that can be captured in under 12 minutes, UAS offers immense advantage to conventional data collection at minimal interference or inconvenience to the general public.

d. Given the history of buying and selling properties in the United States, UAS will ultimately benefit a large proportion of the general public. As technology advances, the ability of UAS to enhance the buying and selling of property will touch everyone. The real estate market benefits daily from new technology. UAS of every property will ultimately be as common as

photos from inside the house. The general population will benefit from these advances by having greater knowledge before the sale and a clearer understanding of what they are buying.

e. UAS could serve as the ultimate guarantor when property is destroyed by disaster. Insurance agencies could have the necessary proof of condition of a property...pre-disaster. Claims could be resolved quicker and recovery could be accomplished quicker. An elevated before and after photo of a demolished roof could be resolved immediately given sufficient high resolution proof.

5. Reasons why the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to the existing rule.

Safety would be the prime motivating factor. If the mission to gather information for prospective real estate buyers and sellers cannot be accomplished safely then the mission must be aborted. Realizing that while new technological implementation cannot be adopted with absolutely no risk, given the below protocols, the implementation of UAS for the Realty/Surety market can be accomplished with minimal risk and would be safer than existing methods for procuring high resolution video/images suitable for public use.

a. The UAS would be operated only by me, James Michael Tate, a private pilot, certificate number 3712268 issued 10 August 2013. I am fully certified to own and operate a single engine land aircraft. I have a comprehensive knowledge of aviation requirements including airspace restrictions, checklists requirements, and meteorological conditions required to flight. I am fully prepared to exercise mandatory safety policies with regard to the safe operation of UAS.

b. All operations will utilize a visual observer in addition to pilot-in-command (PIC).

c. The visual observer and PIC will be in constant verbal contact at all times during flight operations.

d. As PIC, I will wear a high visibility safety vest identifying me as the pilot of the UAS.

e. Height limitations will be enabled on the UAS to limit the aircraft from ascending higher than 400 feet on any occasion. Though unlikely to occur, special altitude consideration will be considered in areas of airfield departure/arrival. In these extremely limited cases considered near airports, the airport FBO will be contacted for a go/no go flight. No flights will occur on airfield property.

f. Property owners will sign a consent form prior to UAS operations. Non-participating persons will not be allowed vulnerable inside property confines during the flight.

g. The UAS will not fly near obstructions to flight. i.e. in-flight aircraft , road traffic, power lines, towers (or guywire).

h. The UAS will always be in line of site with the PIC and the visual observer. Over the ground speed will be limited due to the nature of the mission (video/still images). All flights will be in accordance with manufacturers specifications with all flights carefully choreographed beforehand from beginning to end.

i. The UAS will be less than 5 lbs and will not exceed ground speeds of 30 knots.

j. The UAS will not carry any explosive material or flammable liquids.

k. Each UAS flight will end at 20 minutes or less or when the battery indicates 25% remaining time (whichever occurs first).

l. The UAS flight will be preceded by an in-depth pre-flight checklist and follow all manufacturer protocols. Manufacturer manual will always be readily available and the operation manual will be strictly adhered to.

m. A logbook will be maintained for each flight including the duration, location, and anomalies for the flight.

n. A take-off and landing zone will be designated prior to each flight sufficiently removed from obstructions in order to obtain stable flight during critical operations.

o. Radio frequencies will comply with the FCC.

p. The UAS will have J. Michael Tate dba AirVue contact information and the federal exemption number prominently displayed.

q. UAS flights will be conducted during daylight hours under visual meteorological conditions. i.e. not operated less than 500 feet below a cloud, less than 2000 feet horizontally from a cloud, or less than 3 miles visibility.

r. J. Michael Tate dba AirVue will maintain a $1,000,000 liability insurance policy while operating the UAS.

s. In accordance with the manufacturer's operating manual, UAS the PIC will perform extensive pre-flight checks prior to each flight to ensure the UAS is functioning properly. In the event that the UAS fails flight check, the UAS will be grounded until it complies with manufacturer specifications and deemed safe to fly.

t. The UAS will have a flight termination option and an automatic return to preselected landing zone should communications be lost.

These safety protocols exceed the FAA safety rules published in the Model Aircraft Operations Limits in the FAA Modernization and Reform Act of 2012.

6. A summary we can publish in the Federal Register stating –
    a. The rule from which you seek the exemption: and
    b. A brief description of the exemption you seek.

J. Michael Tate dba AirVue is seeking exemption from:
Exemption Request Pursuant to Section 333 of the FMRA and Part 11 of the Federal Aviation Regulations, Seeking Exemption from 14 C.F.R. Part 21 Subpart H; 14 C.F.R. & 45.23(b); 14 C.F.R. & 45.27; 14 C.F.R. && 61.113(a) and (b); 14 C.F.R. & 91.119(c); 14 C.F.R. & 91.121; 14 C.F.R. & 91.151(a); 14 C.F.R. & 91.405(a); 14 C.F.R & 91.407(a)(1); 14 C.F.R. &&91.409(a)(1) and (2); 14 C.F.R. && 91.417 (a) and (b).

A brief description of the exemption I seek is as follows:

I seek exemption from the above listed rules. I will adhere to much more stringent safety measures previously described by the Model Aircraft Operations Limits according to the FAA Modernization and Reform Act of 2012. Many, if not most, of the rules don't apply to the UAS since no pilot or passengers can be carried and the UAS to be used is 5 lbs or less. The UAS will not carry flammable liquid fuels or explosive material since it is powered by batteries. The small size and limited carry capacity of the UAS I desire limits its purpose primarily to functions such as carrying a light weight camera for short flights of 20 minutes or less. This camera capacity is the sole function that I seek to obtain. I propose to utilize the camera function to augment the Real Estate Market by providing high resolution video and still photography of marketed properties. These still shots and video are invaluable for the purchaser of real estate since they provide additional information to the buyer that would here-to-fore not have been available except perhaps by manned aircraft with exceptional telephoto lenses. The UAS technology with its ability to quickly, easily, and safely fill this void is, in many occasions, near priceless for potential buyers. Given the safety parameters limiting its use (i.e qualified operator, a visual observer, line of site operations, altitude limitations, designated take off and landing area, return home function in the event of communications loss, speed restrictions, short duration of flight, light weight, no flammables, and other restrictions I have delineated) this new technology will provide otherwise unattainable product and prove to be safer than any other known information gathering method available today.

This exemption request is similar to the previously granted exemptions 11062, 11109, 11112 and 11213where the exemption was granted in the public interest.

7. Any additional information, views, or arguments available to support your request.

Flight platform is based on the accepted industry standard DJI Inspire 1, model FC350 supporting a high resolution camera providing 4K video and 12 megapixel resolution. A full description and specification can be found at WWW.dji.com/product/inspire/spec.

8. If you want to exercise the privileges of your exemption outside the U.S., you must state the reason.

I do not wish to exercise the privilege of my exemption outside the U.S.

Respectfully submitted,

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