



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

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

July 15, 2015

Exemption No. 12061
Regulatory Docket No. FAA-2015-1269

Mr. Matt Green
MasseyGreenAVP
2478 Red Bluff Lane, #H
West Chester, OH 45069

Dear Mr. Green:

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 posted April 28 and June 17, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of MasseyGreenAVP (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial photography 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 are the DJI Phantom 3 and DJI Inspire 1.

In accordance with the statutory criteria provided in Section 333 of Public Law 112-95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited

operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft meets the conditions of Section 333. Therefore, the FAA finds that the 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, MasseyGreenAVP 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, MasseyGreenAVP 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 3 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



P dw#J uhq #D\$hwlrq #ru#H {hp swlrq

This Other document was issued by the **Federal Aviation Administration** (FAA)

For related information, [Open Docket Folder](#)

Fr p hqwDrz\$

ID: FAA-2015-1269-0001

Frqwhqw

Matt Green

2478 Red Bluff Lane #H
West Chester
Ohio
45069
USA

qrgolfmarketing@gmail.com

Petitioning for Exemption under Section 333 to use a UAS for non hobby use.

I plan to fly over golf courses, parks, commercial warehouses, properties for sale, places of interest. All these properties will have full permission off the owners and everyone will be fully aware of my presence.

Full permission from the venues will be in writing before flying. Staff and people in the area will be made aware of flying. Flights will not be over people or close to be of danger. No flights at night. Rotor blades,. New blades, batteries, UAS will be fully inspected prior to each days flight to make sure it is fully air worthiness, not only for safety but to avoid wrecking the UAS. Regular software and fireware updates and annual equipment maintain by certified hobby dealer to ensure craft is in great operational functionality.

A spotter always on hand to look out for people on ground, obstacles in sky and double the number of eyes on the UAS. The spotter can also direct questions from public to allow full focus of myself whilst flying.

I will log any flights from the UAS and make available to FAA when needed.

The UAS will be operated below 400 feet and remain clear of surrounding obstacles
Will not fly at speed and in a dangerous manner
The aircraft will be within visual line of sight at all times
Will fly well clear of and will not interfere with manned aircraft operations
Wont fly within 5 miles of an airport, flying in class b airspace we will contact control towers for permission to fly
Wont fly near people or stadiums
Wont fly an aircraft that weighs more than 55 lbs
Wont be careless or reckless with my unmanned aircraft

G rfxp hqw#qirup dw

Date Posted:

Apr 28, 2015

[Show More Details](#)

Vxep lwhu#qirup dw

Submitter Name:

Anonymous Anonymous

Fr p hqw

3

Fr p hqw#Jhfhlyh

G rfnhw#qirup dwrc

This document is contained in
FAA-2015-1269

Related Dockets:

None

Related RINs:

None

Related Documents:

None

* This count refers to the total comment/submissions received this *document*, as of 11:59 PM yesterday. Note: Agencies review submissions, however some agencies may choose to redact withhold, certain submissions (c portions thereof) such as those containing private or proprietary information, inappropriate language or duplicate/near duplicate examples of a mass-mail campaign. This can result in discrepancies

Radio frequency to comply with FCC regulations and on 5.8 hrtz

I have over 200 Hours of safe UAS Flying under my belt and zero incidents. I follow all fly guidelines at all times and have been in contact with FAA Inspectors to discuss my flying and safety.

Will always have spotter to add an extra set of eyes on the UAS.

Always have full permission to video or photography a building, person or property.

Best

Matt Green

between this count and those displayed when conducting searches on the Public Submission document type. For specific information about an agency's submission policy, refer to its website or the Federal Register document.

Matt Green - Additional Information

This Other document was issued by the **Federal Aviation Administration (FAA)**

For related information, [Open Docket Folder](#) 

Content

As per request of FAA below is additional information regarding to exceptions requested, public interest and information on the planned craft i intend to use.

Matthew Green owner of MasseyGreenAVP seeking 333 Exception to fly Phantom 3 and Inspire 1 quad copters for commercial use.

I plan to fly the Phantom Vision 3 Quadcopter for all my Aerial gigs with the option of the Inspire 1 quad copter if also granted.

1. The Phantom 3 has a maximum takeoff weight of less than 3 pounds and thus offers a lightweight, small and compact video platform compared to manned aircraft. The DJI Phantom 3 has a maximum takeoff weight of 1300 grams or approximately 2.9 pounds. It has a diagonal length of 350 mm and a maximum speed of 15 meters per second.

2. The Phantom 3 offers significant safety, noise, emission, security and environmental benefits not available to larger manned aircraft.

3. The Phantom 3 has numerous safety features such as Failsafe mode, automatic landing should signal between PIC and UAS be interrupted, GPS based altitude and distance locks, Flight Limits function and low battery warnings. Geo location locks so that flights in class A airspace and in restricted areas are not allowed by the App.

4. Operations utilizing the Phantom 3 will provide a benefit to the general public and serve the public interest by providing the service of aerial photographic images and video to numerous businesses and individuals for considerably less than the previously only available option of utilizing manned aircraft at an equivalent level of safety.

The video and images will help with online engagement in a safe way.

[Comment Now!](#)

ID: FAA-2015-1269-0003

Document Information

Date Posted:

Jun 17, 2015

[Show More Details](#) 

Submitter Information

Submitter Name:

Matt Green

Comments

0

Comments Received*

Docket Information

This document is contained in
[FAA-2015-1269](#)

Related Dockets:

None

Related RINs:

None

Related Documents:

- [U.S. DOT/FAA - Request for Additional Information](#)
- [Matt Green - Petition for Exemption](#)

* This count refers to the total comment/submissions received on this *document*, as of 11:59 PM yesterday. Note: Agencies review

5. By offering professional services at a very safe level this should stop Uncertified people carrying out similar jobs unsafely and without the proper experience and knowledge that i offer from 18 months of Phantom 1,2 and 3 flying.

6. Matt Green hereby ask the Federal Aviation Administration (FAA) for an exemption from part 21 subpart H (21.171 21.199) and 45.23(b), 91.7(a), 91.9(b), 91.103, 91.109, 91.119, 91.121, 91.151(a), 91.203(a) and (b), and Subpart E (91.40191.417) of Title 14, Code of Federal Regulations (14 CFR).

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

7. How this exemption would affect the public as a whole: Low altitude aerial photography and video can provide a more detailed visual perspective of a real estate property allowing houses hidden by trees, behind walls to be show in its full light and able to sell much quicker, helping the economy.

Standard aircraft cannot safely operate below 500 feet and Google Earth satellite images may not show recent changes. The proposed service will provide the public with an economical alternative to the noise and safety issues related to low flying aircraft or helicopters while providing a better perspective of the subject property than can be brought by cameras on a rig or low flying aircraft.

Areas of public interest can be captured from vantage points previous unable to be obtained, with online engagement 95% visual in modern society this allows people to view and be attracted to new areas and attractions that otherwise they may not have noticed and experienced.

Businesses will benefit economically as every angle can now be covered in a video to showcase there operations and help increase revenue, jobs and interest in the goods and services on offer.

Taking stunning pictures that can be framed and preserved for ever, a moment lost in history captured forever in an aerial photo, taken low enough and safe enough to give a wow factor.

8. As previously mentioned safety is the first and foremost of our business. Reasons why would not adversely affect safety or how would provide a level of safety equal to existing rule: Applicant has maintained a flight and maintenance log for all aircraft from start of ownership, with the new Phantom 3 all flight data is captured and stored in the main computer, all records available to FAA when needed.

I was in the Royal Air force Training Core when i was 16 living in the UK, i have always had a passion for flight. I currently own a

all submissions, however some agencies may choose to redact, or withhold, certain submissions (or portions thereof) such as those containing private or proprietary information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. This can result in discrepancies between this count and those displayed when conducting searches on the Public Submission document type. For specific information about an agency's public submission policy, refer to its website or the Federal Register document.

photography and video production company and over the past 18 months as a hobby been flying my Phantom 1, 2 and now 3 safely and with out incident for over 200 hours of actual flight time.

I am prepared to attend any training courses required that may assists in the acquirement of an exception to carry out aerial video and photography in a safe and controlled manner.

Very Best

Matt Green
MasseyGreenAVP

513-344-8980
qrgolfmarketing@gmail.com