

24.01.07 Unmanned Aircraft Systems (UAS)

Approved May 24, 2017
Next Scheduled Review: May 24, 2022



Regulation Statement

This regulation establishes the requirement for each member of The Texas A&M University System (system) to monitor unmanned aircraft systems (UAS) activity on property under the system's purview or by a system or member employee in any location when operating as part of such employee's employment.

Reason for Regulation

Due to Federal Aviation Administration (FAA) oversight and increased commercial application of UAS, system property owners are compelled to affirm their control over and communicate their requirements for faculty, staff, students, contractors, visitors and third party vendors when operating UAS and model aircraft on property under their purview or by an employee in their work capacity.

Definitions

Click to view [Definitions](#).

Procedures and Responsibilities

1. GENERAL

This regulation applies to system and member employees, vendors, visitors and students operating UAS on any system property and employees operating on property not owned or leased by the system as part of their employment.

The operation of UAS, including drones and model aircraft, is regulated by the FAA and relevant state law. The system has established standards required to ensure compliance with those legal obligations and to reduce risks to safety, security and privacy.

2. RESPONSIBILITIES OF MEMBERS

2.1 Each member chief executive officer (CEO) has the primary responsibility for ensuring compliance with FAA rules and regulations.

- 2.2 Each member CEO or designee shall create a UAS supervising authority to oversee safe and compliant UAS and model aircraft activity being performed (a) on or above property under the respective member's purview; (b) by system or member employees, regardless of location; and (c) by contractors hired to conduct UAS operations.
- 2.2.1 The member's UAS supervising authority may be a single designated member employee or a designated committee of member employees.
- 2.2.2 In the case where the member has multiple agencies, the member's UAS supervising authority may be comprised of employee representatives from each agency and from the member.
- 2.2.3 Where there is a location used for UAS by multiple members and such location is not on property under a single member's purview, the members using such shared location may create a UAS supervising authority for such shared location which would comprise a single employee representative from each of the members. If the number of representatives for this shared location UAS supervising authority is of an even number, System Risk Management shall resolve any issues where the vote of the UAS supervising authority is deadlocked.
- 2.2.4 If a member wishes to fly over another member's property, a memorandum of agreement (MOA) must be established between the two members outlining parameters of the UAS flight(s) under either a Part 107 or public COA.
- 2.2.5 For the first year after approval of this regulation, at least one employee/representative on a UAS supervising authority must meet the minimum qualifications set forth by the Lone Star UAS Center or be appointed and obtain training to meet those minimum qualifications. After the first year after approval of this regulation, each employee/representative on a UAS supervising authority must meet the minimum qualifications set forth by the Lone Star UAS Center or be appointed and obtain training to meet those minimum qualifications.
- 2.3 The member UAS supervising authority shall:
- (a) Be empowered to approve and disapprove all UAS and model aircraft flights on property under its purview, or by employees or contractors conducting UAS operations away from the member's property under its purview so long as the location is not on property under another member's purview;
 - (b) Manage and authorize the purchases of UAS with funding through a member, including member accounts, grants, sponsored research projects or foundation accounts;
 - (c) Manage and authorize the approval to fly UAS for hired/contracted vendors;
 - (d) Attend an initial educational seminar presented by Lone Star UAS to develop the knowledge and expertise required to manage drone operations;
 - (e) Receive approval from its CEO or designee before filing with the FAA for a public COA or Part 107 CoW and, if a public COA or CoW is granted, the

public COA or CoW must be held in the name of the member and retained by the supervising authority.

- (f) Obtain a public agency declaration letter from the System Office of General Counsel if acquiring a public COA;
- (g) Register all UAS flying under the public operations option with the FAA and retain the registration number (See Appendix B);
- (h) Determine whether the UAS will be flown under Part 107 or under a previously approved Section 333 exemption, and/or a public COA (See Appendices A and B);
- (i) Establish an approving office to receive requests to fly under COAs and ensure that all operational, notification and reporting requirements of each COA are met. The provisions of each COA shall take precedence over other rules and regulations as directed by the FAA. An exception for emergency response approval and use of UAS may be delegated to the incident command level if a competent qualified individual for UAS is available to manage risk and verify compliance;
- (j) Require operators who will fly over member property to notify the member's respective police department (if member has a police department) of all UAS activity that will occur on the member's campus and that is within the police department's response area by providing the following information at a minimum:
 - (1) The FAA-issued registration number of the UAS;
 - (2) Where the UAS will operate;
 - (3) When the UAS will operate; and
 - (4) How long the UAS will be operating.
- (k) Include a review by the member's risk management department that will evaluate operational risk and make a determination on whether insurance should be procured for that operation;
- (l) Require that all operators have contingency management and mishap response plans that provide for the following minimum:
 - (1) Loss of control or connection to the unmanned aircraft, including loss of control link, loss of GPS and loss of power;
 - (2) Actions on sighting of a piloted aircraft; and
 - (3) Actions upon a crash of the unmanned aircraft.
- (m) Validate that the UAS is placed on inventory and has an asset number assigned to it, regardless of the dollar amount (see Appendix C); and
- (n) Annually review documents associated with the approval process managed and implemented by the supervising authority. The following items may be required during a compliance review.

	Third Party (Part 107 or COA)	Employee Public COA	Employee Part 107	Hobbyists	Retention
Liability Waiver	Yes	N/A	N/A	N/A	AC+4 yrs.
Past year reportable accident reports and any current flight accidents	Yes	Yes	Yes	Yes	CE+5 yrs.
Current contract applicable to current activity	Yes	N/A	N/A	N/A	AC+4 yrs.
Certificate of Insurance	Yes	N/A	N/A	N/A	AC+4 yrs.
FAA COA	Yes	Yes	Yes	N/A	AC+4 yrs.
Current Contingency Management and Mishap Response Plan (Mission Brief and Safety Risk Matrix)	Yes	Yes	Yes	Yes	AC+1 yr.
Remote Pilot Certificate	Yes	Yes	Yes	N/A	AC+1 yr.
System Application for Authorization to Fly UAS at System or Member	Yes	Yes	Yes	Yes	AC+1 yr.

AC = After Closed, Terminated, Completed, Expired, Settled CE = Calendar Year End

3. OTHER REQUIREMENTS

3.1 All system and member employees are responsible for complying with FAA regulations, state and federal laws, system policies and regulations, and member rules and procedures.

3.2 Any system or member employee or student wishing to operate a UAS as part of their system or member employment or as part of a member program (which includes academic course work) must first receive approval from their UAS supervising authority and a determination from the UAS supervising authority as to whether it will fall under a public operations definition or if the activity will fall under Part 107 civil operations. The options are (See Appendix A):

- (a) Fly under Part 107;
- (b) Obtain a CoW issued by the FAA for operations beyond those in Part 107;
- (c) Public COA;
- (d) Contact the respective member's supervising authority for coordination and approval; or

- (e) Flights by students under Section 336 of the FAA Modernization and Reform Act of 2012.
- 3.3 The member's UAS supervising authority is the account holder for any blanket COAs for its institution and must process all applications on a case-by-case basis.
- 3.4 Any system or member employee, student or unit purchasing a UAS (or the parts to assemble a UAS), or UAS services with member funds or funds being disbursed through a member account, sponsored research project, or grant funds, must contact their UAS supervising authority in order to assess (a) the member's ability to obtain a COA; (b) other necessary FAA exemptions; (c) compliance with revised FAA requirements; and/or (d) the ability to meet local compliance requirements prior to the disbursement of funds.
- 3.5 Any UAS that is fabricated must be certified as airworthy by a qualified engineer before it may fly in uncontrolled conditions. Such certification must be submitted to the UAS supervising authority. The UAS may be subject to FAA drone registration requirements and may need to be recorded under local procedures on property record-keeping requirements.
- 3.6 Any contractors, third party vendors or hobbyists wishing to use a UAS or model aircraft over system property must first receive approval through the member's UAS supervising authority and be bound by all requirements as described in the UAS supervising authority approval document. Contractors, third party vendors, hobbyists, or other third parties planning such use of UAS must also provide proof of FAA approval. In addition, operation of a UAS by a third party or hobbyist over member property must be under a contract which (a) holds the member harmless from any resulting claims or harm to individuals; (b) provides that the UAS operator is responsible for damage to member property; and (c) provides that the UAS operator will obtain insurance as required by System Risk Management.
- 3.7 When operating 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 follow Texas law as found under Government Code Title 4 Subtitle B Chapter 423. Texas state law provides that a person who knowingly or intentionally captures an image of an individual or privately owned real property with the intent to conduct surveillance on the individual or property captured in the image commits a Class C misdemeanor.
 - 3.7.1 UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include, but are not limited to, restrooms, locker rooms, individual residential rooms, changing or dressing rooms, and health treatment rooms.
 - 3.7.2 UAS shall not be used to monitor or record residential hallways, residential lounges or the insides of campus daycare facilities.
 - 3.7.3 UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, on an individual's workspace, computer or other electronic displays.

3.8 Flight and Maintenance Records of a UAS

- 3.8.1 A UAS pilot in command (PIC) must maintain all flight and maintenance records for the UAS he/she pilots according to FAA rules and regulations.
- 3.8.2 If a member (or center of a member) is required under a FFA rule, FFA regulation, contract, grant or award to keep copies of all or part of the flight and/or maintenance records or additional information concerning a UAS, that member (or center of the member if applicable) shall keep such copies for a period specified by the FAA rule, FFA regulation, contract, grant or award.
- 3.8.3 If a member's employee (or independent contractor hired by the member) is the PIC of a third party's UAS, the member must timely obtain from such third party copies of the flight and maintenance records of that UAS as well as any current flight records, and maintain those records for the period required by the applicable FAA rules and regulations.
- 3.8.4 A member must maintain all flight and maintenance records for any UAS that the member owns or operates.

4. SANCTIONS

- 4.1 Any violations of this regulation by an individual system or member employee will be dealt with in accordance with applicable system policies and procedures, which may include disciplinary actions up to and including termination from the system.
- 4.2 Legal remedies regarding physical presence on campus/trespassing and other legal action may also be pursued against contractors, third party vendors, hobbyists or other third parties that operate UAS in violation of this regulation.

5. OTHER INFORMATION

The recommended source for best practices UAS operations is the Lone Star UAS Center, a system center of excellence.

Related Statutes, Policies or Requirements

[Appendices A, B and C](#)

[Tex. Gov't Code Title 4 Subtitle B, Ch. 423](#)

[Federal Aviation Administration's \(FAA\) Unmanned Aircraft Systems](#)

[Fly for Fun \(Hobby aircraft and recreation flying\)](#)

[Fly for Work/Business](#)

[Request a Waiver/Airspace Authorization \(Part 107 exemption\)](#)

[Public Certificates of Waiver or Authorization \(COA\)](#)

[Lone Star UAS](#)

[System Regulation 24.01.01, Risk Management Programs](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

System Office of Risk Management and Benefits Administration
(979) 458-6330