Guidance for The Operation of Unmanned Aircraft Systems and Aerial Vehicles on the CSU East Bay Campus

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This guidance is to assist all California State University East Bay (CSUEB) faculty, staff and students with the legal use of Unmanned Aircraft (UA), Unmanned Aircraft Systems (UAS), and Unmanned Aerial Vehicles (UAV), commonly referred to as “drones”. All faculty, staff, and students who wish to operate a UAS/UAV (drone) on campus must work with Office of Research and Sponsored Programs (ORSP) and the Certificate of Authorization (COA) Evaluation Board to ensure appropriate legal use. Suspected violations of these guidelines shall be reported directly to University Police Department (UPD).

The Federal Aviation Administration (FAA) has jurisdiction over all navigable airspace in the United States. All aircraft, whether manned or unmanned, are subject to FAA rules and regulations if flown outdoors. Violations carry severe federal penalties. Outdoor use of UAVs weighing 0.55 pounds or more requires FAA approval. Indoor use is not subject to FAA rules, but is subject to review and approval by the CSUEB COA Evaluation Board. The guidance below defines the campus process developed to enable the Associate Vice President (AVP) for ORSP to ensure compliance with laws, regulations, and guidance from the CSU Chancellor’s Office, as well as campus policies and procedures. The guidance also makes transparent the approach that will be taken by the COA Evaluation Board to determine when use on campus is appropriate. The AVP and the ORSP will assist individuals with securing approvals needed from the FAA and others for drone use in research, teaching and other scholarly endeavors once the COA Evaluation board has determined that the planned use is legal and appropriate at CSUEB.

Those wishing to use UAVs indoors shall notify the COA Evaluation Board in writing at least sixty (60) days in advance, and shall work with Risk Management to determine both an appropriate spot for use on campus and any additional requirements, such as insurance coverage.

The FAA uses three categories to classify all aircraft flown outdoors: model aircraft (hobby/recreational), public, and civil. Guidelines from the CSU Office of the Chancellor, issued May 19, 2015, specify that the hobby or recreational use exception for approval from the FAA for UAV operation does not apply for university related activities. Any faculty, staff or student operating a UAV for hobby or recreational purposes (for purely personal use) are advised to consult the local chapter of the Academy of Model Aeronautics (AMA) to locate an AMA sanctioned location where such use is approved. CSUs are not sanctioned by the AMA and any use of a UAV requiring registration with the FAA (i.e. above 0.55 pounds) on a CSU campus will require prior approval by CSUEB’s COA Evaluation Board. In addition, it is the responsibility of anyone operating a UAV for purely personal use to comply with all other legal requirements and FAA safety guidelines.

A public aircraft is one owned and operated either by the United States government or a state government, the District of Columbia, a territory or possession of the U.S., or a political subdivision. CSU UAV activities that are research oriented and relate to the design, operation and functionality of the UAV fall
under the “public use” category, and therefore, require a Certificate of Authorization (COA) from the Federal Aviation Administration (FAA). Public use COAs are granted to the University - not to individuals. The operator is not required to have a pilot’s license. UAV activities that relate to education and training or any other type of use at a University (other than personal hobby or recreation) would be categorized as civil use and the operator would be required to have a FAA issued pilot certificate. Regardless of type, the aircraft to be used must be registered in advance and listed in the COA application.

To legally conduct a UAV activity that is not indoors and does not qualify for a public use COA, a CSUEB faculty and/or staff member must work with the ORSP and the COA Evaluation Board to secure a COA for civil use. Use in teaching and learning, one type of civil use, may benefit from what is commonly referred to as a Section 333 exemption from portions of the civil COA requirements. Criteria for the exemption include use of an UAV with a weight limit of less than 55 pounds when fully loaded, certification that the UAV will not be flown above 200 feet, agreement that the pilot will maintain a visual line of site with the UAV at all times, and agreement that the pilot will maintain an adequate distance from airports (5 miles is a general requirement, but this can be modified as part of the exemption process and will need to be at CSUEB given the Hayward campus’ proximity to a local airport).

Use in teaching and learning may also benefit from another type of civil use referred to as a Special Airworthiness Certificate (SAC). This currently covers COA authorization for special class aircraft, restricted category aircraft, and experimental and flight testing new aircraft.

**Procedures for Model Aircraft (Hobby/Recreational) Use**
As noted above, a model aircraft use for hobby and recreational purposes is not subject to FAA registration if the aircraft is less than 0.55 pounds. The aircraft must be registered if it is between 0.55 and 55 pounds. Indoor use does not require FAA registration; however, all of these uses on a CSU campus require approval by CSUEB’s COA Evaluation Board. Current FAA guidance states that model aircraft flights should be flown a sufficient distance from populated areas, should be kept within visual line of sight of the operator (below 400 feet), should weigh under 55 lbs. unless certified by an aeromodeling community-based organization, and may not be operated for business purposes.

**Procedures for Securing a Public Use Certificate of Authorization (COA)**
Faculty, staff and/or students at CSUEB may submit a proposal to the COA Evaluation Board for approval requesting ORSP to provide a public declaration letter certifying eligibility for the public use COA and to submit a COA application through the CSU Chancellor’s Office. In making the request, the individual must demonstrate that the use of the UAV will be for non-commercial, governmental, public use and for research purposes only.

**Procedures for Securing a Civil Use Certificate of Authorization (COA)**
Faculty, staff or students at CSUEB may submit a proposal to the COA Evaluation Board for approval, and request that the ORSP assist with securing a civil use Section 333 exemption or special airworthiness certificate. In making the request, the individual must demonstrate that the use of the UAV will be for teaching or other scholarly work, and that the UAV and its intended use would comply with exemption or special airworthiness requirements.
The information outlined above is summarized in the table below:

<table>
<thead>
<tr>
<th>Specifications /Use</th>
<th>FAA Registration Required</th>
<th>Application to CSUEB COA Board</th>
<th>Type FAA Authorization</th>
<th>COA Required</th>
<th>Pilot License Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight under 0.55 lbs. (250 g)</td>
<td>Yes</td>
<td>Yes</td>
<td>Model Aircraft (Hobby/Recreational)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Weight greater than or equal to 0.55 lbs. but less than or equal to 55 lbs.</td>
<td>Yes*</td>
<td>Yes</td>
<td>Public or Civil**</td>
<td>Yes</td>
<td>Yes if Civil</td>
</tr>
<tr>
<td>Weight more than 55 lbs.</td>
<td>Yes*</td>
<td>Yes</td>
<td>Public</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Indoor use only</td>
<td>No</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

* Registration required dependent on Drone Specifications
** Limited to Section 333 Exemption or special airworthiness certificate

**General Provisions**

Unless granted an exemption by the FAA, UAVs may not be flown within 500 feet of individuals who are not involved in operating the UAV. Intended UAV users must plan ahead as it takes many months to secure a COA for public or civil use.

CSUEB operators must ensure compliance with all campus policies and procedures, as well as applicable FAA regulations prior to flying a UAS/UAV. Violations of rules or incidents in which damage to property or injury occur as a result of UAV/UAS use may subject the operator to criminal and civil penalties.

**COA Evaluation Board**

**General Provisions**

ORSP shall consult with the COA Evaluation Board to determine whether a COA public use, special airworthiness certificate or a Section 333 exemption would likely meet legal requirements and is warranted. Factors the Board may wish to consider include, but are not limited to, the resources required to pursue the application, the resources needed to obtain a pilot license, the resources needed to purchase or construct and maintain a UAV and the required insurance, and the value added by making the investment in teaching, research and other scholarly activities. In addition, the Board shall ensure that the proposed UAV/UAS operations:

- comply with applicable laws, government regulations, and University policies;
- do not pose a threat to health, safety, privacy of the environment;
- include appropriate steps to manage and mitigate associated risks, and
- serve the mission of the University and interests of the public at-large.

If all members of the board find that a public use COA, special airworthiness certificate, or Section 333 exemption is warranted and complies with established criteria, the ORSP shall assist with the application for the appropriate authorization. In the case of public use COAs, the AVP shall request the required public declaration letter from the CSU Chancellor’s Office of General Counsel.
Note: In the event that the board is not unanimously in support of a proposal, it shall make reasonable attempts/recommendations to mitigate or eliminate all concerns that arise as a result of the proposed drone use. In the event the board does not approve drone use, the applicant/operator may appeal and submit a request to the Provost for final determination.

ORSP shall retain copies of each COA permit for public use or civil use. Following COA approval and prior to beginning operations, appropriate insurance coverage must be obtained for registered UAVs.

COA Evaluation Board Membership
The President or his designee shall appoint members to the COA Evaluation Board to review and approve campus requests for COA applications or exemptions. The Board shall consist of the following:

- RESEARCH ADMINISTRATION: the Associate Vice President for Research & Professional Development
- SECURITY: the campus Police Chief or designee
- SAFETY: the Director of Environmental Health & Safety, or designee,
- RISK MANAGEMENT: the Director of Risk Management or designee
- ACADEMIC AFFAIRS: a College Dean or designee
- UAS RESEARCH EXPERTISE: two faculty members who are familiar with the use of UAS/UAVs

The AVP of Research and Professional Development (or equivalent) shall chair the board.

COA Evaluation Board Roles and Responsibilities

The main responsibilities of the COA Evaluation Board are to:

1. Maintain current knowledge of applicable Federal, AMA, and CSU rules and regulations governing the use of UAS/UAV.
2. Make written recommendations to the AVP of ORSP to ensure that campus policy and procedures are in compliance with applicable federal and state laws regarding the use of UAS/UAV’s at CSUEB.
3. Seek to inform all faculty, staff, students, contractors and volunteers using UAS/UAV at CSUEB about their legal, scientific and ethical obligations with respect to safe use.
4. Help to inform personnel about health and safety hazards posed by UAVs.
5. Review applications for the use of UAS/UAVs in research and teaching at CSUEB and approve the proposed use and required modifications, or deny approval before use is initiated.
6. Suspend approval for activities involving use that violates the campus procedures, policies, and state or federal regulations.
7. Review the institution’s program for the use of UAS/UAVs every six months.
8. Develop and maintain a rubric that makes the approval of drone use on campus transparent.