



Phantom 3 Professional maiden flight.  
Open field flying in beginner mode.

# 10 THINGS TO KNOW when applying for a Section 333 exemption

**M**y daughter Shaye and I started Vertical Information Services, Inc. (VERTX), over a year ago in an effort to help individuals and companies work through the Section 333 Exemption/Rulemaking process. Fortunately, we have been very successful

in navigating this process for our clients and keeping up with the changes along the way. This article covers most of the questions we have received during this time, all of which have at some time or another hindered our clients' ability to move forward with the filing process.

## **Do I have to have a pilot's license to file a Section 333 Exemption Request?**

No, the section 333 exemption request does not require a Pilot's License or a Pilot In Command (PIC) identified at the time of filing. However, once an exemption request is granted you are required (currently) to have a PIC with a minimum of a sport pilot license.

BY ERIC ANDELIN

Our company VERTX has received it's exemption. However, we do not have a licensed pilot on staff at this time. We do have access to qualified local pilots on a contract basis if necessary.

### **Do I have to own a UAS at the time of filing?**

There is no requirement for ownership at the time of filing. However, registration requires proof of ownership and the serial # associated with the UAS. Here's a tip, an N Number (aka Tail Number) is required to register your UAS and these take about three weeks to turn around. I recommend reserving your N Number at the same time the section 333 exemption request is submitted. This ensures you can complete the registration process within the 120 day timeframe allotted for the 333 process.

### **What if I have more than one system I'd like to include in my Exemption Request?**

Most people are considering using more than one system in their business. For the simple reason that no one UAS is suited for all purposes. For example Fixed Wing UAS can cover larger areas such as farm fields whereas Multi-Rotor's will likely perform better in architectural or construction monitoring applications and where oblique photography is required. We recommend including the systems you currently own and ones you may be considering in the near future in your original request. Keep the number of systems reasonable and stick to those that have been named in a previously approved exemption, this will minimize delays in approval. You do not want to be the first to ask for a specific systems approval if you can avoid it,



Looking south along the Hillsborough river towards Tampa Bay.

this will only cause additional review and delay your exemption. Another reason to include multiple systems on your original exemption request is to avoid the addendum process. Once an exemption has been approved the only way to add additional UAS is to submit an addendum. This process will put you back in the queue with all other requests and may take an additional 120 days.

### **What is a closed set and why would I need to include this in my request?**

This may fall under the throw everything in and see if it sticks category. I often get questions about including "closed set" filming into the request: A closed set is a term used in the motion picture and film industry as well as the television industry to designate a location that is closed to all but specific crew and talent involved in the scene. It's usually related to a privacy request from the talent, or from

a director trying to maintain control of a set that is in a public location. Porn often falls into this category... anyone using UAS for porn? If you are truly operating UAS in any of these instances, then you would probably want to include closed set filming in your exemption request. However, for the majority of us who might on occasion capture video for a buildings conceptual design, or a car dealership, or a skateboarder doing tricks in a park, or a boat speeding by in the water, it is not necessary.

### **Is approval of the Section 333 exemption request all I need to operate legally?**

So your exemption request was approved and the team is anxious to get out and collect data. Wait, You need more than just an approved exemption. No, other things you will need include: Registration of your UAS which is required by the FAA and this is a separate process that



Developers contract UAS services all the time. Here a local mix plant is a prime target for removal, making way for Tampa's downtown revitalization.

will take a minimum of three weeks to complete. A licensed pilot to act as your Pilot In Charge (PIC), this person needs to have a minimum number of hours flying the system listed in your exemption. A trained visual observer (VO), this person's job is to assist in the monitoring of the UAS while in flight as well as the area of operations. Operations manuals and flight log books should be prepared and on hand during operation. Of course you should probably consider insurance coverage as well.

### Once I receive FAA authorization where can I fly?

Currently the FAA is including a blanket COA which allows you to operate anywhere in the U.S. with a few limitations. Flights must take place under 200', during daylight hours and within visual line of sight (VLOS), Flights over crowds, densely populated areas, or near airports (2-5 nautical miles depending on the airport) are not allowed. This last one is not a problem if you're flying a DJI system as their flight software has built in restrictions for sensitive areas such as airports. Finally, you are required to obtain permission if flying on private property, and of course must also consider local laws and/or established guidelines.



**Below:** Construction site monitoring is a very popular use for UAS. The image on the left was captured in February with a Phantom 2. The image on the right was captured with a Phantom 3 in September. Note the fisheye look in the Phantom 2's image on the left.

### What if I want to fly higher or closer to an airport or an event?

This can be done through the Certificate of Authorization (COA) process, but only after having received your Section 333 grant of exemption. Each flight requires approval from the FAA, and can be requested in a manner similar to filing a flight plan. This is done via a web portal and requires your FAA exemption Number to access. It is a very good thing to get to know your local airport officials. Specifically the individuals working in the tower and managing the local airspace. It is possible to get access to areas that are

not originally allowed in the blanket COA. Be specific in your request, If your mission is time sensitive explain why, and finally give as much time as possible for officials to review and grant permission. We have a client that has been approved to operate on a major Southern California airport in support of airport infrastructure upgrades.

### If I crash my UAS and replace it do I have to file another Section 333 Exemption Request?

If it's the same make and model of system that was included in your original authorization you do not need to file

another Section 333 Exemption Request. You will however, have to go through the registration process again as the new UAS will have a different serial number.

### What if my Section 333 Exemption Request is denied?

Those reviewing Section 333 Exemption Requests are working hard to keep up with the volume coming in. In addition guidance can change from the time you have submitted to the time that a reviewer receives your request. It is very important to keep up with these changes. If for some reason your request is denied, you have 60 days to respond with supporting material to complete the process successfully. Keep calm right?

### Do I need a lawyer to do this?

In almost all cases a lawyer is not necessary. In fact you can do this yourself if you have the time and patience. As an option there are professionals such as ourselves that offer this as a service taking the frustration out of the process without taking too much out of your wallet. Time is money right? Complete the process in the way that you are most comfortable with. If you are asking for something out of the norm, way out there like you're Amazon's competitor Jet and you want to start a drone delivery service, I'd suggest you contact an Aviation Attorney. If however, you are a surveyor or real estate professional looking to add

UAS to your offerings I would suggest a professional that has successfully completed many of these to guide you through the process. According to the FAA it will take approximately 120 days once submitted. In our experience all of the section 333 Exemption Requests we have been involved in have taken about 90 to 100 days. We always say, the clock doesn't start ticking on your ability to operate legally until you submit. ■

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