

19 April 2015

**COMMENT SUMMARY:**

The FAA must ensure safety. However, it creates an undue burden and restraint of trade to require that every user of a small UAS ["sUAS"] in every circumstance related to "commercial purposes" be required to pay fees, secure advanced approvals, and otherwise be regulated.

**THIS COMMENT INCLUDES A PROPOSED CARVE-OUT  
THAT SHOULD TAKE EFFECT IMMEDIATELY  
AND REMAIN PERMANENTLY IN ALL RESULTING REGULATION.**

**PRIMARY FORGOTTEN CLASSES OF SELF-EMPLOYED MEDIA PRODUCTION PHOTOGRAPHERS, VIDEOGRAPHERS, & FILM MAKERS.** The proposed rule does not allow someone of modest means to fly a sUAS and take aerial images. This could be a videographer, photographer, graphic or visual artist, student, or child. It is objectionable to assume that everyone is financially on equal footing, able to complete applications and licensing requirements, or that everyone, especially artists of any type, will know well in advance what s/he will want to do for tomorrow's project and have ample time to get a registration packet in order. By requiring payment, application, and/or pre-approval, anyone of modest means will be relegated to lesser opportunity to compete in film making, photography, and videography than a medium to large sized firm or studio. The proposed regulations, applied to this group, create an improper restraint of trade and discourage individual artistic liberty, entrepreneurship, and first amendment expression. Here are a few category-specific observations.

- **“Commercial v Hobby.”** Allowed “hobbyists” often fly their drones far, doing acrobatics with their sUAS devices, and making noise. The fact of “commercial purpose” does not pose a safety hazard. A photographer who purchases a drone will be eager to please a client who pays for aerial views and will be more careful than the enthusiast out for a good time.
- **Night Time v. Day Time When In Direct and Near Control.** Wholesale restriction on night time flying is unwarranted. In much of the country, certainly in the greater Phoenix and surrounding desert areas, sound travels well at night, local noises tend to be minimal. Therefore, it is a *non sequiter* to restrict flying based upon time of day versus lighting and noise interference. sUAS owners will safeguard their investment and assure directed lighting at night; versus bright sunlight in one's eye in the desert setting, for example.
- **Privacy re A Single sUAS & Single Operator in Direct Control.** Any balloonist, passenger in a helicopter, or otherwise can photograph into a yard. Common law and state statutes already address causes of action and criminal acts related to invasion of privacy. Privacy is not a safety issue and is a minimal concern when a sUAS is controlled as proposed below.
- **Cost-Shifting to Users of Modest Means.** Any cost-benefit analysis for the OMB or otherwise is misleading because there is a definite cost to regulate. While licensing fees presumably fund licensing programs, it is the person of modest means who will be

unable to bear cost-shifting to the user; creating a restraint of trade. That is, by precluding flying by undue burdening to some, while unfairly favoring the wealthy.

- **Defining “Airport”.** Is a home an “airport” if someone takes off from a private backyard? The definition should be narrowed to multiple user transport vehicle tarmacs.

**PROPOSED EXEMPTION.** I respectfully propose an immediate exemption to the FAA's interpretations, and that the eventual rule also include this exemption. This proposal does not intend to comment on the pending rules with relation to large volume flying, un-attended flying, and package or passenger delivery.

**SINGLE OPERATOR DIRECT LINE OF SIGHT EXEMPTION.** Effective immediately, sUAS (drone) operators are exempt from regulation, fee, taking exams, physical exams, and certification if they meet the following criteria.:

- All sUAS (drones) shall be under 55 lbs. with full load.
- Each operator shall be an individual person controlling one sUAS at a time (regardless of that person's purpose, title, education, business form or not, and so forth) [the “Operator”].
- The Operator shall at all times during flight maintain direct visual line of sight not to exceed 400' in height from the ground and 1,000' distance from Operator.
- The Operator shall assure sufficient light and space so that the sUAS remains in the direct visual line of sight not in any way obstructed or faded.
- The Operator shall assure proper return-to-home or -to-Operator protocol, including in the event of catastrophic failure (for example, pre-programming GPS coordinates to a sufficiently open area or a back-up operator at the same time and place of operations).
- The Operator shall not capture private property and shall not fly into such spaces nor directly in front of a window/porch to private dwelling(s) without the consent of the owner(s) or occupant(s).

Respectfully submitted,  
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