

FAA Unveils Proposal for Regulating Commercial Drones

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On February 15, [the FAA released its long-awaited proposed framework](#) for regulating small-scale commercial drones. The proposed rules, which the FAA calls a “framework of regulations” include the following relevant provisions:

- Apply to drones weighing less than 55 pounds
- Require unaided visual line-of-sight operations
- Allow daylight-only operations (using official sunrise to official sunset)
- Cap maximum airspeed at 100 miles per hour or 87 knots
- Cap maximum altitude at 500 feet above ground level
- Mandate minimum weather visibility of three miles from control station
- Limit that no person may act as operator for more than one drone at a time
- Require that drones may only operate in Class G airspace without ATC permission
- Provide that drones may operate in Class B, C, D, and E airspace with ATC permission

These proposed regulations follow months of speculation and a Congressional mandate that the FAA promulgate regulations. While the above points are relevant to operations of the drones themselves, the FAA also proposed requirements and certification for drone pilots. Under the FAA’s proposal, drone pilots would be called “operators” and would be required to:

- Pass a test prepared by the FAA
- Be vetted by the TSA
- Obtain a drone operator certificate (which would never expire)

- Pass a recurring knowledge test every four months
- Be at least 17 years old

Importantly, the FAA did not propose any requirements of FAA certification of airworthiness of the drones themselves. However, the FAA did propose required drone registration with the FAA, as well as a requirement that drones to be marked in the same manner as all other aircraft, with the markings reduced to the largest practicable manner possible. It is worth noting that the FAA's proposed rules are only that—proposals. The FAA is allowing comments on the rules for 60 days from the date of the proposals' publication in the federal register, which has not yet occurred. After that, the FAA may still take a few months to issue final rules. For many industries, the FAA's action brings a welcome sigh of relief. Until this point, an individual company could only give approval for operating commercial drones by gaining a specific exemption from the FAA. The FAA has only issued a few dozen exemptions—notable industries covered include construction, real estate, oil, and film. It is particularly important that the FAA gave no indication of when regulations for larger drones may be forthcoming. Capping drone size at 55 pounds leaves much of the potential market to be regulated. [With the FAA estimating 30,000 drones in operation by 2030](#), an initial step toward regulation could provide the first commercial drone use boom.

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