



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

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

September 3, 2015

Exemption No. 12748
Regulatory Docket No. FAA-2015-2531

Ms. M. Anne Swanson
Cooley LLP
Counsel for Media General Inc.
1299 Pennsylvania Avenue NW., Suite 700
Washington, DC 20004

Dear Ms. Swanson:

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

By letters dated June 3 and June 25, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Media General, Inc. (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial videography, data collection, and closed-set filming for motion picture and television.

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.

In accordance with the statutory criteria provided in Section 333 of Public Law 112–95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft meets the conditions of Section 333. Therefore, the FAA finds that relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and any associated noise certification and testing requirements of part 36, is not necessary.

The Basis for Our Decision

You have requested to use a UAS for aerial data collection¹ and closed set motion picture and filming. 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, Media General, Inc. is granted an exemption from 14 CFR §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b), to the extent necessary to allow the petitioner to operate a UAS to perform aerial data collection and closed set motion picture and filming. 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, Media General, Inc. is hereafter referred to as the operator.

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

1. Operations authorized by this grant of exemption are limited to the 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 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 September 30, 2017, unless sooner superseded or rescinded.

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service

Enclosures



M. Anne Swanson
T: +1 202 776 2534
aswanson@cooley.com

June 3, 2015

Mr. William Crozier
Unmanned Aircraft Systems Integration Office
AFS-80
800 Independence Ave., S.W.
Washington, D.C. 20591

Dear Mr. Crozier:

Enclosed please find an exemption application filed on behalf of Media General, Inc. under Section 333 of the FAA Modernization and Reform Act of 2012 and 14 C.F.R. Part 11 to allow commercial operations of unmanned aircraft.¹

Should you or your staff have any questions, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to be "AS", with a long, sweeping horizontal line extending to the right.

M. Anne Swanson

MAS:vcd

Enclosures

cc: Robert Pappas
Jake Troutman
Dean Griffith, Esquire
Thuy H. Cooper
Andrew C. Carington, General Counsel, Media General, Inc.
Henry R. Gola, Associate General Counsel, Media General, Inc.

¹ Confidential manuals associated with this request, which are exempt from disclosure under the Freedom of Information Act, are being filed under separate cover.



M. Anne Swanson
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June 3, 2015

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 and
Part 11 of the Federal Aviation Regulations**

Dear Sir or Madam:

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (the "Reform Act") and 14 C.F.R. Part 11, Media General, Inc. ("Media General") seeks an exemption from the Federal Aviation Regulations ("FARs") listed below and discussed in Appendix A.¹ Media General seeks exemption from the listed FARs to allow its use of the DJI Inspire 1 in (i) commercial aerial videography, including but not limited to, newsgathering and production of content for airing on its stations, and (ii) aerial data collection, involving, but not limited to, review, inspection, assessment, and monitoring of industrial and other properties, so long as those operations are conducted within and under the conditions outlined herein or as established by the FAA in an exemption granted under either Section 333 or Section 49 U.S.C. § 44701(f).

Media General will operate in conformity with the separately filed flight operations and aircraft flight manuals.² In addition, the operating conditions and limitations set forth below are identical to those in the exemption granted to Aeryon Labs, Inc.³ The only material difference in this request is a change in the aircraft that Media General proposes to use; however, the FAA has granted other petitioners' exemption requests for use of the DJI Inspire 1 in various commercial

¹ See Pub. Law 112-95, 126 Stat. 11, § 333 (2012).

² Media General requests that these manuals be maintained in confidence and not be placed in the public docket or otherwise disclosed to the public. As the information contained in the manuals includes trade secrets and commercial information that is confidential and not made available to the public, it is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552(b) and 14 C.F.R. Part 11. Should the FAA receive a request for access to these manuals, we would request notification of such request prior to any action being taken by the FAA, as it may relate to the request.

³ See *Aeryon Labs, Inc.*, FAA Exemption No. 11213, Regulatory Docket No. FAA-2014-0642 (Mar. 24, 2015).



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uses.⁴ Because the DJI Inspire 1 specified in this request is the same craft as the ones already approved in Exemptions 11458 and 11463, and Media General will operate the aircraft in strict compliance with the conditions in existing exemptions previously granted by the FAA, or as they may be amended, notice need not be provided in the Federal Register nor public comment solicited.

Media General proposes to use a small, lightweight unmanned aerial vehicle ("UAV") – the DJI Inspire 1 – to conduct aerial videography and aerial data collection, as noted above. For instance, in using the DJI Inspire 1 to collect broadcast footage, Media General will be able to provide its viewers with innovative programming and better coverage of events and issues of importance to its local communities.

Operations under the exemption will be subject to strict operating requirements and conditions to ensure at least an equivalent level of safety to currently authorized operations using manned aircraft and under conditions as may be modified by the FAA as required by Section 333.

As described more fully below, the requested exemption would authorize commercial operations using the DJI Inspire 1, which with a maximum take-off weight of 6.4 pounds is small in size. The DJI Inspire 1 will be operated under controlled conditions at low altitude in airspace that is limited in scope; it will have automated control features. The DJI Inspire 1 also will be operated by an individual possessing a recreational or sport pilot certificate and a U.S. state issued driver's license. Media General hereby requests a blanket COA for flights up to 200 feet above ground level in the form approved by the FAA. Media General acknowledges that under current FAA guidance, a separate Certificate of Waiver or Authorization ("COA") is required to fly at altitudes above 200 feet above ground level, and it will apply for COAs when required. Media General will also file Notices to Airmen for its flights, as required.

Media General respectfully submits that because this small, unmanned aerial vehicle – the DJI Inspire 1 – will be used in lieu of comparatively hazardous operations now conducted with fixed wing and rotary conventional aircraft, the FAA can have confidence that the operations will achieve at least an equivalent level or greater level of safety. Approval of this exemption would thereby enhance safety and fulfill the Secretary of Transportation's (the FAA Administrator's) responsibilities under Section 333(c) of the Reform Act to "establish requirements for the safe operation of such aircraft systems in the national airspace system."

The name and address of the applicant are:

Media General, Inc.
Attn: Henry R. Gola
333 East Franklin Street
Richmond, VA 23219

⁴ See e.g., *Mr. Christopher Gardner*, FAA Exemption No. 11458, Regulatory Docket No. FAA-2015-0257 (May 5, 2015); *Jeff Skelley Studio*, FAA Exemption No. 11463, Regulatory Docket No. FAA-2015-0237 (May 5, 2015).



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Ph: 804-887-5000
Email: hgola@mediageneral.com

The regulations from which the exemption is requested are as follows:

14 C.F.R. § 61.23(a) & (c);
14 C.F.R. § 61.101(e)(4) & (5)
14 C.F.R. § 61.113(a);
14 C.F.R. § 61.315(a);
14 C.F.R. § 91.7(a);
14 C.F.R. § 91.119(c);
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)(2);
14 C.F.R. § 91.417(a) & (b)

Appendix A discusses each rule listed above and explains why exemptions pursuant to the proposal set forth in this letter are appropriate, will provide an equivalent level of safety, and will be in the public interest.

THE APPLICABLE LEGAL STANDARD UNDER SECTION 333

Media General submits that grant of this exemption application for commercial use of the DJI Inspire 1 will advance the Congressional mandate in Section 333 of the Reform Act to accelerate the introduction of unmanned aerial systems ("UASs") into the national airspace system ("NAS") if it can be accomplished safely. This law directs the Secretary of Transportation to consider whether certain UASs may operate safely in the NAS before completion of the rulemaking required under Section 332 of the Reform Act. In making this determination, the Secretary is required to determine which types of UASs do not create a hazard to users of the NAS or the public or pose a threat to national security in light of the following:

- The UAS's size, weight, speed, and operational capability;
- Operation of the UAS in close proximity to airports and populated areas; and
- Operation of the UAS within visual line of sight of the operator.

Reform Act § 333(a)(1). If the Secretary determines that such vehicles "may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft in the national airspace system." *Id.* § 333(c) (emphasis added).⁵

⁵ Applicant submits that this provision places a duty on the Administrator to not only process applications for exemptions under Section 333, but for the Administrator, if he deems the conditions proposed herein require modification to allow approval, to supply conditions for the safe operation of the UAS. Media General welcomes the opportunity to consult with FAA staff in



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The Federal Aviation Act expressly grants the FAA the authority to issue exemptions. This statutory authority, by its terms, includes exempting civil aircraft, as the term is defined under § 40101 of the Act, from the requirement that all civil aircraft must have a current airworthiness certificate and those regulations requiring commercial pilots to operate aircraft in commercial service:

The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702-44716 of this title if the Administrator finds the exemption is in the public interest.

49 U.S.C. § 44701(f). See also 49 U.S.C. § 44711(a); 49 U.S.C. § 44704; 14 C.F.R. § 91.203(a)(1).

The grant of the requested exemption is in the public interest based on the clear direction in Section 333 of the Reform Act; the additional authority in the Federal Aviation Act, as amended; the strong equivalent level of safety surrounding the proposed operations; and the significant public benefit, including enhanced safety and cost savings associated with transitioning to UASs for aerial videography and aerial data collection. Accordingly, the applicant respectfully requests that the FAA grant the requested exemption without delay.⁶

AIRCRAFT AND EQUIVALENT LEVEL OF SAFETY

The applicant proposes that the exemption requested herein apply to civil aircraft that have the characteristics and that operate with the limitations listed herein. These limitations provide for at least an equivalent or even higher level of safety to operations under the current regulatory structure because the proposed operations represent a safety enhancement to operations that would be conducted with conventional aircraft.

These limitations and conditions, which are drawn from the exemption granted to Aeryon Labs, Exemption No. 11213, and to which Media General (or "operator") agrees to be bound when conducting commercial operations, are as follows:

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 grant.

order to address any issues or concerns that this proposal may raise that they believe may require modification.

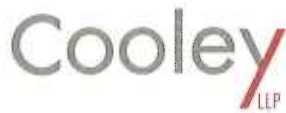
⁶ In filing this application, Media General also is requesting that the FAA, as it has in recent decisions, combine the grant of the Section 333 exemption with a stand-alone Certificate of Operation ("COA") that will allow commercial operation of the DJI Inspire 1 without the necessity of filing for a COA for each flight. Compliance with the conditions agreed to herein and those that may be imposed by the FAA, as set forth in prior Section 333 exemptions, provide the separation needed from other aircraft. Notice to airmen and notice to air traffic control can be provided by the filing of a NOTAM as set forth within the proposed conditions.



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2. Operations for the purpose of closed-set motion picture and television filming are not permitted.
3. The UAS may not be operated at a speed exceeding 87 knots (100 miles per hour). Media General may use either groundspeed or calibrated airspeed to determine compliance with the speed restriction. In no case will the UAS be operated at airspeeds greater than the maximum UAS operating airspeed recommended by the aircraft manufacturer, which in this case is 43 knots (49 miles per hour).
4. The UAS 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 UAS must be operated within visual line of sight (VLOS) of the PIC at all times. This requires the PIC to be able to use human vision unaided by any device other than corrective lenses, as specified on the PIC's FAA-issued airman medical certificate or U.S. driver's license.
6. All operations must utilize a visual observer (VO). The UAS 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. The exemption and all documents needed to operate the UAS and conduct its operations in accordance with the conditions and limitations stated in the 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 in the exemption take precedence and must be followed. Otherwise, the operator must follow the procedures as outlined in its operating documents.

The operator may update or revise its operating documents. It is the operator's responsibility to track such revisions and present updated and revised documents to the Administrator 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.



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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 a 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 Colombia, 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.



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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 UAS 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 UAS 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 UAS must return to a predetermined 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 UAS 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.



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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 UAS 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.

Privacy. All Media General UAS operations will be conducted in accordance with applicable federal, state, or local laws regarding privacy.

National Security. No national security issue is raised by the grant of this exemption. Given the size, load carrying capacity, speed at which the DJI Inspire 1 operates, and the fact that it carries no explosives or other dangerous materials, the UAS poses no threat to national security.

In summary, Media General seeks an exemption from the FARs set forth in Appendix A to operate commercially a small unmanned vehicle (55 lbs. or less) in aerial videography and aerial data operations, as described above.



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Approval of this exemption for commercial operations will enhance safety by reducing risk. Conventional operations, using jet or piston powered aircraft, operate at extremely low altitudes just feet from the subject being inspected and in extreme proximity to people and structures. Such manned operations present the risks associated with vehicles that weigh in excess of 6,000 lbs., carrying large amounts of jet A or other fuel. Such aircraft must fly to and from the project location. In contrast, a small UAS ("sUAS"), like the DJI Inspire 1, which weighs fewer than seven pounds, and is powered by batteries, eliminates virtually all of that risk given the reduced mass and lack of combustible fuel carried on board. The sUAS is carried to the target area and not flown. The sUAS will carry no passengers or crew and, therefore, will not expose such individuals to the risks associated with manned aircraft flights.

The operation of this small craft, weighing less than seven pounds, conducted in the strict conditions outlined above, will provide an equivalent level of safety supporting the grant of the exemptions requested herein. These lightweight aircraft operate at slow speeds, close to the ground, and in areas that are under the control of the operator. As a result, they are far safer than would be conventional operations conducted with manned aircraft flying in close proximity to the ground and people.

Satisfaction of the criteria provided in Section 333 of the Reform Act of 2012 – size, weight, speed, operating capabilities, proximity to airports and populated areas, and operation within visual line of sight, and national security – provides more than adequate justification for the grant of this requested exemption to allow commercial operation of applicant's UAS for the purposes outlined herein. The grant will be consistent with exemptions already granted.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Anne Swanson", written over a horizontal line.

M. Anne Swanson
Counsel for Media General, Inc.

cc: William Crozier
Robert Pappas
Jake Troutman
Dean Griffith, Esquire
Thuy H. Cooper
Andrew C. Carington, General Counsel, Media General, Inc.
Henry R. Gola, Associate General Counsel, Media General, Inc.

**EXEMPTION REQUEST AND EQUIVALENT LEVEL OF SAFETY DEMONSTRATION UNDER
APPLICABLE RULES SUBJECT TO EXEMPTION**

Media General requests an exemption from the following regulations as well as any additional regulations that may technically apply to its operation of the DJI Inspire 1:

14 C.F.R. § 61.23(a) and (c): Medical Certificates: Requirement and Duration

Sections 61.23(a) and (c) address the requirement of medical certificates for pilots. Section 61.23(a) requires a person exercising the privileges of a recreational pilot to hold at least a third class medical certificate. Section 61.23(c) permits the holder of a sport pilot certificate to act as PIC of a light-sport aircraft with either a medical certificate or U.S. issued driver's license. Light-sport aircraft may weigh up to 1,430 pounds and seat up to two persons, including the pilot. Comparatively, the DJI Inspire 1 will weigh fewer than seven pounds, and it will not carry pilots, passengers, or cargo. The UAS will also be operated within visual line of sight of the PIC and below 400 feet above ground level and limited to operations with permission over private or controlled-access property.

Given these safety parameters, Media General requests that the FAA waive Section 61.23(a) upon a finding that an equivalent level of safety will be provided by allowing operation of the DJI Inspire 1 by pilots with a recreational or sport pilot certificate and a valid U.S. state issued driver's license, in lieu of an FAA-issued medical certificate. Media General also requests that the FAA grant relief from Section 61.23(c) to allow sport pilot certificate holders to operate aircraft other than light-sport aircraft with a valid U.S. issued driver's license. The FAA has granted exemptions to conduct similar operations in a number of cases, including Exemption 11213.

14 C.F.R. § 61.101(e)(4) and (5), 61.113(a), and 61.315(a): Recreational Pilot Privileges and Limitations; Private Pilot Privileges and Limitations: Pilot in Command; What are the privileges and limits of my sport pilot certificate?

Sections 61.101(e)(4) and (5) and 61.113(a) limit recreational or private pilots to non-commercial operations. Unlike a conventional aircraft that carries a pilot, passengers, and cargo, the DJI Inspire 1 in this case is remotely controlled with no passengers or property of others on board. Section 61.315(a) addresses the privileges and limitations of the holder of a sport pilot certificate.

Media General respectfully proposes that operator requirements should take into account the characteristics of the particular UAS. The DJI Inspire 1 has a high degree of pre-programmed control and various built-in navigation and other technical capabilities that strictly limit the potential for operation outside of the operating conditions set forth in the exemption application. Flights are pre-programmed with precision GPS guidance and do not require human intervention. In the case of unplanned events, the operator can manually intervene to take one of the following actions: (i) command the aircraft to begin to autonomously return to the



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recovery area and land; (ii) command the aircraft to autonomously return to the recovery area where the pilot will assume control and land the aircraft; or (iii) manually assume control of the aircraft via the hand controller and return the craft to the recovery area where the operator lands it.

Additional automated safety functions and safety enhancing features of the DJI Inspire 1 include the following:

- Low battery power on the aircraft triggers the landing sequence, and the craft will fly to the recovery area.
- If the auto-pilot detects a lost-link to the ground control station for longer than three seconds, landing procedure begins.
- In the event the ground station reaches a low power state, it will alert the pilot.

Given these safety features, operators of the DJI Inspire 1 should not be required to hold a commercial pilot certification. Instead, operators should be required to hold only a recreational or sport pilot certificate.

The risks associated with the operation of the DJI Inspire 1 (given its size, speed, operational capabilities, and lack of combustible fuel) are so diminished from the level of risk associated with commercial operations contemplated by Part 61 with conventional aircraft (fixed wing or rotorcraft) that allowing operations of the UAS as set forth above meets or exceeds the present level of safety provided under the regulations cited above and does not rise to the level of requiring a commercial pilot to operate the aircraft.

Given these conditions and restrictions, an equivalent level of safety will be provided by allowing operation of the DJI Inspire 1 with a recreational or sports pilot certificate, under the conditions set forth in the exemption request. The FAA has granted exemptions to conduct similar operations in a number of cases, including Exemption 11213.

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

This regulation requires that no person may operate a civil aircraft unless it is in airworthy condition. Should the exemption be granted allowing commercial operation of the DJI Inspire 1 without an airworthiness certificate, no standard will exist for airworthiness of the DJI Inspire 1. Given the size of the aircraft and the requirements to which the operator has agreed relating to airworthiness, as set forth in the attached manuals, an equivalent level of safety will be achieved by ensuring compliance with the Media General manuals prior to each flight. The FAA has granted exemptions to conduct similar operations in Exemptions 11062 through 11067, 11080, 11109, 11110, 11136, 11138, and 11213.

14 C.F.R. § 91.119(c): Minimum Safe Altitudes.

Section 91.119 establishes safe altitudes for operation of civil aircraft. Specifically, 91.119(c) limits aircraft flying over areas other than congested areas to an altitude of 500 feet above the



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surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

As set forth herein, the DJI Inspire 1 will never operate at higher than 400 feet AGL. It will, however, be operated to avoid congested or populated areas. Because aerial videography work must be accomplished at relatively low altitudes and at altitudes less than 500 feet AGL, an exemption from Section 91.119(c) is needed.

The equivalent level of safety will be achieved given the size, weight, speed, and material with which the DJI Inspire 1 is built. Also, no flight will be taken without the permission of the landowner or those who control the land as well as the permission of local officials, if required. Because of advance notice to the landowner, all affected individuals will be aware of the flights. Compared to commercial operations, such as aerial videography or aerial data collection, conducted with aircraft or rotorcraft weighing far more than seven pounds, and carrying flammable fuel, any risk associated with these operations will be far less than the risks currently posed by conventional aircraft operating at or below 500 feet AGL. Indeed, the low-altitude operations of the UAS will maintain separation between these sUAS operations and the operations of conventional aircraft that must comply with Section 91.119. The FAA has granted exemptions to conduct similar operations in Exemptions 11062 through 11067, 11080, 11110, 11136, 11138, 11150, 11153, and 11213.

14 C.F.R. § 91.151(a): Fuel Requirements for Flight in VFR Conditions

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

The batteries powering the DJI Inspire 1 provide approximately 18 minutes of powered flight. Without an exemption from § 14 C.F.R. 91.151, the UAS's flights would not be possible. Given the limitations on its proposed operations and the location of those proposed operations, a longer time frame for flight in daylight VFR conditions is reasonable.

Media General believes that an exemption from 14 C.F.R. § 91.151(a) is safe and within the scope of prior exemptions. See Exemption 11213. Operating the small UAS without 30 minutes of reserve fuel does not engender the type of risks that Section 91.151(a) was meant to prevent given the size and speed at which the UAS operates. The fact that it carries no pilot, passenger, or cargo also enhances its safety. In the unlikely event that the DJI Inspire 1 achieves a low battery state, it would simply return to home and land. Given its weight and construction material, the risks are less than contemplated by the current regulation.

Media General believes that an equivalent level of safety can be achieved by maintaining five minutes of reserve fuel, which, allowing 13 minutes of flight time, would be more than adequate to return the UAS to its planned landing zone from anywhere in its operating area.



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Similar exemptions have been granted to other operators, including Exemptions 11062 through 11067, 11080, 11109, 11110, 11112, 11136, 11138, 11150, 11153, and 11213.

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

Section 91.405(a) requires that an aircraft operator or owner "shall have that aircraft inspected as prescribed in subpart E of this part and shall between required inspections, except as provided in paragraph (c) of this section, have discrepancies repaired as prescribed in part 43 of this chapter" Section 91.407 similarly makes reference to requirements in Part 43; Section 91.409(a)(2) requires an annual inspection for the issuance of an airworthiness certificate. Section 91.417(a) requires the owner or operator to keep records showing certain maintenance work that has been accomplished by certificated mechanics, under Part 43, or licensed pilots and records of approval of the aircraft for return to service.

Maintenance of the DJI Inspire 1 will be accomplished by the owner/operator pursuant to the manuals separately filed as confidential exhibits. An equivalent level of safety will be achieved because the UAS is small in size, will carry a small payload, will operate only in restricted predetermined areas, and is not a complex mechanical device. As provided in the confidential manuals, the operator will ensure that the UAS is in working order prior to initiating flight, perform required maintenance, and keep a log of any maintenance that is performed; moreover, the operator is the person most familiar with the aircraft and is best suited to maintain the aircraft in an airworthy condition and to ensure an equivalent level of safety. The FAA has granted exemptions for similar operations in Exemptions 11062 through 11067, 11080, 11109, 11110, 11112, 11136, 11138, and 11213.



M. Anne Swanson
T: +1 202 776 2534
aswanson@cooley.com

June 25, 2015

Mr. William Crozier
Unmanned Aircraft Systems Integration Office
AFS-80
800 Independence Ave., S.W.
Washington, D.C. 20591

Dear Mr. Crozier:

Enclosed please find an amendment to the Section 333 exemption request that Media General, Inc. filed on June 3, 2015. That filing sought an exemption to various Federal Aviation Regulations under Section 333 of the FAA Modernization and Reform Act of 2012 and 14 C.F.R. Part 11 to allow commercial operations of unmanned aircraft.¹

If your staff or you have any questions, please contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "MAS", written over the typed name "M. Anne Swanson".

M. Anne Swanson

MAS:vcd

Enclosure

cc (via e-mail):

333exemptions@faa.gov

Andrew C. Carington, General Counsel, Media General, Inc.

Henry R. Gola, Associate General Counsel, Media General, Inc.

¹ A confidential manual associated with this request, which is exempt from disclosure under the Freedom of Information Act, is being filed under separate cover.



M. Anne Swanson
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June 25, 2015

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

**RE: Amendment to Media General, Inc.'s Exemption Request Under Section 333 of the
FAA Reform Act and Part 11 of the Federal Aviation Regulations**

Dear Sir or Madam:

Media General, Inc. hereby seeks to amend its June 3, 2015 filing seeking an exemption, pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (the "Reform Act") and 14 C.F.R. Part 11, to allow use of the DJI Inspire 1 in various commercial aerial videography and aerial data collection operations. By this amendment, Media General seeks to add commercial closed-set motion picture and television filming as an additional permitted use.

To accomplish this requested change, Media General specifically requests the addition of conditions related to the provision of closed-set filming. First, Media General proposes to insert the following condition in the list of those already requested in lieu of the similarly numbered condition:

2. Operations for the purpose of closed-set motion picture and television filming are permitted.

Second, Media General requests that the following conditions be added at the end of those previously requested:

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 the 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;

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- 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 the 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.

Media General will conduct its closed-set motion picture and television filming and production operations in accordance with the separately filed MPTOM.¹

The additional operating conditions and limitations that Media General requests are identical to those in exemptions granted to Helicopters West, Inc. and other parties seeking to offer closed-set filming services.² Helicopters West's exemption, in particular, proposes use of the same unmanned aerial vehicle (the DJI Inspire 1) specified by Media General. Since Media General

¹ Media General requests that the MPTOM be maintained in confidence and not placed in the public docket or otherwise disclosed to the public. As the information included in the manual includes trade secrets and commercial information that is confidential and not made available to the public, it is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552(b), and 14 C.F.R. Part 11. Should the FAA receive a request for access to the manual, we ask for notification of that request prior to any action being taken by the FAA, as it may relate to that request. Media General has also made minor changes to the Flight Operations Manual ("FOM") that it confidentially submitted on June 3, 2015 to reflect this additional use case. Marked pages of the two amended sections of the FOM are included with the MPTOM in the separately submitted confidential filing.

² See *Helicopters West, Inc.*, FAA Exemption No. 11559, Regulatory Docket No. FAA-2015-0430 (May 12, 2015). See also *Integrated Media Technologies, Inc.*, FAA Exemption No. 11532, Regulatory Docket No. FAA-2015-0424 (May 11, 2015), and *Shotwell Media, LLC*, FAA Exemption No. 11280, Regulatory Docket No. FAA-2014-0885 (April 1, 2015).



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will operate the aircraft in strict compliance with the conditions in existing exemptions previously granted by the FAA, or as they may be amended, notice need not be provided in the Federal Register nor public comment solicited.

Media General reiterates that its UAS operations will be subject to strict operating requirements to ensure at least an equivalent level of safety to currently authorized operations using manned aircraft and under conditions specified by the FAA. Because the DJI Inspire 1 will be used in lieu of comparatively hazardous operations that otherwise would have to be conducted with fixed wing and rotary conventional aircraft, the FAA can have confidence that the proposed closed-set filming operations will achieve at least an equivalent level or greater level of safety. As discussed in more length in Media General's exemption request filed on June 3, 2015, approval of this exemption would enhance safety and fulfill the Secretary of Transportation's (the FAA Administrator's) responsibilities under Section 333(c) of the Reform Act to "establish requirements for the safe operation of such aircraft systems in the national airspace system."³

Please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "M. Anne Swanson", written over a light blue circular stamp.

M. Anne Swanson
Henry H. Wendel
Counsel for Media General, Inc.

cc: William Crozier
Robert Pappas
Jake Troutman
Dean Griffith, Esquire
Thuy H. Cooper
Andrew C. Carington, General Counsel, Media General, Inc.
Henry R. Gola, Associate General Counsel, Media General, Inc.

³ See Pub. Law 112-95, 126 Stat. 11, § 333 (2012).