

CALIFORNIA STATE UNIVERSITY, BAKERSFIELD
ACADEMIC SENATE

Policy on the Use of Small Unmanned Aircraft Systems (sUAS)

RES 171820

BPC

RESOLVED: that the Academic Senate recommend to the President that the attached “Policy on the Use of Small Unmanned Aircraft Systems (sUAS)” be approved, with an amendment to the UAS Review Board (UASRB) to include a representative from the Office of Public Affairs and Communications (PAC).

RATIONALE: Currently the campus does not have a policy on the use of sUAS, as required by the CSU Chancellor’s Office (CO) and federal regulations. The draft policy includes requirements from the CO and FAA. Given that the use of sUAS on the CSUB campus is not limited to research purposes, a representative from PAC is suggested. Other aspects of the draft policy seem to be consistent with requirements and campus policies and procedures.

Distribution List:

President
AVP GRaSP

Approved by the Academic Senate April 12, 2018

Sent to the President April 20, 2018

Approved by the President May 30, 2018

CALIFORNIA STATE UNIVERSITY BAKERSFIELD

Policy on the Use of Small Unmanned Aircraft Systems (sUAS)

I. Purpose

The purpose of this policy is to provide guidance on the appropriate use of Small Unmanned Aircraft Systems (sUAS) at the California State University Bakersfield (CSUB).

II. Statement of Policy

It is the policy of the California State University, Bakersfield, that all activities involving the use of sUAS shall be conducted in compliance with applicable federal, state, and local laws, statutes, and regulations, and in compliance with other relevant university policies and procedures.

III. Statement of Requirements

- A. This policy establishes guidelines for the appropriate use of sUAS (see Appendix 1 for aircraft definitions and use restrictions) at CSUB, and is applicable to all faculty, staff, university volunteers, visitors, and students.
- B. Authorized sUAS activities by CSUB fall into two broad categories: Public Use and Civil Use. Auxiliaries are not considered part of the State government and, therefore, any sUAS activity by an auxiliary organization would be categorized as a civil use.
- C. All sUAS owned by CSUB will be operated under the authorization of the FAA. This authorization will be as prescribed in Title 14 CFR Part 107 for civil aircrafts, or as prescribed by a Public Use **COA** for a public aircraft, and will be limited to a specific location and will outline the conditions, parameters, and limitations of flight operations.
- D. A UAS Review Board (UASRB) established by the President shall review and approve campus requests for authorization for the use sUAS at CSUB. The Board is composed of the following:
 - **RESEARCH ADMINISTRATION:** the Associate Vice President for Grants, Research & Sponsored Programs and Chief Research officer or designee (*chair, ex officio*),
 - **SECURITY:** the campus Police Chief or designee,
 - **SAFETY & RISK MANAGEMENT:** the Director of Safety & Risk Management, or designee,
 - **ACADEMIC AFFAIRS:** a School Dean,
 - **UAS RESEARCH EXPERTISE:** two faculty members (and an alternate if the faculty representative has to recuse themselves) who are familiar with the use of UAS's for research purposes.

- E. The Board's duties are to (1) develop internal policies, processes, and procedures needed to obtain authorization for the use of sUAS by CSUB faculty, staff, students, volunteers, and visitors; (2) review and approve internal requests for authorization; and (3) monitor the use of sUAS by CSUB personnel to ensure that CSUB complies with all applicable local, state, and federal rules, regulations, statutes, and laws.
- F. Any CSUB personnel (CSUB faculty, staff, students, volunteers, or visitors) seeking authorization to operate a **civil** sUAS, as a remote pilot in command (PIC) under part 107, must first obtain a remote pilot certificate with an sUAS rating issued by the FAA.
- G. Prior to the deployment of a **public** sUAS by CSUB faculty, staff, students, volunteers, or visitors, operators must have a CSUB approved Flight Operations Plan and a Certificate of Authorization from the FAA (see Appendix II). In order to obtain a Flight Operations Plan, operators submit a Flight Operations Proposal to the Board. The approved Flight Operations Proposal serves as the Flight Operations Plan.
- H. UAS liability insurance is mandatory for all sUAS activity by CSUB personnel and all operations of UAS on CSUB owned property. The Office of Safety and Risk Management will certify that each operation has the appropriate insurance coverage.
- I. Every authorized aircraft in an sUAS operated on CSUB campus, or used for a CSUB supported activity, must be registered with the FAA Aircraft Registration Branch and with the Office of Grants, Research, and Sponsored Programs (GRaSP). Registration with the FAA is a statutory requirement for all sUA: Title 49 §§ 44101 – 44104, and 14 CFR part 47 or part 48.
- J. Individuals that intend to use an sUAS for university activities and/or on university property, shall submit a written application to GRaSP at least thirty (30) days prior to the date of the first intended use. Any substantial change to the proposed activities (e.g., change in type of aircraft, location, or activities conducted) require additional notification. GRaSP will provide the University Police Department (UPD) and the Office of Safety and Risk Management with a copy of each registration application processed.
- K. In addition to Requirements F to J, persons wishing to operate sUAS on CSUB property must contact the University Police Department at least three days in advance of the desired flight time and provide the following: proof of any required FAA permit, proof of any required Caltrans requirements, proof of required insurance, and a detailed flight plan to include specific time and specific location. All approved requests for sUAS flights will be for a specific time and a specific location to ensure that multiple sUAS are not sharing airspace.
- L. Flights approved on University property are restricted to uses that (1) meet the University's educational and research mission, and (2) serve the University's community engagement needs, as determined by University officials, including University Police. Media outlets wishing to use sUAS on campus may wish to

contact the University Office of Public Affairs and Communications for assistance in obtaining approval.

- M. Operating an sUAS on CSUB campus, or as part of a CSUB supported activity, without appropriate authorization violates this policy and may result in administrative action, including disciplinary actions in accordance with the collective bargaining agreement applicable to the violator. Users of sUAS may be asked to stop the sUAS flight or leave University property if they do not comply with this policy or are otherwise engaging in conduct that is considered harmful or dangerous to the University or persons on University property. Such conduct may include but is not limited to violations of the regulations established by the Caltrans Division of Aeronautics (<http://www.dot.ca.gov/aeronaut/uas.html>) and the FAA, and provided in this policy.
- N. This policy prohibits the unlawful photography and surveillance on property owned by CSUB. An sUAS or Model Aircraft may not be used to monitor or record activities where there is a *reasonable expectation of privacy*, unless approved by the Board in advance.
- O. Under FAA guidelines, Temporary Flight Restrictions (TFR) may be implemented on university property or at any university sponsored event, which prohibit any type of sUAS operations from taking place (e.g., university sporting events). As needed, the President may issue additional No Drone Zones on university property or at any university sponsored event, which prohibit any type of sUAS operations from taking place.
- P. Any individual or organization found to be operating an sUAS on university property or at a university sponsored event in violation of their FAA-approved status, or any federal, state, and local laws or regulations, or in violation of applicable university policies, may be directed by an Officer of the University Police Department, or other authorized university representatives, to cease operation of the sUAS immediately unless or until an approval is obtained. Violations by university personnel or groups will be treated as appropriate (Section M). Violations by non-CSUB persons or groups will be treated as appropriate by the University Police Department.
- Q. The operation of sUAS by the University Police Department may be exempted from this policy based on the determination of emergency needs. The UPD will follow internal Department protocols during such operations.

IV. Statement of Procedures

CSUB personnel planning to use sUAS for teaching, research, or any other valid purpose will first submit an application for authorization to the Board. Authorization for research purposes should be sought prior to the submission of any proposal or the acceptance of any award for each project that necessitates the use of an sUAS. Deliberations and recommendations by the Review Board will consider and conform with all other applicable University policies and review procedures

including, but not necessarily limited to, the Institutional Review Board (e.g., for human subjects protection), the Institutional Animal Care and Use Committee (e.g. for the protection of research animal subjects), the Office of Grants, Research, and Sponsored Programs (for export controls and trade sanctions), and the Extended University (i.e., for overseeing activity abroad). The Review Board shall meet at least once in a semester and will consider all requests for authorization to ensure full compliance with applicable state and federal laws and regulations, and prior to requesting public declaration letters from the CSU Office of the General Counsel (OGC) for Public Use COA. Each Public Use COA application to the FAA will be accompanied by a public declaration. Deployment of a public use sUAS by CSUB personnel will only take place subsequent to FAA approval of a COA. All civil sUAS deployment will comply with Title 14 CFR part 107. Detailed information on processes and procedures for the appropriate use of sUAS at CSUB are provided in the *Procedures for the Use of Small Unmanned Aircraft Systems (sUAS) at the California State University Bakersfield (CSUB)*.

References

FAA *Modernization and Reform Act of 2012 (Public Law 112-95)*; Title 49 §§ 44101 – 44104
FAA *Operation and Certification of Small Unmanned Aircraft Systems; Final Rule*. 14 CFR Parts 21, 43, 61, et al., Federal Register Vol. 81, #124, June 28, 2016.

Office of the Chancellor - *Campus Guidelines for Applying for a Certificate of Authorization (COA) from the FAA*.

The Ohio State University, *Unmanned Aircraft Systems*.

<http://oaa.osu.edu/assets/files/Service%20Center/Forms/Fiscal/UAS/Unmanned-Aircraft-Systems-Policy.pdf>

APPENDIX I: **Terms and Definitions**

- A. ***Aircraft***: 49 U.S.C. § 40102(a)(6) defines an “aircraft” as “any contrivance invented, used, or designed to navigate or fly in the air.” The Federal Aviation Administration’s (FAA’s) regulations (14 C.F.R. § 1.1) similarly define an “aircraft” as “a device that is used or intended to be used for flight in the air.”
- B. ***Certificate of Waiver; Certificate of Authorization (COA)***: The terms “certificate of waiver” and “certificate of authorization” mean a Federal Aviation Administration grant of approval for a specific flight operation. A Public Use COA is granted to a public agency or organization to operate a specific aircraft for a specific purpose in a specific location. A Public Use COA is only issued after the process of determining public status, government use, and an operational and technical review.
- C. ***Model Aircraft***: A *small unmanned aircraft* that is flown for hobby or recreation purposes, per section 336(c) of the FAA Modernization and Reform Act of 2012, capable of sustained flight in the atmosphere, and flown within visual line of sight of the aircraft operator. FAA approval is not required for the operation of a model aircraft.

- D. **Public and Civil Aircrafts:** The Federal Aviation Administration (FAA) classifies all aircraft as belonging to one of two categories: public or civil. A **public aircraft** is one owned and operated by the United States government or the government of a state, the District of Columbia, or a territory or possession of the U. S. or a political subdivision. Any aircraft that does not meet the definition of a public aircraft is considered a **civil aircraft**. Any UAS use requires FAA approval.
- E. **Public Declaration.** A public declaration letter is a document issued by the OGC certifying that: (1) an applicant for a COA is a part of the State government; (2) the UAS is a "public aircraft"; (3) the UAS will be used for a "governmental function"; and, (4) the UAS will not be used for "commercial purposes."
- F. **Reasonable Expectation of Privacy.** Locations where there is an objective expectation of privacy. Examples include but are not limited to restrooms, locker rooms, residence halls, health treatment and medical facilities, and camps or campus settings where minors are cared for or taught.
- G. **Section 333 Exemption.** An FAA exemption under Section 333 of The Modernization and Reform Act of 2012 (Public Law 112-95) which grants an individual or entity the ability to operate a UAS for civil and non-governmental purposes and activities, other than recreational or hobbyist activity.
- H. **Small Unmanned Aircraft (sUA).** – The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds.
- I. **Unmanned Aircraft (UA):** Unmanned aircraft is an aircraft operated without the possibility of direct human intervention from within or on the aircraft. This proposed definition is consistent with the definition of “unmanned aircraft” specified in Public Law 112–95.
- J. **Unmanned Aircraft System (UAS):** The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system. A UAS is the unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft.

APPENDIX II: FAA Requirements

The FAA requires public entities, such as the CSU, that wish to submit a public use COA application to provide a **public declaration letter** certifying that the entity and its proposed UAS operation are eligible to apply for a COA. In the public declaration letter, the CSU Office of General Counsel (OGC) is required to certify that: (1) the applicant is a part of the State government; (2) the UAS is a "public aircraft"; (3) the UAS will be used for a "governmental function"; and, (4) the UAS will not be used for "commercial purposes."

Acronyms:

AMA: Academy of Model Aeronautics
COA: Certificate of Authorization
EAR: Export Administration Regulations
FAA: Federal Aviation Administration
ITAR: International Traffic in Arms Regulations
OGC: Office of General Counsel
UAS: Unmanned Aircraft System
sUAS: Small Unmanned Aerial System
UA: Unmanned Aircraft
UAV: Unmanned Aerial Vehicle

REFERENCES:

- FAA Unmanned Aircraft Systems Home Page, (<http://www.faa.gov/uas/>) May 6, 2015
- Advisory Circular 00-1.1A, Public Aircraft Operations, (http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1023366) February 12, 2014
- Clarification of June 13, 2014 Interpretation on Research Using UAS (PDF), (http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/interpretations/data/interps/2014/williams-afs-80%20clarification%20-%20%282014%29%20legal%20interpretation.pdf) July 3, 2014
- UAS Operations by Public Universities for Aeronautical Research (PDF), (http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/interpretations/data/interps/2014/williams-afs-80%20-%20%282014%29%20legal%20interpretation.pdf) June 13, 2014
- Letter to COA Holders – Statutory Requirement to Register UAS (PDF), (http://www.faa.gov/uas/regulations_policies/media/Registration_letter.pdf) November 5, 2014
- Certificate of Authorization or Waiver (COA), ATO UAS description of the COA process, (http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/aaim/organizations/uas/coa/) November 14, 2014
- Publicly Released COAs, (http://www.faa.gov/uas/public_operations/foia_responses/) February 25, 2015
- Federal Aviation Administration Unmanned Aircraft Systems fact page, (http://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=14153) January 6, 2014
- National Oceanic and Atmospheric Administration, Unmanned Aircraft Program (<http://uas.noaa.gov/>)
- FAA Model Aircraft rules, http://www.faa.gov/uas/media/model_aircraft_spec_rule.pdf