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

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

July 30, 2015

Exemption No. 12239
Regulatory Docket No. FAA–2015–2043

Mr. Michael Jay Watson
13508 Red Cedar Drive
Oklahoma City, OK 73131

Dear Mr. Watson:

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 May 16, 2015, you petitioned the Federal Aviation Administration (FAA) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial imaging and videography.

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 Phantom 2 Vision+

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, Mr. Michael Jay Watson 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, Mr. Michael Jay Watson 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+ 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,
/s/
John S. Duncan
Director, Flight Standards Service

Enclosures

May 16, 2015

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

RE: Exemption Request Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations

Dear Sir or Madam:
Pursuant to the Section 333 of the FAA Modernization and Reform Act of 2012 (the "Reform Act"), Michael Watson (the "applicant"), operator of an Unmanned Aircraft Systems ("UAS") seeks an exemption from the Federal Aviation Regulations ("FARs") to allow for commercial operation for aerial imaging and video of homes & properties applicant list for sale in Central Oklahoma.

Applicant
Michael Jay Watson
13508 Red Cedar Dr.
Oklahoma City, OK 73131

Attachments
DJI Pilot Training

Regulations from which the exemption is requested:
14 CFR Part 21 subpart H
14 CFR 45.23 (b)
14 CFR 91.7 (a)
14 CFR 91.9 (b) (2)
14 CFR 91.103
14 CFR 91.109
14 CFR 91.119 (c)
14 CFR 91.121
14 CFR 91.203 (a) and (b)
14 CFR 91.405 (a)
14 CFR 91.407 (a) (1)
14 CFR 91.409 (a) (2)
14 CFR 91.417 (a) and (b)

Extent of relief I seek, and why
14 CFR Part 21 subpart H
The UAs to be operated carries neither pilot nor passenger and carries no explosive materials or flammable liquids. Given the size, weight, speed, and limited operating area associated with the aircraft to be utilized, I request exception. In the restricted environment and under the conditions proposed operation will be at least as safe, or safer, than a conventional aircraft operating with an airworthiness certificate without said restrictions.

14 CFR 45.23 (b)
Due to the size of this UAS it does not have a cockpit, cabin, or pilot station on which to market certain words or phrases. Lettering would be very difficult to place on such a small aircraft and dimensions would need to be smaller than required minimum. Understanding the importance of lettering I will mark my UAS with the largest possible letters by placing the word "Experimental" or assigned number or name, based on request/ruling of FAA, on UAS fuselage. The equivalent level of safety will be provided by having the UAS marked on its fuselage as required.

14 CFR 91.7 (a)
As there will be no airworthiness certificate for the aircraft, should this exemption be granted, no FAA regulatory standard will exist for determining airworthiness. Given the size of the aircraft for

maintenance and use of safety check list prior to each flight an equivalent level of safety will be provided.

14 CFR 91.9 (b) (2)
Given the size and configuration, the UAS has no ability to carry a flight manual on the aircraft. There is no room, capacity, or pilot on board to adequately carry flight manual. A equivalent level of safety will be maintained by keeping the flight manual at ground control point where the pilot will) have immediate access to it.

14 CFR 91.103
As FAA approved flight manuals will not be provided for the aircraft an exemption will be needed. Normal procedures including but not limited to; reviewing weather, flight battery requirement, landing and takeoff distances, along will all of those found in attachment "DJI Pilot Training". An equivalent level of safety will be provided by preflight protocol to properly match the machine.

14 CFR 91.109
UAS and remotely piloted aircraft do not have fully functional dual controls. Flight control is achieved through the use of a control box that communicates with the aircraft via radio communications. The equivalent level of safety provided because neither a pilot nor passenger will be carried in the aircraft, and by the speed and size of the aircraft.

14 CFR 91.113 (a) and (b)
I can achieve an equivalent level of safety as achieved by current regulations because my UAS does not carry pilot nor passenger. While helpful, a pilots' license will not ensure remote control piloting skills.

14 CFR 91.121
The UAS may not have a barometric altimeter, but instead does have a GPS altitude read out. I believe an exemption may be needed. An equivalent level of safety is achieve by the operator receiving live flight data monitoring and confirming current altitude along with altitude of launch site shown on GPS altitude indicator.

14 CFR 91.203 (a) and (b)
Similar to, 14 CFR 91.9 (b) (2), given the size and configuration, the UAS has no ability to carry certificate and registration documents on the aircraft. There is no room, capacity, or pilot on board to adequately such documents. An equivalent level of safety will be achieved by keeping these documents, to the extent they are applicable to the UAS, at the ground control point where pilot has immediate access to them.

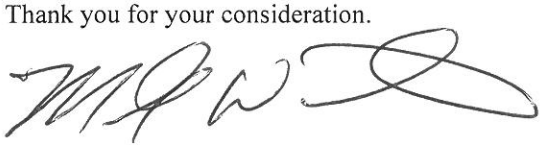
14 CFR 91.405 (a), 14 CFR 91.407 (a) (1), 14 CFR 91.409 (a) (2), 14 CFR 91.417 (a) and (b)
Given these section only apply to aircraft with an airworthiness certificate, theses sections do not apply to this applicant. As a safety precaution, operator will perform preflight inspections and ensure UAS is in working condition before initiating each flight.

Michael Watson is seeking relief from all FARs above preventing applicant from conducting aerial photography and video of real estate taken at levels less than 400ft, at a speed less than 33.5 mph, and with a maximum flight time of 25 minutes,. The drone to be used is a D1I Phantom 2 Plus. At 2.74 pounds the weight of the UAS meets the definition of "small unmanned aircraft" found in section 331 "The Reform Act". In order to obtain high quality photography and video the UAS will be used at speeds much less than it's top speed of 33.5 mph. Due to the UAS being battery powered there are no combustible fuels onboard. Maximum flight time for this particular UAS is 25 minutes battery life, flights to be terminated with 25% battery life remaining. Given the size, weight, speed, and limited operating area associated with the aircraft to be utilized I find this exception to be reasonable with an equivalent, or greater, level of safety to be reached by the operator.
Safety

*Please see attachment "DJI Pilot Training" for safety precautions I use for every flight. Aside from these Practices I was given a hands on training course when I purchased my UAS.
Additionally:
1) 1 do not operate within 5 miles of an airport unless prior contact to Air Traffic Control or the airport manager has been made.
2) 1 land my UAS prior to manufacturer recommended minimum level of battery power
3) 1 pilot my UAS through remote control by line of sight

4) My UAS uses GPS and a flight safety feature whereby it returns to a preprogrammed position and then slowly lands if communication with the remote control pilot is fost
5) 1 actively analyze flight data and other sources of information to constantly update and enhance safety protocol ~s
6) 1 conduct extensive pre-flight inspections and protocol, during which safety carries primary importance
7) 1 always obtain all necessary permissions prior to operation; and,
8) 1 have procedures in place to abort flights in the event of safety breaches or potential danger.
9
Public Interest
The use of an UAS in the real estate industry provides both buyers and sellers a higher level of service. For a buyer a higher level of marketing and advertising is achieved, appealing to more buyers, resulting in a quicker sale of their home. Quicker home sales also helps accelerate the economy as a whole. Buyers experience the benefit of encompassing a whole property, sometimes several acres, in one photo or a short video. Not only does this benefit the specific home seller or home buyer, but it benefits the general public because it is much more efficient than traditional ways of using a plane or helicopter to achieve the same result. We can now provide this level of service while being conservative with fuel, time, emissions, noise, and other resources. Considering size, weight, speed, and absence of combustible fuels, my UAS will poses much less of a safety concern for the general public when compared to larger manned aircraft.

Thank you for your consideration.



Michael Watson