

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

ISSUED TO

Phoenix Air Unmanned, LLC
Responsible Person: William Lovett
Waiver Number: 107W-2023-00743

ADDRESS—

100 Phoenix Air Dr SW
Cartersville, GA 30120

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the provisions contained in this certificate.

OPERATIONS AUTHORIZED

Small unmanned aircraft system (sUAS) operations beyond the visual line of sight of the remote pilot in command (PIC); Small unmanned aircraft system (sUAS) operations in which a participating Visual Observer (VO) is not able to see the unmanned aircraft; Small unmanned aircraft system (sUAS) operations over human beings; Small unmanned aircraft system (sUAS) operations over a moving vehicle.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR §§ 107.31—Visual line of sight aircraft operation,
107.33(b) & (c)(2)—Visual observer,
107.39—Operation over human beings, and
107.145—Operations over moving vehicles

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 40, inclusive, are set forth on the attached pages.

This Certificate of Waiver is effective from March 29, 2023, to March 31, 2027, and is subject to cancellation at any time upon notice by the Administrator or an authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

General Aviation and Commercial Division, AFS-800

**SPECIAL PROVISIONS ISSUED TO
Phoenix Air Unmanned, LLC**

General.

The FAA's Flight Standards Service has reviewed your application to ensure compliance with the requirements of 14 CFR § 107.200 and § 107.205. Pursuant to these authorities, the Administrator finds that the proposed small unmanned aircraft (sUA) operation can be conducted safely under the provisions of this Certificate of Waiver (Waiver) as listed below because you have established adequate mitigations for risks involved with operating your sUA in the manner you described. Adherence to the provisions of this Waiver establishes the required level of safety within the national airspace system.

The Administrator may cancel this Waiver at any time. As a general rule, this Waiver may be canceled when it is no longer required, there is an abuse of its provisions, or when unforeseen safety factors develop. Failure to comply with any provision listed below is a violation of the terms of this Waiver and will serve as justification for cancellation.

List of Regulations Waived by Section and Title. The following regulations are waived:

14 CFR § 107.31, Visual line of sight aircraft operation, is waived to allow operation of the small unmanned aircraft (sUA) beyond the direct visual line of sight of the remote pilot in command (PIC).

14 CFR § 107.33(b) & (c)(2), Visual observer, is waived to the extent necessary to allow operation of the small unmanned aircraft (sUA) when any Visual Observer (VO) who is participating in the operation may not be able see the unmanned aircraft in the manner specified in § 107.31.

14 CFR § 107.39(a), Operations over human beings, is waived to allow sUA operations over human beings who are not direct participants, necessary for the safe operation of the small unmanned aircraft.

14 CFR § 107.145, Operations over Moving Vehicles, is waived to allow sUA operations over a moving vehicle.

No part of this waiver will function as an airspace authorization under 14 CFR § 107.41. The FAA's Air Traffic Organization responds directly to requests for such authorizations.

Common Special Provisions. The Responsible Person is directly responsible for safety of operations conducted under this Waiver and will ensure the Remote Pilot in Command (remote PIC), manipulator of the controls, and visual observer(s) (VO)¹ comply with all provisions of this Waiver.

1. The Responsible Person listed on the Waiver is responsible to the FAA for the safe conduct of the operations. Prior to conducting operations that are the subject of this Waiver, the Responsible Person:

¹ Title 14 CFR § 107.3 defines the term "visual observer." Any VO participating in operations conducted under this Waiver must meet the requirements listed in § 107.33 throughout the duration of flight operations.

- a. Must ensure the remote PIC, manipulators of the controls, and VO(s) are informed of the terms and provisions of this Waiver and strictly observe the terms and provisions herein;
 - b. Must ensure the remote PIC, manipulators of the controls, and VO(s) are informed and familiar with part 107 regulations; and
 - c. Evidence of the above (a and b) must be documented and must be presented for inspection upon request from the Administrator or an authorized representative;
2. This Waiver may not be combined with any other waiver(s), authorization(s), or exemption(s) without specific authorization from the FAA;
 3. The FAA has the authority to cancel or delay any or all flight operations if the safety of persons or property on the ground or in the air are in jeopardy or there is a violation of the terms of this Waiver;
 4. A copy of this Waiver must be accessible and available to the remote PIC at the ground control station during sUA operations that are the subject of this Waiver;
 5. The Responsible Person listed on this Waiver must maintain a current list of pilots by name and remote pilot certificate number used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
 6. The Responsible Person listed on this Waiver must maintain a current list of sUA by registration number(s) used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
 7. For the purposes of this Waiver, direct participants are the remote PICs, persons manipulating the controls, VOs, and any persons whose involvement is necessary for safety of the sUA operation. All other persons are considered non-participants;

Waiver Specific Special Provisions. sUAS operations beyond the visual line of sight (BVLOS) of the remote PIC and VO(s) may be conducted under this waiver when the operation complies with the following provisions:

OPERATIONAL PROVISIONS

8. The remote PIC must ensure sufficient VO(s) are used to identify any non-participating aircraft in sufficient time for the sUAS to maneuver and remain well clear of other aircraft. For the purpose of this Waiver sufficient VO(s) is defined as at least one VO using the electronic means described in the waiver application to monitor the air space, or the minimum number of VO(s) required to continuously observe, using human vision unaided by any device other than corrective lenses, at least a 2 statute mile radius of airspace surrounding the sUA in flight;
9. Individuals directly participating in the operation of the sUAS must be easily identifiable visually (e.g., apparel, safety vests);
10. The Responsible Person must ensure all operations conducted under this Waiver follow the procedures outlined in the submitted operations manual. If a discrepancy exists between the provisions in this Waiver and the procedures outlined in the operations manual, the provisions of this Waiver take precedence and must be followed;

11. The Responsible Person may update or revise its operations manual. The Responsible Person must track such revisions and present revised documents to the Administrator or an authorized representative upon request. The Responsible Person must also present revised documents when applying for extension of or amendment to this Waiver. If any revision to the manual would be contrary to the information provided in the waiver application or obviate a condition or limitation of this waiver, then the Responsible Person must apply for an amendment to this Waiver;
12. The Responsible Person must ensure a copy of the current operations manual is available to the remote PIC and all other direct participants prior to and during sUAS operations that are the subject of this Waiver;
13. Prior to conducting operations under this Waiver, the remote pilot must be proficient in visual line of sight (VLOS) operations and trained in accordance with waiver application's specific training program. This proficiency and training must be documented and must be presented for inspection upon request from the Administrator or an authorized representative;
14. The Responsible Person must establish and maintain a Safety Management System (SMS) appropriate for the size, scope, and complexity of operations that occur under this Waiver. Guidance on establishing and maintaining an SMS is available in FAA Advisory Circular 120-92B (or current revision). This program must be made available upon request by the Administrator;
15. Prior to operations under this Waiver, all direct participants must attend a safety briefing that addresses at minimum, the following items:
 - a. Designated positions, physical locations, responsibilities, and Crew Resource Management,
 - b. Planned flight operating area,
 - c. Designated launch and recovery areas,
 - d. Lost link contingency plan,
 - e. GPS availability for the planned duration of the sUAS flight operation,
 - f. Normal procedures,
 - g. Abnormal procedures, and
 - h. Emergency procedures;
16. Communication between the remote PIC and any VO(s) must occur to facilitate, when necessary, the remote PIC taking action to maneuver the sUA with sufficient time to:
 - a. Give way to all other aircraft accordance with § 107.37,
 - b. React to any un fore seen operational or mechanical failure without creating a hazard to other people , other aircraft, or property in the event of a loss of control of the sUA, and
 - c. Maintain compliance with this Waiver and the requirements of part 107;
17. Operations subject to this waiver must cease if, at any time:
 - a. Safety of human beings or property on the ground or in the air is in jeopardy,
 - b. Any failure to comply with the provisions of this Waiver exists,
 - c. Communications cannot be maintained between the remote PIC and any VO participating in the operation,
 - d. GPS signal is lost, or
 - e. sUA GPS location information is degraded;

18. Launch or recovery areas must be pre-designated and monitored to keep any human being who is not directly participating in the operation out of the areas prior to, during, and immediately following flight operations;
19. During all planned launches and recoveries, the remote PIC must comply with § 107.31(a)(1-2);
20. As described in the application, outreach must be conducted and coordinated with other potentially affected aircraft operators prior to any sUAS operations subject to this Waiver and not less than 24 hours prior to conducting operations that are the subject of this Waiver, a Notice to Airmen (NOTAM) must be filed. The NOTAM must include location, altitude, and /or operating area, time and nature of the activity;
21. The Responsible Person shall keep at its principal business office or at other places approved by the Administrator, and email the Administrator at 9-afs-820-Part107 Reports @faa.gov monthly, the information listed below. The Responsible Person must retain all such records for a period of 90 days after the expiration date of the Waiver.
 - a. For each sUAS flight operation conducted under the terms of this waiver:
 - i. Date and location of operation,
 - ii. Registration number of the sUA,
 - i. Make and model of the sUA,
 - ii. Name and certificate number of the remote PIC's,
 - iii. Name and location of the VO for the sUAS operation,
 - iv. The name and location of any additional persons who acted as VO(s),
 - v. The distance flown and time duration of the sUA operation,
 - vi. Number of non-participant aircraft detected within 500 feet vertical and 6000 feet horizontal of the power line, and
 - vii. Number of avoidance maneuvers or sUA flight path changes made by the RPIC to remain well clear of other aircraft or avoid a mid-air collision;
 - b. For each sUAS flight conducted under this Waiver that includes any equipment degradation, malfunction, or failure, the Responsible Person must make a record of the degradation, malfunction, or failure by recording the date, time, and a description of the degradation, malfunction or failure. sUAS equipment degradations, malfunctions, or failures include, but are not limited to, the following:
 - i. Onboard flight control system,
 - ii. Any portion of the navigation system to include OPS functionality,
 - iii. Power plant malfunction or failure,
 - iv. Battery malfunction or failure,
 - v. Electrical power system malfunction,
 - vi. Control station malfunction or failure, and
 - vii. Loss of control link within the sUAS;

TECHNICAL PROVISIONS

22. Operations conducted under this Waiver may only occur with the make and model sUAS described in the waiver application. Proposed operations of any other manufacturer, make or model of sUAS will require a new waiver application or a request to amend this Waiver;
23. All sUAS operations conducted in accordance with this Waiver must comply with all manufacturer recommendations and limitations for the sUAS;
24. The Responsible Person must maintain each sUAS and its components in accordance with manufacturer's instructions and recommendations. sUAS maintenance includes scheduled and unscheduled overhaul, repair, inspection, modification, replacement, and system software upgrades of the sUAS and its components necessary for flight. A log of all maintenance performed must be kept for each aircraft operated under this waiver. This log must be available to the remote PIC for review prior to conducting operations that are the subject of this waiver. Each sUAS maintenance log must be presented to the Administrator when requested. The log must contain the following information for each maintenance activity:
 - a. A description (or reference data acceptable to the Administrator) of work performed,
 - b. The date of completion of the work performed,
 - c. The name of the person who performed the work, and
 - d. The signature of the person who performed the work;
25. Any sUAS that has undergone maintenance must undergo a functional test flight prior to conducting operations under this Waiver. A log entry must be made for each functional test flight. The log entry must contain at minimum the:
 - a. Calendar date,
 - b. sUA registration number,
 - c. Remote PIC who performed the functional test flight,
 - d. Duration of the flight, and
 - e. The result of the functional flight test;
26. A functional test flight may only be conducted under the standard requirements of part 107 (without waiver);
27. The sUA must be equipped with high visibility markings and lighting to increase the conspicuity of the sUA to be visible for at least 1 statute mile;
28. All sUA operated under this Waiver must be capable of automatic operations. A preplanned flight path for the sUA to follow must be verified by the remote PIC and at least one other direct participant in the sUAS operation prior to sUA flight;
29. As described in the waiver application, sUAS ground control station must display in real time the following information: sUA altitude, sUA position, sUA direction of flight, and sUAS flight mode. This information must be available at all times to the remote PIC;
30. The sUAS must audibly or visually alert the remote PIC of degraded system performance, sUAS malfunction, or loss of Command and Control (C2) link between the ground control station and the sUA;

31. Prior to conducting operations under this Waiver, the remote PIC must determine all control links the used in the sUAS are sufficient to maintain control link within the sUAS at the maximum planned distance for the proposed operation. At all times during operations that are the subject of this Waiver , the remote PIC must maintain a command and control link with the sUA and the ability to direct the sUA to ensure compliance with the applicable provisions of this chapter;
32. If the remote PIC loses command or control link with the sUA, the sUA must follow a predetermined route to either reestablish link or immediately recover and land;
33. If communication between the VO and the remote PIC will occur by electronic device:
 - a. The device must be continuous full-duplex;
 - b. The remote PIC must be able to use the device hands-free; and
 - c. There must be a reliable back-up communication method;
34. ADS-B out (1090/978 MHz) may not be transmitted from the sUAS when operating pursuant to this Waiver;
35. All emitters used in sUAS must be in compliance with all applicable FCC regulations and all provisions of the FCC authorization granted for the emitter. An FCC experimental authorization may not be used for sUAS operations under this Waiver;

ENVIRONMENTAL PROVISIONS

36. Operations under this Waiver may only be conducted in Class G airspace;
37. Operations under this Waiver may not be conducted within 5 statute miles of a public or military use airport;
38. Except for sUA take-off, landing , and performing the "safe state" maneuver described in the waiver application, sUA operations are limited to within 100 feet vertically and 20 feet horizontally from the centerline of electrical power transmission line structures;
39. sUA operations may not occur over open air assemblies of persons; and
40. Operations conducted under this Waiver are limited to the locations and area meeting the performance requirements listed in the waiver application.