**Unmanned Aircraft Systems UPPS No. 04.05.14**

**(Unmanned Aircraft and Model Issue No. 3**

**Aircraft) Operation Policy Effective Date: 07/18/2022**

**Next Review Date: 04/01/2025 (E3Y)**

**Sr. Reviewer: Director, Environmental Health, Safety, Risk and Emergency Management**

**POLICY STATEMENT**

*Texas State University is committed to maintaining compliance with federal, state, and local regulations, laws, and ordinances concerning the operation of unmanned aircraft systems.*

1. **SCOPE**

01.01 The operation of unmanned aircraft systems (UAS), including drones and model aircrafts, is regulated by the Federal Aviation Administration (FAA) and relevant state laws. Texas State University will establish procedures required to ensure compliance with those legal obligations and to reduce risks to safety, security, and privacy.

* 1. Texas State must and will comply with current and future FAA requirements and state laws. Inherent risks associated with the operation of said equipment may require additional insurance and policy considerations.

01.03 This policy applies toTexas State employees, students, and any persons operating UAS or model aircrafts in any location as part of their university employment, activities, or business on or above Texas State property, including:

1. the purchase or construction of UAS with funding through Texas State accounts, grants, or Texas State Foundation accounts; and
2. the hiring for or contracting of any unmanned aircraft services by a Texas State representative.

01.04 This policy applies to recreational flyers.

1. **DEFINITIONS**

02.01 Certificate of Authorization (COA) or Waiver – The FAA defines the COA as an authorization issued by the Air Traffic Organization to a public operator for a specific UAS activity.

02.02 Certificated Remote Pilots including Commercial Operators–The operating of an UAS or drone that does not exceed 55 pounds is under [14 CRF Part 107, referred to as the Small UAS Rule](https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-107). Some operations are not covered by Part 107 and will require a [waiver](https://www.faa.gov/uas/commercial_operators/part_107_waivers). To operate the controls of a small UAS under Part 107, a [remote pilot airman certificate](https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/) with a small UAS rating is needed, or the pilot must be under the direct supervision of a person who holds such a certificate.

The pilot must be at least 16 years or older to qualify for a remote pilot certificate, and the certificate can be obtained in one of two ways:

1. by passing an initial aeronautical knowledge test at an FAA-approved knowledge testing center; or
2. if pilot already has a Part 61 pilot certificate, other than a student pilot certificate, they must have completed a flight review in the previous 24 months and must take a small UAS online training course provided by the FAA.
3. All drones must be registered with the FAA.

02.03 EHSREM – Department of Environmental, Health, Safety, Risk and Emergency Management.

02.04 Nano or Pocket UAS – The FAA has not specifically addressed nano or pocket UAS (weight less than 250 grams or eight ounces); however, due to the potential of invading privacy or causing injury, both are included in this policy**.**

02.05 Property – buildings, grounds, and land that are owned or controlled by Texas State by means of leases or other formal contractual arrangements to support ongoing Texas State operations and research.

02.06 Recreational Flyers and Modeler Community-Based Organizations – To fly a drone purely for [recreational purposes](https://www.faa.gov/uas/recreational_fliers/), there is a limited statutory exception that provides a basic set of requirements. Recreational flights are defined as flying for fun or personal enjoyment. The Exception for Limited Operation of Unmanned Aircraft ([USC 44809](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title49-section44809&num=0&edition=prelim)) is the law that defines flying for recreational purposes.

02.07 Unmanned Aircraft Systems (UAS) – UAS are also known as or may be characterized as drones and are defined as an aircraft operated without the possibility of direct human intervention from within or on the aircraft. The FAA identifies a UAS as an unmanned aircraft and all its associated support equipment such as: the control station, data links, telemetry, communications and navigation equipment, necessary to operate the unmanned aircraft. UAS may have a variety of names including quadcopter and quadrotor. FAA regulation applies to UAS, regardless of size or weight.

02.08 UPD – University Police Department.

1. **PROCEDURES FOR COMPLIANCE**

03.01 Policy Guidelines

1. All members of the Texas State community are personally responsible for complying with FAA regulations, state and federal laws, as well as university and Texas State University System (TSUS) policies.
2. Due to federal and state restrictions limiting the purpose and use of UAS, any university employee or student wishing to operate any UAS owned by the university as part of their university employment or as part of a university program must first obtain approval from EHSREM and UPD, via the [UAS Request form](https://gato-docs.its.txst.edu/jcr%3Ab7dcaf1d-52a7-4f9c-82f9-a93d5aa7be2d/UAS-Request-Form%20tx%20state%20112021.pdf).
3. Any university employee, student, or unit seeking to purchase a UAS (or the parts to assemble a UAS), or UAS services with university funds or funds being disbursed through a university account or grant funds must first have approval via the [UAS Request form](https://gato-docs.its.txst.edu/jcr%3Ab7dcaf1d-52a7-4f9c-82f9-a93d5aa7be2d/UAS-Request-Form%20tx%20state%20112021.pdf) for the purchase from EHSREM in order to assess the university’s ability to obtain a COA or other necessary FAA exemptions to meet compliance requirements prior to approving or disapproving the request.
4. Texas State employees must obtain approval from EHSREM and UPD prior to using a UAS or model aircraft over university property. The request for approval must be accompanied by proof of FAA authorization or exemption and employee certification of having reviewed [Texas Government Code, Title 4, Subtitle B, Chapter 423](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.423.htm), and any other safety material provided by EHSREM.
5. Recreational, non-university personnel, or third-party contractors must obtain approval to use a UAS or model aircraft over university property via the [UAS Request form](https://gato-docs.its.txstate.edu/jcr%3Ab7dcaf1d-52a7-4f9c-82f9-a93d5aa7be2d/UAS-Request-Form%20tx%20state%20112021.pdf). Third parties planning to use a UAS must submit proof of FAA authorization or exemption with their request for Texas State approval. In addition, operation of a UAS by a third party or hobbyist over university property must be under a contract that holds the university harmless from any resulting claims or harm to individuals and property, as well as proof of insurance as required by EHSREM. Third parties with permission to operate on campus must have commercial general liability insurance with a minimum limit per occurrence of $1,000,000, a minimum general aggregate of $2,000,000, and list Texas State as an additional insured as well as a certificate holder.
6. During approved operation of a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of areas normally considered private and shall be personally liable for any civil or criminal charges or penalties related to the use of the drone (see [Texas Government Code, Title 4, Subtitle B, Chapter 423, Use of Unmanned Aircraft](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.423.htm) for potential offenses and associated fines. Violations range from a Class C misdemeanor to penalties upwards of $10,000 for a single civil violation).
7. Use of UAS must comply with any other applicable Texas State or TSUS policies, as well as state and federal law. All uses of UAS must comply with the required procedures and guidelines set forth in this policy.
8. All flights over Texas State property must receive prior authorization by using [LAANC](https://www.faa.gov/uas/programs_partnerships/data_exchange/) or [DroneZone](https://faadronezone.faa.gov/#/) apps airspace ([Class B, C, D, and E](https://www.faa.gov/uas/recreational_fliers/where_can_i_fly/airspace_101/)).

03.02 Required Procedures and Guidelines

* 1. UAS operated under declaration of federal, state, or university emergency may be exempt from these guidelines.
	2. If aircraft operation is approved by EHSREM, model aircraft must be kept within visual sightline of the operator and should weigh under 55 pounds unless certified by an aeromodelling community-based organization. Model aircraft must be flown a sufficient distance from populated areas and have the operation approved by the department responsible for the property where the craft is requested to be operated and EHSREM (requires proof of registration).
	3. Under FAA guidelines, temporary flight restrictions may apply and must be followed.

03.03 Sanctions – Violations

1. Legal prohibitions regarding physical presence on campus, trespassing, and other legal action may also be pursued against third parties that operate UAS or model aircraft in violation of this policy.
2. Fines or damages incurred by individuals or units that do not comply with this policy are the responsibility of those persons involved.

**04. REVIEWERS OF THIS UPPS**

04.01 Reviewers of this UPPS include the following:

Position Date

Director of Environmental, Health, April 1 E3Y

Safety, Risk and Emergency

Management

Chair, Occupational Safety and Health April 1 E3Y

Committee

Director, University Police Department April 1 E3Y

**05. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director of Environmental, Health, Safety, Risk, and Emergency Management; senior reviewer of this UPPS

Vice President for Finance and Support Services

President