



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

May 25, 2022

Exemption No. 19128
Regulatory Docket No. FAA-2022-0401

Mr. Randall Lee
705 Stinnett Dr.
Jonesboro AR 72404

Dear Mr. Lee:

This letter is to inform you that the Federal Aviation Administration (FAA) is granting your petition for exemption. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

The Basis for the FAA's Decision

By letter dated March 16, 2022, you petitioned the FAA on behalf of Randall Lee for an exemption from §§ 107.36, 137.19(c), 137.19 (d), 137.19 (e)(2)(ii), 137.19(e)(2)(iii), 137.19(e)(2)(v), 137.31(a), 137.31(b), 137.33(a), 137.33(b), 137.41(c), and 137.42 of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow Randall Lee to commercially operate a small unmanned aircraft system (UAS), weighing less than 55 pounds (lbs.), for agricultural aircraft operations.

The FAA has issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 17261 (copy enclosed), the FAA found that a grant of such a petition for exemption for operating small UAS under Part 137 is in the public interest. The FAA applied the analysis of Exemption No. 17261 to permit the use of the DJI Agras T-10, and any other small UAS, for agricultural aircraft operations.

The petitioner, in the petition for exemption, sought to add clarity to the language the FAA uses regarding "maximum takeoff weight" to note that even though some unmanned aircraft (UA) may have the capability to fly over 55 lbs., the weight of the aircraft could not be greater than 55 lbs. at takeoff. The FAA has reviewed this request and determined that the suggested amendment to the language is not necessary. The FAA interpreted, and continues to

AFS-22-00624-E

interpret, the term “maximum takeoff weight” to mean the actual weight of the UA at the time of takeoff, not the potential weight of the UA.¹

Having reviewed your reasons for requesting an exemption, I find that:

- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption No. 17261;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption No. 17261 also apply to the situation you present; and
- A grant of exemption is in the public interest.

The FAA’s Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register* because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Randall Lee.

Under the authority contained in 49, U.S.C. §§ 106(f), 40113, 44701, and 44807, which the FAA Administrator has delegated to me, I hereby grant Randall Lee an exemption from 14 CFR §§ 107.36, 137.19(c), 137.19 (d), 137.19 (e)(2)(ii), 137.19(e)(2)(iii), 137.19(e)(2)(v), 137.31(a), 137.31(b), 137.33(a), 137.33(b), 137.41(c), and 137.42 to the extent necessary to allow Randall Lee to operate small UAS that weigh less than 55 pounds on takeoff, to conduct agricultural aircraft operations. This exemption is subject to the conditions and limitations described below.

Conditions and Limitations

In the following Conditions and Limitations, Randall Lee is hereinafter referred to as “the Operator.”

1. Operations authorized by this grant of exemption are limited to any small unmanned aircraft system (UAS) model with a maximum takeoff weight of less than 55 pounds, including everything that is on board or otherwise attached to the aircraft.
2. Operations authorized by this exemption are limited to the small UAS listed on the Operator’s 14 CFR Part 137 Letter of Authorization (LOA). Prior to first time operation of any small UAS under the exemption, including the UAS referenced in the exemption, the Operator must request the UAS be listed on its Part 137 LOA by notifying the Flight Standards District Office (FSDO) that holds its agricultural aircraft operator certificate.

¹ See docket FAA-2018-0308-0004 decision, September 10, 2018.

3. This exemption, and all documents needed to operate the small UAS and conduct its operations in accordance with the conditions and limitations stated in this grant of exemption, are hereinafter referred to as the operating documents. The operating documents must be accessible during small UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations in this exemption, any applicable FAA-issued waivers or authorizations, and the procedures outlined in the operating documents, the most restrictive conditions, limitations, provisions, or procedures will apply and must be followed. The Operator may update or revise its operating documents. It is the Operator's responsibility to track all such revisions and present updated and revised documents to the Administrator or any law enforcement official upon request. The Operator must also present updated and revised documents upon requesting extension of, or amendment to, this grant of exemption. If the Operator determines that any update or revision would affect the basis upon which the FAA granted this exemption, then the Operator must petition for an amendment to its grant of exemption. If questions arise regarding updates or revisions to the operating documents, the Operator may contact the Flight Standards Service General Aviation and Commercial Division (AFS-800), 800 Independence Avenue SW, Washington, DC 20591. Telephone: 202-267-1100, Email: 9-AFS-800-Correspondence@faa.gov.
4. Any small UAS used by the Operator that has undergone maintenance or alterations that affect the small UAS operation or flight characteristics of the aircraft (including replacement of a flight-critical component, updates to software or firmware of or associated with the system, and any other change that could affect the operation), must undergo a functional test flight prior to conducting further operations under this exemption. Such functional test flights must be conducted in a manner consistent with how the small UAS will be operated under this exemption. Functional test flights may only be conducted by a remote pilot in command (PIC) with the assistance of a Visual Observer (VO) and other personnel necessary to conduct the test flight (such as a mechanic or technician). The test flight must be conducted in such a manner so as to not pose an undue hazard to persons and property. For purposes of this condition and limitation, "assistance of a Visual Observer" means the assistance described in Section 107.33.
5. The Operator must follow the small UAS manufacturer's maintenance, overhaul, replacement, inspection, and life-limit requirements for the aircraft and aircraft components. Each small UAS operated under this exemption must comply with all updates to these documents that the manufacturer makes for the purposes of ensuring safety of operations in the small UAS.

6. The PIC must demonstrate to the FAA the ability to safely operate the small unmanned aircraft system in a manner consistent with how it will be operated under this exemption, and under any waiver issued under Part 107 to the Operator. This demonstration must include the applicable knowledge and skills requirements for agricultural aircraft operations outlined in Part 137, evasive and emergency maneuvers, and maintaining appropriate distances from persons, vessels, vehicles and structures before operating non-training, proficiency, or experience-building flights under this exemption.
7. For small UAS aerial application operations, conducted under Part 137 where Global Positioning System (GPS) signal is necessary to safely operate the small unmanned aircraft (UA), the PIC must immediately recover or land the small UA upon loss of GPS signal.
8. If the PIC loses command or control link with the small UA, the small UA must follow a pre-determined route to either reestablish link or immediately recover or land, which must be satisfactorily demonstrated as part of the knowledge and skill assessment that will occur in accordance with Section 137.19(e).
9. The PIC must abort the flight operation if unexpected circumstances or emergencies arise that could potentially degrade the safety of persons or property. The PIC must terminate flight operations without causing undue hazard to persons or property in the air or on the ground. Documents the Operator must retain under Sections 107.13 and 137.33, and in accordance with this exemption (including Operator's exemption, any waiver held, a copy of the agricultural aircraft operator certificate, training manual, operations manual, and registration certificate) must be available to the PIC at the Ground Control Station of the small UAS at all times during the operations to which this exemption applies. These documents must be made available to the Administrator or any law enforcement official upon request. Airworthiness certificates applicable to the small UAS to which this exemption applies are not required for compliance with this condition.
10. The relief granted from Section 107.36 is limited to the use of any economic poison as defined in Section 137.3.
11. The PIC may operate the small UAS from a moving device or vehicle as described in Section 107.25, which permits such operation in sparsely populated areas, provided the small UAS do not transport property for compensation or hire. If conducting agricultural aircraft operations in accordance with Section 107.25, the PIC must satisfactorily demonstrate the applicable knowledge and skills requirements of Section 137.19 in the type of device or vehicle to be used in agricultural aircraft operations.

12. This exemption is not valid for operations outside the United States.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

This exemption does not obviate the applicability of, or in any manner alter, the provisions of Parts 107 and 137 that are not the subject of this exemption. In this regard, the Operator must adhere to the terms of any waiver the FAA has issued to the Operator under Part 107, Subpart D that is associated with the agricultural operations that are the subject of this exemption. In addition, the Operator must comply with all limitations and provisions of the Operator's agricultural aircraft operator certificate, which the Operator must obtain prior to conducting agricultural operations in accordance with Section 137.11.

The Effect of the FAA's Decision

This exemption terminates on May 31, 2024, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2022-0401 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Robert C. Carty
Deputy Executive Director, Flight Standards Service

Enclosure Exemption No. 17261

AFS-22-00624-E