



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

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

July 28, 2015

Exemption No. 12191
Regulatory Docket No. FAA-2015-1858

Mr. James P. Hoeffler
Crosswind Films, LLC
4805 Fairmont Road
Anchorage, AK 99516

Dear Mr. Hoeffler:

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 21, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Crosswind Films, LLC (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial videography and photography, and mapping.

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.

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 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, Crosswind Films, LLC is granted an exemption from 14 CFR §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b), to the extent necessary to allow the petitioner to operate a UAS to perform aerial data collection. This exemption is subject to the conditions and limitations listed below.

¹ Aerial data collection includes any remote sensing and measuring by an instrument(s) aboard the UA. Examples include imagery (photography, video, infrared, etc.), electronic measurement (precision surveying, RF analysis, etc.), chemical measurement (particulate measurement, etc.), or any other gathering of data by instruments aboard the UA.

Conditions and Limitations

In this grant of exemption, Crosswind Films, LLC is hereafter referred to as the operator.

Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or rescission of this exemption.

1. Operations authorized by this grant of exemption are limited to the 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 July 31, 2017, unless sooner superseded or rescinded.

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service

Enclosures

James P. Hoeffler, Crosswind Films, LLC

Section 333 Exemption Petition

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

RE: Exemption Request Section 333 of the FAA Reform Act of the Federal Aviation Regulations from 14 C.F.R. 45.23(b); 14 C.F.R. Part 21; 14 C.F.R. 61.113(a)&(b); 14 CFR 91.7(a); 14 CFR 91.9(b) (2); 14 CFR 91.103(b); 14 CFR 91.109; 14 CFR 91.119, 14 CFR 91.121; 14 CFR 91.151(a); 14 CFR 91.203(a)&(b); 14 CFR 91.405(a); 14 CFR 91.407(a) (1); 14 CFR 91.409(a) (2); 14 CFR 91.417(a)&(b).

Dear Sir or Madam,

I, James P. Hoeffler, an FAA licensed pilot, am writing pursuant to the FAA Modernization and Reform Act of 2012 and the procedures contained within 14 C.F.R. 11, to request that I, James P. Hoeffler, an owner and operator of small unmanned aircraft, be exempted from the Federal Aviation Regulations (“FARs”) listed below so that I, James P. Hoeffler, may operate my small ultra light weight unmanned aircraft system (“UAS”) commercially in airspace regulated by the Federal Aviation Administration (“FAA”).

As described herein I, James P. Hoeffler, am an owner of the photographic company, Crosswind Films, LLC, within the State of Alaska; experienced in flying hobby helicopters and aircraft for recreational purposes. I, James P. Hoeffler, have held an FAA private pilots license, Certificate Number 2696258 with an ASEL rating, since 28 January, 1997. I have since added the ASES (11 July, 2002), and Rotorcraft (06 January, 2011) ratings to my certificate.

I have owned and flown hobby grade Quadcopter UAS’s for several years. I intend to use my DJI Phantom 2 Vision + Version 3 and the DJI Inspire I Quadcopters for aerial filming utilizing video and still images of: Real Estate Properties for sale, structures for mechanical and structural integrity, filming of commercial structures and activities for advertising purposes, as well as natural scenery and layouts for aerial mapping and enjoyment.

I, James P. Hoeffler, am committed to safety with each flight. My exemption request would permit operation of ultra light weight, unmanned (piloted by remote control) and comparatively inexpensive UAS(s) in tightly controlled and limited airspace. Exempted flights will be performed in areas away from general public, airports, heliports and vehicular traffic for filming videos and still photography, unless permission has been sought and granted from Airport authorities or other property owners who have been advised of the risks. Currently, similar lightweight, remote controlled UAS's are legally operated by unmonitored amateur hobbyists with no safety plan or controls in place to prevent an incident. Crosswind Films, LLC will utilize safety protocols and controls to avoid and prevent public hazards, as well as manned aircraft/UAS interactions. This will

act to further safety protocols exclusive to lightweight UAS's specific to commercial video and photography, and mapping usage as I, James P. Hoeffler, record flight data and other information gained through permitted flight operations to share with the FAA through any required FAA reports to assist with future protocol and safety regulation. Granting my request is in compliance with the Secretary of Transportation's (FAA Administrator's) responsibilities and authority to not only integrate UAS's into the national airspace system, but to "...establish requirements for the safe operation of such aircraft systems [UAS's] in the national airspace system" under Section 333(c) of the Reform Act specific to the use of UAS's for real estate/Realtor purposes. Further I, James P. Hoeffler, will conduct my operations in compliance with the protocols described herein or as otherwise established by the FAA.

For the reasons stated below I, James P. Hoeffler, respectfully request the granting of an exemption allowing me to operate ultra light weight, remote controlled UAS's for commercial purposes which will enhance the video and photographic business offerings of Crosswind Films, LLC. All of which will promote local economic growth through increased employment and an increased tax base. This will all be done with public safety in mind.

I. Contact Information:

James P. Hoeffler
Crosswind Films, LLC
4805 Fairmont Rd
Anchorage, AK 99516
(907) 360-5948
jph1960@yahoo.com

II. The Specific Sections of Title 14 of the Code of Federal Regulations From Which James Hoeffler Requests Exemption are:

14 CFR 21, 14 CFR 45.23 (b), 14 CFR 61.113 (a) and (b), 14 CFR 91.7 (a), 14 CFR 91.9 (b) (2), 14 CFR 91.103, 14 CFR 91.109, 14 CFR 91.119, 14 CFR 91.121, 14 CFR 91.151 (a), 14 CFR 91.203 (a) and (b), 14 CFR 91.405 (a), 14 CFR 91.407 (a) (1), 14 CFR 91.409 (a) (1) and (2), 14 CFR 91.417 (a) and (b).

III. The Extent of relief James P. Hoeffler seeks and the Reason He Seeks Such Relief:

I, James P. Hoeffler, submit this application in accordance with the Reform Act, 112 P.L. 95 §§ 331-334, seeking relief from any currently applicable FARs operating to prevent me, James P. Hoeffler, from pursuing contemplated commercial cinematic, academic and other flight operations within the national airspace system. The Reform Act in Section 332 provides for such integration of civil unmanned aircraft systems into our national airspace system as it is in the public's interest to do so. My ultra light weight UAS's meet the definition of "small unmanned aircraft" as defined in Section 331 and therefore the integration of my ultra light weight UAS's is expressly contemplated by the Reform Act. I would like to operate my ultra light weight UAS's prior to the time period

by which the Reform Act requires the FAA to promulgate rules governing such craft. Thereby, providing direct experience and valuable information for formal regulation that can be administered uniformly to related UAS aerial video, photography, and topographical mapping. The Reform Act guides the Secretary in determining the types of UAS's that may operate safely in our national airspace system. Considerations include: The weight, size, speed and overall capabilities of the UAS's; Whether the UAS will be operated near airports or heavily populated areas; and, whether the UAS will be operated by line of sight. 112 P.L. 95 § 333 (a). Each of these items reflect in favor of an exemption for me, James P. Hoeffler. My UAS's utilize four (4) counter-rotating propellers for balance, control and stability. My UAS's are equipped with GPS and auto return safety technology. My UAS's weigh less than 4 pounds (DJI Phantom 2 Vision +) and less than 7 pounds (DJI Inspire I), far below the maximum 55 pound limit; including camera with gimbal.

I, James P. Hoeffler, consider safety foremost with each flight. My small unmanned aircraft is designed to hover in place via GPS. Built in safety systems include a GPS mode that allows my UAS's to hover in place when radio controls are released. Further, the software within my UAS's will not allow it to fly within airspace that is near a major airport and this restricted airspace is constantly being updated via firmware from the manufacturer, DJI. To further prevent flying in restricted airspace or crowded airspace I consult a current sectional before each flight. When pilot communication is lost, this and future UAS's are designed to slowly return to home and descend to the ground, then automatically shut down operation. I do not operate my UAS near airports without permission, and do not operate near areas where general public safety is a concern. I am constantly on alert for any manned aircraft in my vicinity, and I am prepared to land/abort immediately to the nearest and safest ground point should a manned aircraft approach my location or I suspect manned aircraft may approach near my location. My UAS's are capable of vertical and horizontal operations, and are flown only within my line of sight. Utilizing battery power rather than combustible fuels, flights generally last between ten (10) to twenty (20) minutes, with an altitude under one hundred fifty (150) feet AGL. I utilize a fresh fully charged battery with each flight as a safety precaution; full flight time limit for each battery is twenty two (22) to twenty five (25) minutes as tested. I do not operate my UAS at or below manufacturer recommend minimum charge levels for operation; preferring to remain well within a safe operating range to insure adequate communication between radio control and UAS to reduce potential for problems. Reserve batteries are at hand with each exercise to insure replacement for sufficient safe level of operation. I do not take risks that may cause a crash, that could create a hazard to the public, property, or manned aircraft, and have no desire to lose my investment. I have clocked numerous practice flights in remote areas as a hobbyist simulating flights for future commercial use to gain familiarization with the characteristics of these specific UAS's performance under different temperature and weather conditions. I also practice computerized simulated flights to maintain adequate skills and response time. All of these practices are performed to ensure safety.

I take extreme caution when operating my UAS/ultra light weight unmanned aircraft and will not "create a hazard to users of the national airspace system or the public." 112 P.L. 95 § 333 (b). Given the small size and weight of my UAS it falls well within Congress's contemplated safety zone when it promulgated the Reform Act and the

corresponding directive to integrate UAS's into the national airspace system. James P Hoeffler's UAS's, used in hobby flight, have demonstrated a perfect safety record and have not posed any threat to the general public or national security.

IV. How James P. Hoeffler's Request Will Benefit the Public As A Whole:

Aerial photography and videography for geographical awareness and for real estate marketing has been around for a long time through manned fixed wing aircraft and helicopters. For small budget real estate companies and average homeowners the expense of such aerial videography is cost prohibitive. Only large companies and high end Realtors or luxury homeowners can afford to absorb such expenses. Depriving non-luxury homeowners and lower budget Realtors from a valuable marketing tool. Manned aircraft pose a threat to the public through catastrophic crashes during flight at low levels and low speeds. Many manned aircraft both fixed wing and helicopters have made emergency and hard landings within our city limits. These craft carry combustible fuel that can start life threatening fires. My, James P Hoeffler's, UAS's pose no such threat since size and lack of combustible fuel alleviates any potential threat to the public. Additionally, the low operational altitude minimizes the potential for a mid air collision. My ultra light weight UAS's are battery powered and create no emissions that can harm the environment. The consequence of my ultra light weight UAS crashing is far less than a full size helicopter or fixed wing aircraft; which are heavy, contain combustible fuel and can cause catastrophic devastation to the public.

Permitting me, James P Hoeffler, to immediately fly within national air space furthers economic growth. Granting my exemption request substantially furthers the positive economic impact for the community and for companies looking to relocate or build in the Anchorage metro area or other areas as well as individuals looking to relocate for career advancement through academic and geographical awareness. Both of which serve as a stimulus to the community.

V. Reasons Why James P Hoeffler's Exemption Will Not Adversely Affect Safety Or How The Exemption Will Provide a Level of Safety At Least Equal To Existing Rules:

My, James P Hoeffler's, exemption will not adversely affect safety. Quite the contrary, not only for the reasons stated in section III and IV but also by permitting me, James P. Hoeffler, to log more flight time in FAA controlled airspace, with communication with the FAA, will allow me to contribute to the innovation and implementation of new and novel, as of yet undiscovered safety protocols for UAS operators that can be embraced by the FAA. In addition I, James P Hoeffler, submit the following representations of enhancements to current aerial videography and photography for real estate:

My UAS's weigh less than 7 pounds, complete with a small ultra light weight high definition onboard camera on a gyro stabilized gimbal; I only operate my UAS below 400 feet AGL and normally below 100 feet AGL (well within the 400 foot AGL permissible ceiling set by the FAA Modernization and Reform Act of 2012); My current UAS's operate for less than 25 minutes per flight; I land my UAS's prior to

the manufacturer recommended minimum level of battery power; I pilot my UAS's by line of sight; My UAS's have GPS a flight safety feature whereby it hovers and then slowly lands if communication with the remote control pilot is lost; I actively analyze flight data and other sources of information to constantly update and enhance safety protocols; I only operate in reasonably safe environments that are strictly controlled, are away from power lines, elevated lights, airports and densely populated areas; I conduct extensive pre-flight and post-flight inspections, during which safety carries primary importance. I always obtain all necessary permissions prior to operation; and, I have procedures in place to abort flights in the event of safety breaches or potential danger. My safety protocols provide a level of safety equal to or exceeding existing rules. It is important to note that absent the integration of commercial UAS into our national airspace system, helicopters are the primary means of aerial video and photography. While the safety record of such helicopters is notable, there have been local incidents involving loss of life as well as extensive property damage; it is far safer to operate a battery powered ultra light weight UAS. First, the potential loss of life is diminished because UAS's carry no people on board and I only operate my UAS in specific areas away from mass populations. Second, there is no fuel on board a UAS and thus the potential for fire or explosions is greatly diminished. Third, the small size and extreme maneuverability of my UAS allow me to remotely pilot away from and avoid hazards quickly and safely. Accordingly, my UAS has been experimentally operated for familiarization/competency and will continue to operate at or above current safety levels.

VI. A Summary The FAA May Publish in the Federal Register:

A. 14 C.F.R. 21 and 14 C.F.R. 91: Airworthiness Certificates, Manuals and The Like.

14 C.F.R. 21, Subpart H, entitled Airworthiness Certificates, sets forth requirements for procurement of necessary airworthiness certificates in relation to FAR § 91.203(a)(1). The size, weight and enclosed operational area of my UAS's permits exemption from Part 21 because my UAS's meet (and exceed) an equivalent level of safety pursuant to Section 333 of the Reform Act. The FAA is authorized to exempt aircraft from the airworthiness certificate requirement under both the Act (49 U.S.C. § 44701 (f)) and Section 333 of the Reform Act. Both pieces of legislation permit the FAA to exempt UAS's from the airworthiness certificate requirement in consideration of the weight, size, speed, maneuverability and proximity to areas such as airports and dense populations. My current and projected UAS's meet or exceed each of the elements.

14 C.F.R. 91.7(a) prohibits the operation of an aircraft without an airworthiness certificate. As no such certificate will be applicable in the form contemplated by the FARs, this Regulation is inapplicable.

14 C.F.R. § 91.9 (b) (2) requires an aircraft flight manual in the aircraft. As there are no on board pilots or passengers, and given the size of the UAS's,

this Regulation is inapplicable. An equivalent level of safety will be achieved by maintaining a safety/flight manual delineating areas where safety can be defined. The FAA has previously issued exemptions to this regulation in many previous exemptions including, but not limited to Exemption Nos. 8607, 8737, 8738, 9299, 9565, 10167, 10602, 10700 and 32827.

14 C.F.R. § 91.121 regarding altimeter settings is inapplicable in so far as my UAS's utilize electronic global positioning systems in combination with a barometric sensor.

14 C.F.R. § 91.203 (a) and (b) provides for the carrying of civil aircraft certifications and registrations. They are inapplicable for the same reasons described above. The equivalent level of safety will be achieved by maintaining any such required certifications and registrations by me, James P Hoeffler.

B. 14 C.F.R. § 45.23: Marking of The Aircraft

Applicable Codes of Federal Regulation require aircraft to be marked according to certain specifications. My UAS's are, by definition, unmanned. They therefore do not have a cabin, cockpit or pilot station on which to mark certain words or phrases. Further, two-inch lettering is difficult to place on such small aircraft with dimensions smaller than minimal lettering requirement. The FAA has previously issued exemptions to this regulation through Exemptions Nos. 8738, 10167, 10167A and 10700, among others.

C. 14 C.F.R. § 61.113: Private Pilot Privileges and Limitations: PIC.

Pursuant to 14 C.F.R. §§ 61.113 (a) & (b), private pilots are limited to non-commercial operations. I, James P Hoeffler, can achieve an equivalent level of safety as achieved by current Regulations because my UAS does not carry any pilots or passengers. The risks attendant to the operation of my UAS's are far less than the risk levels inherent in the commercial activities outlined in 14 C.F.R. § 61, et seq. Thus, allowing me to operate my UAS's meets and exceeds current safety levels in relation to 14 C.F.R. §61.113 (a) & (b). In addition, Grant of Exemption No. 11062 to Astraeus Aerial (Astraeus), the FAA determined that a PIC with a private pilot certificate operating the Astraeus UAS would not adversely affect operations in the NAS or present a hazard to persons or property on the ground.

D. 14 C.F.R. 91.119: Minimum Safe Altitudes.

14 C.F.R. § 91.119 prescribes safe altitudes for the operation of civil aircraft. It allows helicopters to be operated at lower altitudes in certain conditions. My UAS will never operate at an altitude greater than 400 AGL. I will however operate my UAS in safe areas away from public and traffic,

providing a level of safety at least equivalent to or greater than those in relation to minimum safe altitudes. Given the size, weight, maneuverability and speed of my UAS, an equivalent or higher level of safety will be achieved.

E. 14 C.F.R. 91.405 (a); 407 (a) (1); 409 (a) (2); 417(a) & (b): Maintenance Inspections.

The above-cited Regulations require, amongst other things, aircraft owners and operators to “have [the] 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. . . .”

These Regulations only apply to aircraft with an airworthiness certificate. They will not, therefore, apply to my UAS. However, as a safety precaution I inspect my UAS before and after each flight and maintained per the manufacturer’s aircraft/component, maintenance, overhaul, replacement, inspection, and life limit requirements.

In summary, James P Hoeffler seeks an exemption from the following Regulations:

14 C.F.R. 21, subpart H; 14 C.F.R. 45.23(b); 14 C.F.R. §§ 61.113 (a) & (b); 14 C.F.R. § 91.7 (a); 14 C.F.R. § 91.9 (b)(2); 14 C.F.R. § 91.103(b); 14 C.F.R. § 91.109; 14 C.F.R. § 91.119; 14 C.F.R. § 91.121; 14 C.F.R. § 91.151(a); 14 C.F.R. §§ 91.203(a) and (b); 14 C.F.R. § 91.405 (a); 14 C.F.R. § 91.407 (a)(1); 14 C.F.R. § 91.409 (a)(2); 14 C.F.R. § 91.409 (a) (2); and, 14 C.F.R. §§ 91.417 (a) & (b) to commercially operate my lightweight unmanned aircraft system for aerial photography/Inspection/ included but not limited to the following; Business Operations: over land, water-ways, and oceans; operation over/in non-restricted National Parks, National Forests, flight in non-navigable airspace, using non-intrusive recording devices, operation in otherwise unrestricted U.S. States/Territories for aerial videography/cinematography for commercial operation and to enhance academic community awareness for those individuals and companies unfamiliar with the geographical layout of such areas. Currently, area awareness and real estate aerial videography/photography relies primarily on the use of larger aircraft running on combustible fuel, posing potential risk to the public. Granting my request for exemption will reduce current risk levels and thereby enhance safety. My UAS does not contain potentially explosive fuel, is smaller, lighter and more maneuverable than conventional photographic aircraft with much less flight time. Further, I operate at lower altitudes and in controlled airspace eliminating potential public risk flying to and from established airfields. I have been analyzing flight information and will compile safety protocols and the implementation of a flight operations manual that exceeds currently accepted means and methods for safe flight. Formal collection of information shared with the FAA will enhance the FAA's internal efforts to establish protocols for complying with the FAA

Modernization and Reform Act of 2012. There are no personnel on board my UAS's and therefore the likelihood of death or serious bodily injury is significantly diminished. The operation of my UAS's, weighing less than 7 pounds and travelling at lower speeds within limited areas, will provide an equivalent level of safety as that achieved under current FARs. Accordingly I respectfully request that the FAA grant my exemption request and am willing to cooperate in sharing information to benefit the FAA, safety of manned aircraft, and the general public at large.

Respectfully Submitted,

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