

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.**

IN THE MATTER OF

Petition of Douglas Trudeau for Amendment to Exemption No. 11138

Docket Number: FAA-2014-0481

COMMENTS OF THE SMALL UAV COALITION

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Introduction

The Small UAV Coalition¹ is pleased to provide its comments in support of the petition by Douglas Trudeau (“Trudeau”) for an amendment to Exemption No. 11138 to permit Trudeau to operate its small unmanned aircraft system (“sUAS”) for real estate purposes throughout the State of Arizona (1) using a trained and experienced pilot who does not hold an airman certificate; (2) operating over a densely populated area; (3) operating over public property; (4) operating closer than 5 miles to an airport; and (5) operating closer than 500 feet from any non-participating person or structure.

Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of small UAVs in the near term, within and beyond the line of sight, with varying degrees of autonomy, for commercial, consumer, recreational and philanthropic purposes. We applaud the Federal Aviation Administration (“FAA”) for accelerating the pace of exemptions. The Coalition believes there are additional steps the FAA can take to broaden the authority to conduct commercial operations. In particular, the FAA has the authority and the discretion to grant the relief requested by Trudeau and revise: (1) the standard condition requiring the operator to hold an airman certificate to require Trudeau to be trained and experienced in operating the particular sUAS in the real estate environment; (2) the standard condition requiring all operations be conducted over private property with owner consent; and (3) the standard condition requiring a distance of 500 feet from any nonparticipating person or structure. In two other respects, Trudeau seeks to have standard conditions be revised to reflect current FAA policy, and the Coalition supports this request.

¹ Members of the Small UAV Coalition include 3D Robotics, AirMap, AGI, Amazon Prime Air, Botlink, DJI Innovations, Drone Deploy, Flirtey, Google[x] Project Wing, GoPro, Intel, Kespri, Parrot, PrecisionHawk, Strat-Aero, Verizon Ventures, and Zero Tech.

Airman certification

The Coalition supports Trudeau's request to use a non-FAA certificated pilot to operate the sUAS. The Coalition, in its comments to the FAA's sUAS proposed rule, urged the FAA to adopt small UAS operator qualifications that match the skills necessary to operate the particular UAV as well as the basic knowledge gained in FAA ground school training. The FAA is proposing to require a small UAS operator to pass an aeronautical knowledge test, and not require the holding of a commercial, private, recreational, or sport pilot certificate. 80 Fed. Reg. at 9588 (proposed Part 107, Subpart C). For real estate photography and videography, which for Trudeau involves operating between 64-124 feet AGL, there may be even less of a need to understand certain airspace rules. As the Coalition has stated in its comments on the sUAS proposed rule and in comments in section 333 proceedings, the FAA has the statutory exemption authority and discretion to exempt a UAS operator from the airman certification requirements in Part 61.

Operating over densely populated areas

Trudeau seeks a revision of the condition in Exemption 11138 that prohibits operations over densely populated areas. That condition is no longer a standard condition in exemptions granted under section 333, and thus the Coalition supports removal of this condition.

Operations closer than 5 miles to an airport

Trudeau notes that the FAA has since modified the minimum distance from airports condition to allow operations closer than 5 miles to an airport if the operator obtains a letter of agreement with the airport operator or the operations are permitted in the operator's Certificate of Authorization ("COA"). The Coalition agrees that Trudeau's exemption should be revised to reflect current FAA policy.

Operations over public property

Trudeau seeks a revision of the standard condition that requires all operations to be conducted "over private or controlled-access property with permission from the property owner/controller or authorized representative." Trudeau explains, "There are numerous areas where there is public land where elevated views would provide a better perspective of local communities for those unfamiliar with the area." He suggests the condition be revised to allow operations also over public land, so that the condition would read:

Any operations conducted over private or controlled-access property shall require permission from the land owner/controller or authorized representative. Permission from property owner/controller or authorized representative will be obtained for each flight to be conducted.

The Coalition supports Trudeau's request, in recognition that there are vast tracts of public land throughout the United States as well as smaller areas or narrower corridors of public land in municipal and residential areas, where sUAS operations may be conducted without risk to

persons on the ground. We do not believe this condition was intended to prohibit all operations over public lands.

The Coalition also seeks clarification that the requirement for permission for “each flight” may be provided in advance of the first flight, covering a number of flights to be conducted over time. For example, if a realtor plans to operate a sUAS over a period of two weeks, the realtor could obtain consent for these operations before the first flight, and not need to seek separate permission before each flight.

Operations closer than 500 feet from nonparticipating persons and structures

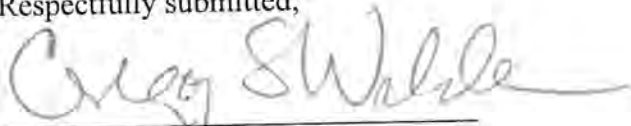
Trudeau points out that the required distance of 500 feet from structures “eliminates numerous potential homes and commercial businesses that can benefit from this technology.” He notes that operating his micro UAS will involve a much lower and manageable risk. The Coalition believes that this distance is neither necessary nor practical for many sUAS operations including real estate photography and videography, considering that these operations are conducted within the visual line of sight of the pilot, during daylight hours, and in good weather.

The FAA recently granted exemption authority to conduct operations closer than 500 feet from persons not involved in the UAS operation. See Exemption No. 13465 (undated) to Kansas State University, Docket No. FAA-2014-1088. The three conditions the FAA lists in Exemption No. 13465 for operations closer than 500 feet from persons who are not involved in the sUAS operation are: (1) the operator must notify these persons and obtain their consent; (2) the operator must have an operations manual that addresses the safety risks posed by such operations; and (3) the operator must file a plan of activities with the local Flight Standards District Office (“FSDO”) at least 24 hours before initiating operations.

In sUAS operations for real estate purposes, which involve very low altitude operations, we believe notice to adjoining landowners is prudent practice and will ensure that nonparticipating persons are aware of the sUAS operations. (Such notice should be required for sUAS operations at higher altitudes where the sUAS is merely transiting the airspace over private properties.) Beyond the notice requirement, however, we seek clarification whether notice to the FSDO is required in each instance, rather than before initiating operations for the first time. The Coalition supports the latter policy. Once a safe operation is assured, there is no need for the operator to consult with the FSDO before each subsequent operation unless the circumstances of the operations are materially different.

Moreover, the FAA does not include any notice to persons or the FSDO in its sUAS proposed rule. Proposed section 107.39 concerns operations “over” nonparticipating persons, and does not propose any lateral distance from either persons or structures. Accordingly, the Coalition supports Trudeau’s request to operate closer than 500 feet from nonparticipating persons and structures in his real estate operations, under the conditions and limitations in Exemption 11138, as would be amended consistent with his petition for amendment.

Respectfully submitted,



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