

# Commercial Use of Small UASs—a Few Pointers

By: Melodie Virtue and Dan Petalas

## GSB Contacts:



**Melodie A. Virtue**  
Washington, D.C.  
mvirtue@gsblaw.com  
202-298-2527



**Daniel A. Petalas**  
Washington, D.C.  
dpetalas@gsblaw.com  
202-298-1791

BEIJING

NEW YORK

PORTLAND

SEATTLE

WASHINGTON, D.C.

## 1. Yes, There Will Be an Exam

To fly a drone for commercial purposes, an operator is required to obtain a remote pilot certificate from the FAA, but need only pass a knowledge test. The certification process does **not** require an individual to attend ground school or to pass a practical skills exam.

## 2. Basically Smaller than a Third Grader

Unmanned aircraft must weigh less than 55 lbs. (25 kg.) to take advantage of the FAA's more flexible small UAS rules.

## 3. Eyes on the Prize

Visual line-of-sight (VLOS) only: the unmanned aircraft must remain within VLOS of the remote pilot in command and the person manipulating the flight controls of the small UAS. Alternatively, the unmanned aircraft must remain within VLOS of the visual observer.

## 4. Approved, Well-Lighted Airspace

The FAA rules limit commercial drone use to daylight and civil twilight operations, with collision lighting, within confined areas, and using VLOS operations. To fly at night or over people requires obtaining a waiver from the FAA. Also, small UASs must be operated within Class G airspace. To fly in controlled airspace (Classes B-E) requires a waiver. The FAA will release new maps at the end of April to assist in the approval process for drone airspace authorization applications.

## 5. Eye in the Sky

Fly 400 feet high or hover within 400 feet of your tower to make visual inspections. News media companies may use a UAS, but must adhere to the requirements of their Section 333 grant of exemption or the FAA small UAS rule at Part 107. News and other organizations may request a waiver to fly over people, but will need to provide sufficient mitigation plans to ensure public safety.

---

This Memo is published by Garvey Schubert Barer. It contains information necessarily of a general nature that cannot be regarded as legal advice. The firm will be pleased to provide additional details and to discuss matters contained in this memo as they may apply in specific situations.

## **6. Shoe Delivery by Drone.**

Yes, it's permissible, but there remain several restrictions: VLOS rules still apply, the package must be secure and not affect flight control, the total weight of the payload and delivery vehicle must not exceed 55 lbs. (25 kg.) at takeoff, the flight plan cannot cross state lines, and the drone cannot be operated from a moving vehicle, among others.

## **7. Don't Like It? Get a Waiver! Still Don't Like It? Try an Exemption!**

The FAA may provide special permission waivers to conduct your operation without complying with some of the UAS restrictions. The application process requires a showing that the proposed operation will be conducted safely. The application should also describe apparent risks and how those risks will be contained. Expect a 90-day wait for approval. To conduct operations that do not comply with other UAS restrictions requires Section 333 exemption.

## **8. Questions? We can help.**

Garvey Schubert Barer bring decades of experience advising media, communications, and transportation companies before numerous federal agencies to its representation of clients seeking assistance with the commercial uses of small unmanned aircraft within the heavily regulated national airspace system. We look forward to assisting you in this rapidly evolving area.