

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

IN THE MATTER OF

Petition of Patrick Tohill for Exemption

Docket No. FAA-2020-0226

COMMENTS OF THE SMALL UAV COALITION

Gregory S. Walden
McGuireWoods Consulting, LLC
2001 K Street NW, 4th floor
Washington, DC 20006
Counsel to the Small UAV Coalition

June 8, 2020

Filed with www.regulations.gov

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

IN THE MATTER OF

Petition of Patrick Tohill for Exemption

Docket No. FAA-2020-0226

COMMENTS OF THE SMALL UAV COALITION

The Small UAV Coalition¹ is pleased to provide its comments in support of the petition by Patrick Tohill (“Tohill”) for an exemption pursuant to 49 U.S.C. 44807² to allow Tohill to operate the Freely Systems, Inc. Alta X, an unmanned aircraft weighing more than 55 lbs., but less than 70 lbs., for closed-set filming.³

Unmanned aircraft systems (“UAS”) offer a safe and efficient means of conducting a variety of operations, including filming for motion pictures, music, web, or corporate videos, television programs and commercials, and still photography. Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of UAS in the near term within and beyond the line of sight (BVLOS), with varying degrees of autonomy, for commercial and other civil purposes. This includes UAS weighing over 55 lbs. The Coalition believes that granting this petition will help advance this objective.

Tohill’s UAS will operate below 400 feet above ground level (“AGL”), normally at altitudes of 25 to 100 feet AGL, and within a closed set where persons who are not involved with the filming will not be present. All flights will be within the visual line of sight of the remote pilot, who will be assisted by a Visual Observer with whom the remote pilot will be in constant contact. The UAS will be geo-fenced to remain within the airspace above the closed filming set. Tohill’s consultant notes that Tohill has conducted closed set filming UAS operations under Part 107 for four years without incident.

¹ Members of the Small UAV Coalition are listed at www.smalluavcoalition.org.

² Tohill seeks an exemption under section 333 of the FAA Modernization and Reform Act. That section was repealed and replaced by section 347 of the FAA Reauthorization Act of 2018, codified in 49 U.S.C. 44807.

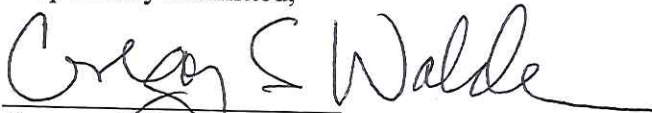
³ The Alta X has a maximum takeoff weight including payload is 76.9 lbs. Tohill proposes to limit the maximum takeoff weight to 70 lbs.

Tohill holds a Part 107 remote pilot certificate with sUAS rating. The Coalition believes that holding a remote pilot certificate under Part 107 should be sufficient for an operation under section 44807. With the adoption of Part 107, in which a remote pilot certificate with small UAS rating is accepted in lieu of a Part 61 airman certificate, the FAA should similarly accept that remote pilot certificate, with additional UAS-specific training requirements, for UAS over 55 lbs.

The Coalition notes that Tohill's operation could be conducted under Part 107 without requiring any waiver, except for the weight of the UAS. Thus, the Coalition believes that Tohill's operations can be conducted safely without being required to comply the provisions in Parts 45, 61, and 91.

In sum, the Small UAV Coalition supports Tohill's petition for exemption, in consideration of the many safety features detailed in its petition and the particular closed set environment where its operations will avoid the risk to uninvolved persons. Accordingly, the Coalition requests the FAA grant Tohill's petition for exemption.

Respectfully submitted,



Gregory S. Walden
McGuire Woods Consulting, LLC
2001 K Street NW, 4th floor
Washington, DC 20006
202-857-2928
gwalden@mwcllc.com
Counsel to the Small UAV Coalition

June 8, 2020