



Eastern Kentucky University

Policy and Regulation Library

Administrative Regulation: 9.3.4ADR

Responsible Office(s): Public Safety

Effective: October 8, 2019

Next Review Date: February 28, 2023

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Unmanned Aircraft Systems

Statement

This Policy is implemented to protect the health and safety of the Eastern Kentucky University (EKU) students, employees, and visitors, and to comply with Federal Aviation Administration (FAA) requirements.

Entities Affected

All University students, employees, and visitors.

Procedures

This Policy applies to Operators of Unmanned Aircraft Systems (UAS) or drones for research, education, demonstrations, communications, recreation, and all other purposes while on any property owned, operated, or controlled by ECU.

- ECU shall comply with FAA requirements, federal and state law, and any other locally applicable laws or regulations regarding UAS.
- Higher education institutions and other public entities may operate UAS upon receipt of a Certificate of Waiver or Authorization ("COA") from the FAA or by meeting requirements for small unmanned aircraft Part 107 in Title 14 Code of Federal Regulations (14 CFR).
- UAS shall only be used for law enforcement activities, building/property maintenance, filming, and other institutional purposes compliant with ECU's mission.
- Hobbyist or recreational use of UAS is prohibited on any property owned, operated, or controlled by ECU.
- Use of a UAS on property owned, operated or controlled by a third-party shall be governed by this policy and applicable UAS policies of the third-party facility.
- UAS shall be operated in a manner that adheres to federal and state law and FAA requirements regarding the operation of said aircraft to include but not limited to:

1. Flying below 400 feet and remaining clear of surrounding obstacles.
 2. Remaining well clear of and not interfering with manned aircraft operations.
 3. Not flying within 5 miles of any designated airport or helipad unless the operator contacts the airport or helipad and control tower before flying.
 4. Refraining from being careless or reckless with the UAS which could result in a fine for endangering people or other aircraft.
 5. Daylight only operations (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting.
 6. Flying over individuals is prohibited.
- UAS used in accordance with this policy shall be under the complete control and within visual line of sight of the Operator at all times.
 - Commercial use of UAS (including non-University entities interested in operating UAS on campus property) on University property is not permitted unless there is written approval from the ECU Division of Public Safety, the UAS has been registered with the FAA, and the FAA has issued a 333 exemption and COA to the commercial operator or the operator meets the requirements for small unmanned aircraft Part 107 in Title 14 Code of Federal Regulations (14 CFR).
 - Failure to comply with this policy may result in referral to campus, local, state or federal law enforcement

Prohibited Activities

The UAS shall not be used in such a way as to create a hazard to ECU owned, operated, or controlled property, the University community or the public. UAS shall not be operated in a way that disrupts instruction or unduly affects the environment of people in or passing through a common space or residential space, working or studying within a building, or entering, exiting, or otherwise making their way about a facility. The following are prohibitions for use of UAS on ECU owned/controlled properties:

- UAS shall not be operated directly above open air events or above thoroughfares, including but not limited to roadways, sidewalks, bike paths and pedestrian paths unless a waiver has been filed and approved by the FAA and the ECU Division of Public Safety.
- Use of UAS at any sporting venue during events is prohibited.
- UAS are not permitted to fly within 5 miles of public and private airports.

Special Considerations and Temporary Flight Restrictions

Operators of UAS on the Richmond campus are required to be aware of all restricted airspace including, but not limited to, the following:

- Baptist Health Richmond
- Model Laboratory School
- Bluegrass Army Depot

Prior to operating a drone on the Richmond Campus, or any of the University's extended campuses, Operators must consult with Division of Public Safety to address designated restricted airspace locations, and special events which may preclude UAS operations in a particular area.

Temporary flight restrictions will be enacted for any of the following situations and will warrant the cancellation of approval or immediate grounding of UAS.

- Temporary hazardous conditions, such as a fire, severe weather, or chemical spill,
- A security-related event on campus,
- Other special situations, such as VIP movement,
- Other safety considerations as deemed appropriate by the Division of Public Safety personnel.

Reporting Requirements

The pilot is responsible for immediately notifying the ECU Police Department at (859) 622-1111 if there is an incident involving a drone to include crash, property damage, violation of policy or law, and/or injury to person.

Approval Process

All uses of UAS must be approved by the Division of Public Safety and will be required to register at least seven (7) days prior to operation. Each operator/pilot are required to supply proof of aircraft insurance, general liability insurance, and aviation insurance, along with the appropriate aircraft registration and pilot certificate. "Eastern Kentucky University; ECU employees; Eastern Kentucky University Foundation, Inc.; Board of Regents" are required to be named as additional insureds.

Definitions

- **Operator:** Any faculty, staff, student, visitor, contractor, agency, production house, business, club organization, or other individual using or piloting a UAS.
- **Unmanned Aircraft Systems (UAS):** A device that is used or intended to be used for flight in the air that is operated without the possibility of direct human intervention from within or on the aircraft.

Responsibilities

Administration of this policy is coordinated through the Division of Public Safety. A list of those authorized to use UAS will be kept with the Division of Public Safety by the Executive Director of Public Safety & Risk Management.

Violations of the Policy

Violations of this policy are subject to the corrective action and disciplinary procedures as set forth in the Faculty Handbook, Staff Handbook or Student Handbook, as applicable, as well as state and federal law. Persons refusing to comply may be asked to leave campus.

Statutory or Regulatory References

CFR § 107.25 Operations from a moving vehicle or aircraft

- CFR § 107.29 Daylight operation
- CFR § 107.31 Visual line of sight aircraft operation
- CFR § 107.33 Visual observer
- CFR § 107.35 Operation of multiple sUAS
- CFR § 107.37(a) Yielding the right of way
- CFR § 107.39 Operation over people (our current focus)
- CFR § 107.41 Operation in certain airspace
- CFR § 107.51(a) Operating limitations: ground speed
- CFR § 107.51(b) Operating limitations: altitude
- CFR § 107.51(c) Operating limitations: minimum visibility
- CFR § 107.51(d) Operating limitations: minimum distance from clouds

Relevant Links

Additional Information on UAS Usage:

- [FAA Unmanned Aircraft Systems \(UAS\) Regulations & Policies](#)
- [FAA Frequently Asked Questions – Unmanned Aircraft Systems \(UAS\)](#)
- [FAA Fact Sheet Part 107 Unmanned Aircraft Rule](#)
- [FAA Dos and Don'ts of Flying Safely](#)

Regulation Adoption Review and Approval

Regulation Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
2/28/2020	Board of Regents	Adopted
10/8/2019	President Benson	Approved as Interim