



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

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

August 14, 2015

Exemption No. 12473  
Regulatory Docket No. FAA-2015-2217

Mr. Justin Marx  
marX The Spot Films Inc.  
1411 Jackson Street  
Hollywood, FL 33020

Dear Mr. Marx:

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

By letter dated May 21, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of marX The Spot Films Inc. (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial photography, motion picture filming, and videography.

See Appendix A for the petition submitted to the FAA describing the proposed operations and the regulations that the petitioner seeks an exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner.

### Airworthiness Certification

The UAS proposed by the petitioner is the DJI S1000, DJI Inspire, Freefly ALTA, and the Cinestar 8HL.

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 collection<sup>1</sup> 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, marX The Spot Films 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.

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<sup>1</sup> 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, marX The Spot Films 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 S1000, DJI Inspire, Freefly ALTA, and the Cinestar 8HL 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.ntsb.gov](http://www.ntsb.gov).

If this exemption permits operations for the purpose of closed-set motion picture and television filming and production, the following additional conditions and limitations apply.

29. The operator must have a motion picture and television operations manual (MPTOM) as documented in this grant of exemption.
30. At least 3 days before aerial filming, the operator of the UAS affected by this exemption must submit a written Plan of Activities to the local Flight Standards District Office (FSDO) with jurisdiction over the area of proposed filming. The 3-day notification may be waived with the concurrence of the FSDO. The plan of activities must include at least the following:
  - a. Dates and times for all flights;
  - b. Name and phone number of the operator for the UAS aerial filming conducted under this grant of exemption;
  - c. Name and phone number of the person responsible for the on-scene operation of the UAS;
  - d. Make, model, and serial or N-Number of UAS to be used;
  - e. Name and certificate number of UAS PICs involved in the aerial filming;
  - f. A statement that the operator has obtained permission from property owners and/or local officials to conduct the filming production event; the list of those who gave permission must be made available to the inspector upon request;
  - g. Signature of exemption holder or representative; and
  - h. A description of the flight activity, including maps or diagrams of any area, city, town, county, and/or state over which filming will be conducted and the altitudes essential to accomplish the operation.
31. Flight operations may be conducted closer than 500 feet from participating persons consenting to be involved and necessary for the filming production, as specified in the exemption holder's MPTOM.

Unless otherwise specified in this grant of exemption, the UAS, the UAS PIC, and the UAS operations must comply with all applicable parts of 14 CFR including, but not limited to, parts 45, 47, 61, and 91.

This exemption terminates on August 31, 2017, unless sooner superseded or rescinded.

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service

Enclosures

May 21, 2015

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

Re: Summary Processing: Exemption Request for marX The Spot Films Inc., Under Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations From; 14 C.F.R. §§ 61.113(a) and (b); 91.119(c); 91.121; 91.151(a); 91.405(a); 91.407(a)(1); 91.409(a)(2); 91.417(a) and (b).

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, marX The Spot Films Inc., Inc. (“marX The Spot Films Inc.”) operator of Unmanned Aircraft Systems (“UASS”) equipped to conduct commercial flights for aerial photography, motion picture filming, & videography (hereinafter “the Purpose”), hereby applies for an exemption from the listed Federal Aviation Regulations (“FARs”) to allow commercial operation of its UASs, so long as such operations are conducted subject to, and in accordance with the conditions outlined herein, or as may be established by the FAA in an exemption granted under either Section 333 or 49 U.S.C. § 44701(f). marX The Spot Films Inc. will accept the conditions set forth in Exemptions Nos. 11062 and its progeny Nos. 11063 through 11067, 11080, 11150, 11158, 11160, 11161, and 11172 (“the Similar Exemptions). marX The Spot Films Inc., respectfully requests summary approval of this exemption request.

marx The Spot Films Inc. seeks to operate the following UAVs it currently posses under the exemption.

- DJI S1000 Octocopter - SN - W13DCC05020145
- DJI Inspire Quadcopter 1 SN - 02V0024420
- Freefly systems ALTA - 8 Motor, Quad Arm - SN - MTSFFFSA2015
- Freefly systems Cinestar 8HL - SN-MTSFCS82014

As with the approval of the Similar Exemptions, approval of this exemption would thereby enhance public safety and fulfill the Secretary of Transportation's (the FAA Administrator's) responsibilities to "...establish requirements for the safe operation of such aircraft systems in the national airspace system." Section 333(c) of the Reform Act. Id. § 333(c). The name and address of the applicant is:

marX The Spot Films Inc.

Justin Marx

1411 Jackson Street

Hollywood FL 33020

Ph.: 305-607-0235

**Regulations from which the exemption is requested:**

14 C.F.R. § 61.113(a) and (b) 14 C.F.R. § 91.11914 C.F.R. § 91.121

14 C.F.R. § 91.151(a)

14 C.F.R. § 91.405(a)

14 C.F.R. § 407(a)(1)

14 C.F.R. § 409(a)(2)

14 C.F.R. § 417(a) and (b)

This exemption application is expressly submitted to fulfill Congress' goal in passing Section 333(a) through (c) of the Reform Act. This law directs the Secretary of Transportation to consider whether certain unmanned aircraft systems may operate safely in the national airspace system (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). Lastly, 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)

The Federal Aviation Act, in addition to the authority granted by Section 333 of Reform 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, that includes UASs, from the requirement that all civil aircraft must have a current airworthiness certificate.

The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any sections 44702-44716 of the Transportation Act if the Administrator finds the exemption in the public interest. 49 U.S.C. § 44701(f). See also 49 U.S.C. §§ 44711(a), 44704; 14 C.F.R. § 91.203(a)(1).

marX The Spot Films Inc. is a film production company that incorporates the use of aerial cinematography and videography into the television and film industry, and the corporate sector.

marX The Spot Films Inc. UASs are rotorcraft, weighting 55 pounds or less including payload. They operate, under normal conditions at a speed not exceeding 50 knots and have the capability to hover, and move in the vertical and horizontal planes.

They will operate at altitudes not exceeding 400 feet, as further specified, and only in line of sight. They will operate only within the sterile areas as described in the marX The Spot Films Inc. Flight Operations Manual.

In support of this application, marX The Spot Films Inc. is submitting, the following manuals (hereinafter “the manuals”)

- Futaba 14SG 14 Channel Transmitter Operating manual (document attached)
- Graupner MZ-24 12 Channel Transmitter Operating manual (document attached)
- marX The Spot Films Inc. Motion Picture and Television Operations manual (document attached)
- DJI INSPIRE 1 UAS Aircraft Operating Manual, Exhibit 4 (document attached)
- DJI S1000 UAS Operating Manual, Exhibit 5 (document attached)
- DJI A2 Flight Control system (document attached)

Operations in compliance with these manuals will insure that the UAS will “not create a hazard to users of the national airspace system, the public, the PIC, and the film production crew” and that the aircraft will operate in compliance with the conditions set forth in this application.

Given the small size of the UASs involved and the restricted environment within which they will operate, the applicant falls squarely within that zone of safety (an equivalent level of safety) in which Congress envisioned that the FAA must, by exemption, allow commercial operations of UASs to commence immediately. Also due to the size of the UASs, the restricted areas in which the relevant UASs will operate and the fact that aircraft will be flown by pilots holding at least a FAA private pilot license, approval of the application presents no national security issue. Given the clear direction in Section 333 of the Reform Act, the authority contained 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, reduction in environmental impacts, including reduced emissions associated with allowing battery powered UASs for these functions instead of turbine or gas power aircraft/rotorcraft and operations with pilots having at least a private pilot license, the grant of the requested exemptions is in the public interest. Accordingly, the applicant respectfully requests that the FAA grant the requested exemption without delay.

#### **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 an equivalent or higher level of safety to operations under the current regulatory structure because the proposed operations represent a safety enhancement to the currently “deemed safe” movie and television filming operations that are conducted with conventional aircraft.*

marX The Spot Films Inc. notes that it has requested that a Certificate of Authorization (COA) not be required for flight at or below 400 feet AGL, in Class G airspace and outside of 5 nautical miles from the geographic center of an airport where a letter of agreement has not been entered into with the airport management.

The limitations and conditions to which marX The Spot Films Inc. agrees to be bound when conducting commercial operations under an FAA issued exemption are as follows:

1. The UAS must weigh less than 55 pounds, including energy source(s) and equipment. Operations will be limited to the aircraft described in the proprietary manuals:
2. The UA may not be flown at a ground speed in excess of 50 knots.
3. Flights must be operated at an altitude of no more than 400 feet above ground level (AGL) as indicated by the procedures specified in the “operators’ manuals”. All altitudes reported to ATC must be in feet AGL.
4. 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 medical certificate.

5. All operations must utilize a visual observer (VO). 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.
6. Prior to each flight the PIC will inspect the UAS to ensure that it is airworthy, and in condition for a safe flight. If the inspection reveals a condition that affects the safe operation of the UAS, the aircraft will not be operated until the necessary maintenance or repair has been performed and the UAS is found to be airworthy and in condition for safe flight. The Ground Control Station, if utilized, will be included in the preflight inspection. All maintenance, modifications, and repairs will be properly documented in the aircraft records.
7. Any UAS that has undergone maintenance or modifications that affect the operation or flight characteristics of the UAS, e.g. replacement of a flight critical component, must undergo a functional test flight in accordance with the “manual”. The PIC who conducts the functional test flight must document it with an entry in the UAS aircraft records of the flight. The requirements and procedures for a functional test flight and a protocol for aircraft record entry must be added to the “manuals”.
8. The operator will follow the manufacturer’s UAS aircraft and component maintenance, overhaul, replacement, inspection, and life limit requirements.
9. The PIC will possess at minimum, a private pilot certificate and a State Issued Drivers License. The PIC will also meet the flight review requirements specified in 14 C.F.R. § 61.56 in an aircraft in which the PIC is rated on his or her pilot certificate.
10. Prior to operations conducted for the Purpose, the PIC will have accumulated and logged, in a manner consistent with 14 C.F.R. § 61.51(b), 25 hours of total time as a UAS rotorcraft pilot and at least ten hours logged as a UAS pilot with a similar UAS type (single blade or multi-rotor). Prior documented flight experience that was obtained in compliance with applicable regulations will be used to satisfy this requirement. Training, proficiency, and experience building flights may also be conducted under this exemption to accomplish the required flight cycles and flight time. During training, proficiency, and experience building flights, all persons not essential for flight operations will be considered non-participants, and the PIC will operate the SUAS with appropriate distance from non-participants in accordance with 14 C.F.R. § 91.119.
11. Prior to operations conducted for the purpose of motion picture filming (or similar operations), the PIC must have accumulated and logged, in a manner consistent with 14 C.F.R. § 61.51(b), a minimum of five hours as UAS pilot, operating the make and model of UAS to be utilized for operations under the exemption, in addition to three take-offs and landings within the preceding 90 days.

Under this exemption, the PIC must operate the UA an appropriate distance away from nonparticipants in accordance with 14 C.F.R. § 91.119., during training, proficiency, experience building, and take off and landing flights in order to accomplish the required flight time and to remain current within the prescribed 90 day period. “Nonparticipants” are defined as all persons who are not essential for flight operations.

The UA will not be operated directly over any person, or below an altitude that is hazardous to persons or property on the surface in the event of a UAS failure or emergency, except for authorized and consenting personnel that are necessary for the “purpose”,

12. 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 and / or;
- b) The aircraft is operated near vessels, vehicles or structures where the owner/controller of such vessels, vehicles or structures has granted permission 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, and;
- c) Operations nearer to the PIC, VO, operator trainees or essential persons do not present an undue hazard to those persons per § 91.119(a).

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.

See, Exemptions 11170, 11172 and 1117 for proposed language.

13. Prior to any flight “operator” will only be required to obtain an Air Traffic Organization (ATO) issued Certificate of Waiver or Authorization (COA) for flights that are conducted at heights greater than 400 AGL; in other than Class G airspace; and closer than 5 miles from the geographic center of a non-towered airport, without a letter of agreement with the airport manager. If requested, Operator will provide telephonic advanced notice to an ATO or file a NOTAM for any flight not requiring a COA.

14. If the UAS loses communications or loses its Global Positioning System (GPS) signal, the UA will be programmed to return to a pre-determined location within the security perimeter and land or be recovered in accordance with the “manual”.

15. The UAS will abort the flight in the event of unpredicted obstacles or emergencies in accordance with the “manual”.

16. Each UAS operation will be completed within 30 minutes flight time or with 25% battery power remaining, whichever occurs first.
17. All aircraft operated in accordance with this exemption will be identified by serial number, registered in accordance with 14 C.F.R. part 47, and have identification (N- Number) markings in accordance with 14 C.F.R. part 45, subpart C. Markings will be as large as practicable.
18. The operator will institute procedures to document and maintain a record of the UAS maintenance, preventative maintenance, modifications, overhaul or replacement of component parts and the total time in service of the UAS.
19. Each UAS operated under this exemption will comply with all manufacturer Safety Bulletins.
20. The operator will develop UAS technician qualification criteria. These criteria will be added to the Manual.
21. Before conducting operations, the radio frequency spectrum used for operation and control of the UA will comply with the Federal Communications Commission (FCC) or other appropriate government oversight agency requirements.
22. The documents required under 14 C.F.R. §§ 91.9 and 91.203 will be available to the PIC at the ground control station of the UAS any time the aircraft is operating. These documents will be made available to the Administrator or any law enforcement official upon request.
23. The UA will remain clear of and yield the right of way to all other manned operations and activities at all times (including, but not limited to, ultra light vehicles, parachute activities, parasailing activities, hang gliders, etc.).
24. UAS operations will not be conducted during night, as defined in 14 C.F.R. § 1.1. All operations will be conducted under visual meteorological conditions (VMC). Flights under special visual flight rules (SVFR) will not be undertaken.
25. The UAS will not be operated by the PIC from any moving device or vehicle.
26. The UA will 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

27. The UA will not operate in Class B, C, or D airspace without written approval from the FAA. The UA will not operate within 5 nautical miles of the geographic center of a non-towered airport as denoted on a current FAA-published aeronautical chart unless a letter of agreement with that airport's management is obtained, and the operation is conducted in accordance with a NOTAM as required by the operator's COA. The letter of agreement with the airport management will be made available to the Administrator upon request.

28. Any incident, accident, that occurs within the boundaries of the operational area as defined by the applicable COA will be reported to the Federal Aviation Administration's (FAA) UAS Integration Office (AFS-80) within 24 hours. Accidents will be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: [www.ntsb.gov](http://www.ntsb.gov). Further flight operations will cease until such time as the incident, accident, or transgression is reviewed by UAS Integration Office (AFS-80) and authorization to resume operations is provided.

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 C.F.R. including, but not limited to, parts 45, 47, 61, and 91.

**14 C.F.R. § 61.113(a) and (b): Private Pilot Privileges and Limitations: Pilot in Command.**

Sections 61.113(a) and (b) limit private pilots to non-commercial operations. Because the UAS will not carry a pilot or passengers, the proposed operations can achieve the equivalent level of safety of current operations by requiring the PIC operating the aircraft to have a private pilot's license rather than a commercial pilot's license to operate this small UAS. Unlike a conventional aircraft that carries the pilot and passengers, the UAS is remotely controlled with no living thing on board. The area of operation is controlled and restricted, and all flights are planned and coordinated in advance as set forth in the Manual. The level of safety provided by the requirements included in the Manual exceeds that provided by a single individual holding a commercial pilot's certificate operating a conventional aircraft. The risks associated with the operation of the UAS are so diminished from the level of risk associated with commercial operations contemplated by Part 61 when drafted, that allowing operations of the UAS as requested with a private pilot as the PIC exceeds the present level of safety achieved by 14 C.F.R. § 61.113(a) and (b). The FAA has granted exemptions for private pilots to conduct similar operations in Exemptions 11062, 11063, 11064, 11065, 11066, 11067 and 11080.

## **14 C.F.R. § 91.119: Minimum Safe Altitudes.**

Section 91.119 establishes safe altitudes for operation of civil aircraft. Section 91.119(d) allows helicopters to be operated at less than the minimums prescribed, provided the person operating the helicopter complies with any route or altitudes prescribed for helicopters by the FAA. As this exemption is for a UAS that is a helicopter and the exemption requests authority to operate at altitudes up to 400 AGL an exemption may be needed to allow such operations. As set forth herein, except for the limited conditions stated in the Manual and in condition #3, page 3, the UAS will never operate at higher than 400 AGL.

The equivalent level of safety will be achieved given the size, weight, speed of the UAS as well as the location where it is operated. No flight will be taken without the permission of the property owner, facility owner and local officials. Because of the advance notice to the property owner and participants, all affected individuals will be aware of the planned flight operations as set forth in the Manual. Compared to flight operations with aircraft or rotorcraft weighing far more than the maximum 55 lbs. proposed herein and the lack of flammable fuel, any risk associated with these operations is far less than those presently presented with conventional aircraft operating at or below 500 AGL in the aerial photography industry. In addition, the low-altitude operations of the UAS will ensure separation between these small-UAS 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, 11063, 11064, 11065, 11066, 11067 and 11080.

## **14 C.F.R. § 91.121: Altimeter Settings.**

This regulation requires each person operating an aircraft to maintain cruising altitude by reference to an altimeter that is set "...to the elevation of the departure airport or an appropriate altimeter setting available before departure." As the UAS in at least one operating mode will not have a barometric altimeter, but instead a GPS altitude read out, an exemption will be needed. An equivalent level of safety will be achieved by the operator, pursuant to the Manual and Safety Check list, confirming the altitude of the launch site shown on the GPS altitude indicator before flight. The FAA has granted exemptions to conduct similar operations in Exemptions 11062, 11063, 11064, 11065, 11066, 11067 and 11080.

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

Section 91.151(a) 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 battery powering the UAS provides approximately 40 minutes of powered flight. To meet the 30 minute reserve requirement in 14 C.F.R. § 91.151, UAS flights would be limited to approximately 10 minutes in length. Given the limitations on the UAS’s proposed flight area and the location of its proposed operations within a predetermined area, a longer time frame for flight in daylight or night VFR conditions is reasonable.

Applicant believes that an exemption from 14 C.F.R. § 91.151(a) falls within the scope of prior exemptions. See Exemption 10673 (allowing Lockheed Martin Corporation to operate without compliance with FAR 91.151(a)). Operating the small UAS, in a tightly controlled area where only people and property owners or official representatives who have signed waivers will be allowed, with less than 30 minutes of reserve fuel, does not engender the type of risks that Section 91.151(a) was intended to alleviate given the size and speed of the small UAS.

Applicant believes that an equivalent level of safety can be achieved by limiting flights to 30 minutes or 25% of battery power whichever happens first. This restriction would be more than adequate to return the UAS to its planned landing zone from anywhere in its limited operating area.

Similar exemptions have been granted to other operations, including Exemptions 2689F, 5745, 10673, 10808 and Exemptions 11062, 11063, 11064, 11065, 11066, 11067 and 11080.

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

These regulations require 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...,” and others shall inspect or maintain the aircraft in compliance with Part 43. Given that these section and Part 43 apply only to aircraft with an airworthiness certificate, these sections will not apply to the applicant. An equivalent level of safety will be achieved because these small UASs are very limited in size and will carry a small payload and operate only in areas for limited periods of time. If mechanical issues arise the UAS can land immediately and will be operating from no higher than 400 feet AGL. 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 performed. Moreover, the operator is the person most familiar with the aircraft and best suited to maintain the aircraft in an airworthy condition to provide the equivalent level of safety. The FAA has granted exemptions for similar operations in Exemptions 11062, 11063, 11064, 11065, 11066, 11067 and 11080.

Pursuant to 14 C.F.R. part 11, the following summary is provided for publication in the Federal Register, should it be determined that publication is needed:

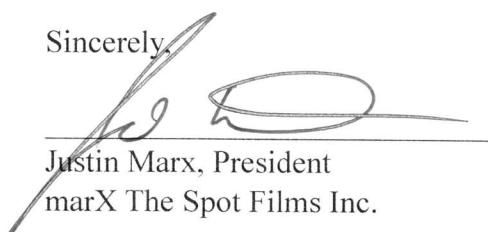
Applicant seeks an exemption from the following rules:

14 C.F.R. §§ 61.113(a) and (b); 91.7(a); 91.119; 91.121; 91.151(a); 91.405(a); 91.407(a)(1); 91.409(a)(2); 91.409(a)(2) and 91.417(a) and (b) to operate commercially a small unmanned vehicle (55 lbs. or less) in motion picture and television operations.

Approval of exemptions allowing commercial operations of UASs for filming and videography for motion picture and television work will enhance safety by greatly reducing the current risk associated with conventional operations using jet or piston powered aircraft. These aircraft operate at extremely low altitudes, sometimes only a few feet from the subject being filmed and in extreme proximity to people and structures. They also present the risks associated with vehicles that weigh approximately 4,000 lbs., and carry large amounts highly combustible fuel. In addition, such aircraft must fly to and from the project location thereby increasing the geographic area of risk. In contrast, a UAS weighing fewer than 55 lbs. and powered by batteries eliminates virtually all of the risk associated with conventional aircraft. Since the UAS is transported rather than flown to the location at which it will be used, it does not require any crew or contain passengers, and therefore does not expose individuals to the risks associated with manned aircraft flights.

Satisfaction of the criteria provided in Section 333 of the Reform Act of 2012 pertaining to size, weight, speed, operating capabilities, proximity to airports and populated areas and operation within visual line of sight and national security provide more than adequate justification for the requested exemptions to be granted, thus allowing commercial operation of applicant's UAS for the Purposes outlined herein and are consistent with exemptions already granted, including the Similar Exemptions (11062 through 11067, 11080, 11150,11158 11160,11161 and 11172 ).

Sincerely,



Justin Marx, President  
marX The Spot Films Inc.

5/21/2015  
Date: