

ALERT

FAA Grants UAS Exemptions for Real Estate Photography and Precision Agriculture

January 7, 2015

The Federal Aviation Administration (FAA) announced on January 6, 2015, that it granted two regulatory exemptions for commercial use of unmanned aircraft systems (UAS) for real estate photography and precision agriculture uses. The FAA has been issuing grants under Section 333 of the FAA Modernization and Reform Act of 2012 to qualified applicants to expedite integration of UAS into the National Airspace System. The January 6 grants are the 13th and 14th to be issued pursuant to Section 333.

Grant of Exemption to Douglas Trudeau

The FAA granted a regulatory exemption to permit Douglas Trudeau with Tierra Antigua Realty to fly a Phantom 2 Vision + quadcopter to enhance academic community awareness for companies and individuals unfamiliar with the geographical layout of the metro Tucson area and augment real estate listing videos. Trudeau petitioned the FAA to operate the UAS equipped with a small GoPro 3+ camera over various areas near Tucson, Arizona. Trudeau stated that he would operate his UAS below 300 feet and within a radius distance of 1,000 feet from the controller. Trudeau pledged that he would operate only in reasonably safe environments that are strictly controlled and away from power lines, elevated lights, airports and actively populated areas, and that he would conduct extensive preflight inspections and protocols.

The FAA granted Trudeau's request to operate subject to certain restrictions. The FAA prohibited operation over congested or densely populated areas and imposed stand-off distances from persons, vessels, vehicles, and structures. The FAA stated that operations must be conducted at least 500 feet from all nonparticipating persons,

Authors

Sara M. Baxenberg
Partner
202.719.3755
sbaxenberg@wiley.law

Practice Areas

Uncrewed Aircraft Systems (UAS)

vessels, vehicles, and structures unless a) barriers or structures are present that would sufficiently protect non-participating persons in the event of an accident; and/or b) the owner/controller of such structures has granted permission and the pilot-in-command (PIC) has made a safety assessment of the risk of operating closer to those objects and determined it does not present an undue hazard; and c) operations nearer to the PIC, visual observer (VO), operator trainees or essential persons do not present an undue hazard to those persons. The FAA further required that all operations be conducted over private or controlled-access property with permission from the land owner/controller or authorized representative.

Trudeau also requested regulatory relief to operate his UAS without an FAA-certificated pilot. The FAA noted that the agency does not possess the authority to exempt Trudeau from the statutory requirement to hold an airman certificate, as prescribed in 49 USC § 44711. The FAA found that a PIC holding a private pilot certificate and a third-class airman medical certificate would be appropriate for the proposed operations. The FAA also required conditions relating to pilot flight hours necessary to qualify the pilot for Trudeau's proposed operations.

As with previous Section 333 grants, the FAA required that all operations utilize a VO, must not be conducted at night, and must not operate within 5 nautical miles of an airport reference point as denoted on a current FAA-published nautical chart. The FAA required that the UAS remain clear of and yield the right-of-way to all manned aviation operations and activities at all times. The exemption is effective until January 31, 2017. The full text of the exemption is available [here](#).

Grant of Exemption to Advanced Aviation Solutions

The FAA issued a regulatory exemption to Advanced Aviation Solutions LLC (Advanced Aviation) to operate small UAS for precision agriculture purposes. Specifically, the exemption allows Advanced Aviation to use the eBee Ag UAS manufactured by senseFly of Switzerland to conduct photogrammetry and crop scouting on private property. The eBee Ag is a fixed-wing, 1.5 pound UAS.

The conditions of the grant are consistent with exemptions for UAS operations that the FAA has issued previously. Under the grant, the PIC must hold, at a minimum, a private pilot certificate and a third-class airman medical certificate. Operations must use a VO and be conducted in Class G airspace within visual line-of-sight of the PIC. Advanced Aviation may not fly its UAS over congested or densely populated areas, at altitudes higher than 400 feet above ground level, at airspeeds greater than 70 knots, or within 5 nautical miles of an airport. Additionally, the FAA imposed on Advance Aviation the same stand-off distance requirements from persons, vessels, vehicles, and structures that it imposed on Douglas Trudeau, subject to the same exceptions. The exemption is effective until January 31, 2017. The full text of the exemption is available [here](#).