

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER

Issued To: Novant Health COVID-19 Response
Responsible Person: Rob Zawrotny
Waiver Number: 107W-2020-02083

Address:
2085 Frontis Plaza Blvd
Winston Salem, NC 27103

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) and Visual Observer (VO), and sUAS operations over human beings.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR § 107.31 — Visual line of sight aircraft operation.
14 CFR § 107.33(b) and (c)(2) — Visual observer.
14 CFR § 107.39 — Operation over human beings.

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.

NOTE—This waiver enables operations beyond visual line of sight with visual observers and over people for movement of supplies owned by Novant Health between Novant facilities.

SPECIAL PROVISIONS

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

This Certificate of Waiver is effective from May 14, 2020 to October 31, 2020, or until all COVID-related restrictions on travel, business, and mass gatherings have been lifted for the State of North Carolina, whichever date occurs first, and is subject to cancellation at any time upon notice by the Administrator or an authorized representative.

Office of the Executive Director

Flight Standards Service

SPECIAL PROVISIONS ISSUED TO
Novant Health COVID-19 Response

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 sUAS 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 sUAS 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.

Regulations Waived

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) and any visual observer (VO) who is participating in the operation.

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

14 CFR § 107.39, Operations over human beings, is waived to allow sUA operations over human beings who are not direct participants in the small Unmanned Aircraft System (sUAS) operation.

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 such requests.

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 VO(s)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:
 - 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 Pilot in Command (remote PIC) at the ground control station during sUAS 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; and
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 sUAS operation. All other persons are considered non-participants.

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.

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

OPERATIONAL PROVISIONS

8. Operations under this Waiver must utilize one or more VO(s).
9. The remote PIC must ensure there are sufficient VO(s) to identify any other aircraft prior to their entry into the area in which operations occur. For the purpose of this Waiver, “sufficient VO(s)” means the minimum number of VO(s) required for continuous observation of the airspace for a distance of 2 statute miles surrounding the sUA during flight.
10. Individuals directly participating in the operation of the sUAS must be easily identifiable visually by wearing bright apparel or safety vests.
11. The operations manual must contain at least the following items:
 - a. Operator name, address, and telephone number,
 - b. Method of manual distribution and revision,
 - c. A copy of the current Waiver(s),
 - d. Aircraft description and limitations list by aircraft type and model,
 - e. Method to ensure safety of non-participating persons and aircraft,
 - f. Safety briefing of Direct Participants,
 - g. Direct Participant minimum requirements,
 - h. Procedures for communications,
 - i. Normal operating procedures,
 - j. Current operational route maps,
 - k. Abnormal operating procedures,
 - l. Emergency procedures,
 - m. Crew Resource Management,
 - n. Description of the risk management system, and
 - o. Accident Notification. The operations manual must contain procedures for notification and reporting of accidents in accordance with 14 CFR § 107.9 and 49 CFR part 830;
12. The Responsible Person must ensure all operations conducted under this Waiver follow the procedures outlined in the 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.
13. 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.

14. The Responsible Person must ensure a copy of the 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.
15. The Responsible Person listed on this Waiver must ensure each remote PIC who will conduct operations under this Waiver is trained in a manner that addresses the items listed in § 107.49(a)-(e) and in a manner that is consistent with how the sUAS will be operated under this Waiver. All training and demonstration for all remote PICs and VO(s) must be documented and made available upon request by the Administrator or an authorized representative. Training operations may only be conducted under the standard requirements of part 107 (without waiver). The training must include:
 - a. sUA limitations,
 - b. sUA programming,
 - c. sUA operational procedures,
 - d. Abnormal procedures,
 - e. Air traffic avoidance procedures,
 - f. Crew Resource Management,
 - g. sUA flight training, and
 - h. Demonstration of sUA ground and flight skills.
16. 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. Verification of geo-fence boundaries,
 - e. Verification of flight profile, and course,
 - f. Procedures for avoidance of other aircraft, and
 - g. Procedures for operating under this Waiver.
17. Communication between the remote PIC and VO 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 in accordance with § 107.37,
 - b. React to any unforeseen 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.
18. 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. Full-duplex communications cannot be maintained consistently between the remote PIC and any VO participating in the operation,
 - d. sUAS control link is lost,
 - e. A non-participating aircraft enters the designated flight operating area,
 - f. GPS signal is lost, or
 - g. sUA GPS location information is degraded.
19. The Responsible Person must 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 120-92 as revised. This program must be made available upon request by the Administrator.

20. No sUA flight that occurs under this Waiver may carry the property of another for compensation or hire.
21. The Responsible Person must keep at its principal business office or at other places approved by the Administrator, and email the Administrator at 9-afs-820-Part107Reports@faa.gov on the first business day of each month (accounting for weekends and Federal holidays), 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, time, duration, and route of sUA flight,
 - ii. Registration number of the sUA,
 - iii. Name and certificate number of the remote PIC,
 - iv. Name and specific route location of the VO for the sUAS operation,
 - v. The name and specific route location of any additional persons who acted as VO(s),
 - vi. Duration of the sUA operation,
 - vii. Number of other aircraft detected within 1000 feet vertical and 2 statute miles horizontal feet of the route of sUA flight, and
 - viii. Number of avoidance maneuvers, sUA launch time changes, and 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. Small UAS 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 GPS 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.
22. Within 72 hours of an sUA failure the Responsible Person must send an email to 9-afs-820-Part107Reports@faa.gov. The email must include at least:
 - a. Date, time, and location of failure,
 - b. A description of events leading up to the failure,
 - c. Name of the remote PIC,
 - d. If the sUA impacted a person, and
 - e. Any injuries caused to a person.

TECHNICAL PROVISIONS

23. Operations conducted under this Waiver may only occur with the make and model sUAS described in the waiver application. Proposed operations of any other make or model of sUAS will require a new waiver application or a request to amend this Waiver.
24. All sUAS operations conducted in accordance with this Waiver must adhere to all manufacturer guidelines, recommendations, and limitations that apply to the sUAS.
25. The Responsible Person must maintain each sUAS and its components in accordance with the 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. The Responsible Person must keep a log of all maintenance performed 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. The Responsible Person must present each sUAS maintenance log 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.
26. 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. Name of remote PIC who performed the functional test flight,
 - d. Duration of the flight, and
 - e. The result of the functional flight test.
27. A functional test flight may only be conducted under the standard requirements of part 107 (without waiver).
28. The sUA must have high visibility markings and lighting to increase the conspicuity of the sUA.
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 and 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. Launch and 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.

32. Prior to conducting operations under this Waiver, the remote PIC must determine all C2 links used in the sUAS will maintain the ability to control the sUA 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 the ability to direct the sUA to ensure compliance with the applicable provisions of this chapter.
33. If the remote PIC loses command or control link with the sUA, the sUA must follow a predetermined route to either reestablish link as soon as possible or immediately recover and land at a predesignated location as soon as it is safe to do so.
34. 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. A reliable back-up communication method must be ready for use.
35. ADS-B out (1090/978 MHz) may not be transmitted from the sUAS when operating pursuant to this Waiver.
36. 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. Small UAS operations under this Waiver may not use an FCC experimental authorization.

ENVIRONMENTAL PROVISIONS

37. The sUA must not sustain flight over any non-participating human beings and must not be operated lower than 120 feet above any non-participating human being.
38. Operations conducted within 3 statute miles of a public or military use airport must not occur under this Waiver.
39. The sUA may only operate over sparsely populated areas.
40. Operations conducted under this Waiver are limited to the routes beginning at the distribution center described in the waiver application and the following locations:
 - a. 35°26'23.5"N 80°51'51.6"W, and
 - b. 35°24'25.2"N 80°51'42.6"W.