

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

IN THE MATTER OF

Petition of Cape Productions, Inc. for Amendment to Exemption No. 11433

Docket Number: FAA-2015-0223

COMMENTS OF THE SMALL UAV COALITION

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December 11, 2015

Filed with www.regulations.gov

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Introduction

The Small UAV Coalition¹ is pleased to provide its comments in support of the petition submitted by Cooley LLP on behalf of Cape Productions, Inc. (“Cape”) for an amendment to Exemption No. 114338 to permit Cape to operate the 3D Robotics X8+, the 3D Robotics Solo, and DJI Inspire 1 UAVs at outdoor sporting events, such as over ski slopes or mountain trails, within the 500 feet of participants.

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 recently accelerating the pace of exemptions, although 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 permit small UAS operations within 500 feet of persons not involved in the UAS operation under the circumstances proposed in this petition, and should therefore grant this petition.

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, Kespry, Parrot, PrecisionHawk, Strat-Aero, Verizon Ventures, and Zero Tech.

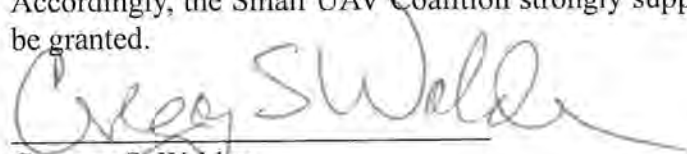
The FAA recently granted exemption authority to conduct operations closer than 500 feet from persons not involved in the UAS operation. See Exemption No. 13465 (undated) to Kansas State University, Docket No. FAA-2014-1088. The FAA stated, at page 10, that a UAV may be operated “over or near people who are not essential flight personnel but are essential for the intended purpose of the operation]” We believe the participants in the events to be covered by Cape, both competitors and spectators, should be regarded as “essential for the intended purpose of the operation.”

Among the safety precautions Cape will take are the following:

1. Cape will obtain consents or waivers from all individuals entering the sporting event area, including the participants in the event; any such person who has not provided consent will be protected by physical barriers.
2. Cape will post appropriate signage where the filming will take place.
3. Cape maintains a security plan to address any safety issue that may arise, such as the entry of an unauthorized person.
4. Cape will notify the nearest FAA Flight Standards District Office (“FSDO”) before the beginning of the event season.
5. Cape will use pre-programmed routes and tracking technology to adjust the flight speed to ensure that an appropriate distance is maintained between the UAV and the event participants.

The three conditions the FAA lists in Exemption No. 13465 for operations closer than 500 feet from these participants are: (1) the operator must brief the participants 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 at least 24 hours before initiating operations. We believe the safeguards Cape will follow meet these three conditions and are more than adequate to ensure the safety of Cape’s operations within 500 feet of the participants and spectators at these sporting events.

Accordingly, the Small UAV Coalition strongly supports Cape’s petition and recommends that it be granted.



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