

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

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**IN THE MATTER OF**

**Petition of Drone Consultants LLC for Exemption**

**Docket Number: FAA-2015-5557**

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**COMMENTS OF THE SMALL UAV COALITION**

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**Introduction**

The Small UAV Coalition<sup>1</sup> is pleased to provide its comments in support of the petition by Drone Consultants LLC (“Drone Consultants”) for an exemption to permit Drone Consultants to operate the DJI Phantom 3 small unmanned aircraft system (“sUAS”) at night.

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. 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 Drone Consultants in its petition.

In comments on the FAA’s sUAS NPRM, the Coalition urged the FAA to revise proposed section 107.29 to allow sUAS operations beyond the proposed window between the hours of official sunrise and official sunset. We stated that FAA should allow nighttime sUAS operations where such operations may be conducted safely without any appreciable increase in risk to other aircraft or persons on the ground and where the sUAS operator is able safely to perform the see-or detect-and-avoid responsibilities.

Accordingly, the Coalition urged the FAA to revise this section to allow the Administrator or his delegate to authorize nighttime operations, through exemption, deviation authority (certificate of waiver or authorization), or certification, upon a demonstration of a level of safety equivalent to daylight operations, in consideration of the technological capabilities of the sUAS – including any lighting equipment – the capability of the sUAS operator, the presence of one or more visual

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<sup>1</sup> Members of the Small UAV Coalition include AirMap, AGI, Amazon Prime Air, Botlink, Flirtey, Google[x] Project Wing, Intel, Kespri, PrecisionHawk, Strat-Aero, T-Mobile, Verizon Ventures, and Zero Tech.

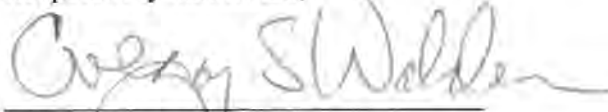
observers, the particular use scenario, and the operating environment, including the degree of illumination. The Coalition believes the authority Congress provided in section 333 of the FAA Modernization and Reform Act of 2012 gives the FAA the discretion to authorize nighttime operations in advance of and independent of its sUAS rulemaking.

Drone Consultants explains that it will use only the DJI Phantom 3 sUAS model, which is equipped with Light-Emitting Diode (“LED”) lighting, and thus is more visible at night than during daylight hours. Drone Consultants’ pilot has logged over 4,500 hours of nighttime flying manned helicopters, and so is well experienced with all aspects of night flying, including depth perception and being acquainted with the “common visual illusions all pilots who fly at night experience.” Night operations will be conducted below 200 feet AGL, and will not be flown in “dark night” conditions, so there will always be some illumination to ensure the avoidance of obstacles such as power lines or cell towers. The Coalition agrees with Drone Consultants that the Phantom 3’s system of solid red and flashing green lights will provide an equivalent level of safety as that provided in FAR 91.205 and 91.209.

The Coalition supports these conditions to ensure that sUAV operators are properly trained in nighttime operations and that such operations do not pose an increased risk to persons or property on the ground.<sup>2</sup>

For the reasons stated above, the Coalition supports Drone Consultants’ petition.

Respectfully submitted,



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<sup>2</sup> The Coalition has previously supported the petitions of Industrial Skyworks (FAA 2014-1060), Ars Electronica (FAA 2014-1095), Aerobo (FAA 2014-0400), SkyPhilly (FAA 2014-0908), Alaska Aerial Media LLC (FAA 2015-0173), Firestorm UAV (2015-0931), Unmanned Services, Inc. (FAA 2015-1302), and Walt Disney Parks and Resorts (FAA 2015-8680) to conduct nighttime operations.