

Unmanned Aircraft Vehicles: Flying of Drones

I. Policy

Loyola Marymount University (“LMU” or University), and/or anyone operating on or from its campus, or on its behalf, any UAV (e.g. drone) will do so in the furtherance of its educational, research and service missions, as well as in compliance with applicable federal, state and local laws and regulations. This policy shall be effective immediately.

II. Purpose

To define the requirements for the use of UAVs, commonly called “drones”, on, over or from University owned or controlled property, or elsewhere, for academic, research or business purposes.

III. Definitions

Aircraft

Any contrivance invented, used, intended to be used or designed to navigate, or fly, in the air.

Unmanned Aerial Vehicle (UAV); Unmanned Aircraft System (UAS); Remotely Piloted Aircraft (RPA); Hobby Craft Airplanes; Copters; Collectively “Drones”

An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, but instead is operated by communication links and other components that allow the aircraft to be operated unmanned and from the ground or other fixed location.

The Federal Aviation Administration (FAA)

The Federal regulatory agency that has oversight and jurisdiction for the national navigable airspace and has promulgated drone regulations.

Title 14 of the Code of Federal Regulations (14 CFR) Part 107

The section in the Federal Aviation Administration regulations relating to the operation of UAVs.

Navigable Airspace

The airspace of the United States above the minimum altitudes of flight prescribed by the regulations of the FAA (currently 400 feet), including airspace needed to ensure safety in the takeoff and landing of aircraft.

Certification of Waiver (CoW)

A waiver granted by the FAA of certain portions of its regulations listed in Part 107. A UAV operator must apply for the CoW for each flight that requires a waiver.

Section 336 of the FAA Modernization and Reform Act (Public Law 112-95)

The section of the FAA regulations that pertains to students building or using drones as part of research or course work.

Los Angeles Municipal Code 183912, Section 56.31, Clause 6.b.1.

The section of the FAA regulations that pertains to students building or using drones as part of research or course work.

Remote Pilot in Command (PIC) certification

The certification that every PIC of a drone must receive from the FAA prior to operating a drone.

IV. Policy Details

There are public safety concerns and privacy issues surrounding the use and operation of drones. Also, the FAA has issued regulations for the use and operation of drones (CFR 14 Part 107). The regulations prohibit the operation of drones within five miles of a commercial airport without permission from the airport control tower. The City of Los Angeles has also issued regulations regarding the flying of drones (Article 6.b.1 Chapter 5, Section 56.31 of the Los Angeles Municipal Code). Any person or persons who wish to operate or fly a drone or drones for commercial purposes, must first register the drone with the FAA, as per FAA regulations. They must also receive permission to fly from the LAX flight control tower for each and every flight on, over or from the LMU Westchester campus.

There are separate FAA regulations regarding Students building or flying drones. Under Section 336 of the FAA regulations, Student use of drones for educational purposes is considered recreational or hobbyist use. These drones do not have to be registered with the FAA, nor does the Student need to obtain a pilot’s certification. However, when flying within five statute miles of an airport, the operator of the aircraft must provide the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation. If possible, model aircraft operators flying from a permanent location within five statute miles of an airport should establish a mutually agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport).

Operators flying drones for academic or research purposes on, over or from LMU property must first consult with the University Risk Manager to ensure that the drone activities

are properly insured and pose no unreasonable risk to the safety of the university community or the privacy of its community members.

A. Non course-related, non-research or non-business use (i.e. recreational use) of drones on or over LMU property is expressly prohibited.

B. When drones are being flown for academic or research purposes on campus, or while being used for university business, in locations other than over or on university property, the following restrictions apply:

1. Drones cannot be flown over populated areas where injury, property damage or privacy issues can be affected;
2. Drones may not be operated above public open-air events, inside public venues or above thoroughfares;
3. Drones must be under the direct visual control of the operator at all times;
4. A person operating a drone must either hold a remote Pilot in Command (PIC) certificate or be under the supervision of someone with a remote PIC certificate. (Student use of drones as course work, as mentioned above, falls under the "hobbyist" category and does not require a PIC);
5. Drones cannot weigh more than 55 lbs., including fuel;
6. Drones cannot fly higher than 400 feet above ground level;
7. Drones cannot exceed speeds greater than 100 MPH (87kts);
8. Drones cannot be flown at night;
9. Drones cannot carry pyrotechnic devices that explode or burn, or any device with a projectile or an object that can be dropped or fired or that could create a hazard to persons or property;
10. Drones cannot be flown over areas or sites where emergency personnel, such as fire fighters, police or DPS personnel, are actively engaged;
11. Drones cannot be used to photograph private property without the property owner's express written consent;
12. Drones must be operated in accordance with all required and appropriate safety precautions;
13. The drone use must be properly insured and the

interests or risks to the university must be insured as well.

C. Drones cannot be flown near or above LMU Residence Halls.

D. If a university unit arranges for a contractor or a third party to use a drone for business purposes, such as filming the campus, or any university facility or event, the unit shall contact the Risk Management Office to ensure that the contracted drone owner and operator has met FAA and university requirements: aircraft liability insurance with limits of at least \$1MM; LMU is the certificate holder; and LMU is named as additional insured. The vendor must also take proper risk mitigation measures during the use of the drone.

E. Any drone operator that wants an exemption from any portion of the FAA regulations, such as a Section 333 exemption, must first obtain a Certificate of Waiver from the FAA and show proof that the exemption has been granted.

V. Procedures

A. All use and operation of drones undertaken by University faculty, staff and Students, or by third parties (including, but not limited to, consultants or contractors) acting on behalf of the University, must adhere to FAA and City of Los Angeles regulations.

B. Permission to use or operate a drone for academic, research or business purposes must be obtained from the Risk Management Office. The University Risk Manager, in consultation with University Counsel, shall review any proposed use of drones by University faculty, staff, Students or third parties acting on behalf of the University on, from or above campus, or any other location.

C. Appeals of the decision by the University Risk Manager and the University Counsel may be made, in writing, to the Chief Administrative Officer and the Provost. Only decisions regarding drones to be used for academic, research or business purposes can be appealed. Decisions regarding recreational drone use cannot be appealed. The CAO and the Provost's decision is final. The CAO and the Provost may, at his or her sole discretion, suspend or terminate any previous approval for the use or operation of any drone or drones under this policy.

VI. Responsibilities

A. University Risk Manager:

1. Will review proposals to operate drones on, over or from University property;
2. Will verify FAA regulations have been met;
3. Will verify insurance provisions are met;

4. Will consult with University Counsel;
5. Will forward appeals to the CAO and Provost.

B. University CAO and Provost:

1. Will review appeals forwarded from the University Risk Manager;
2. Will have final approval or disapproval of any drone flight appeals.

VII. Resources

- www.faa.gov/uas
- clkrep.lacity.org/onlinedocs/2015/15-0927_misc_09-17-2015.pdf
- www.faa.gov/uas/request_waiver (for airspace permission)
- 310.342.4098: LAX flight tower for approval

VIII. Contacts

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