

Policy Statement: 16-04

California State University Long Beach Policy on Unmanned Aircraft Systems

The following policy statement was recommended by the Academic Senate in its meeting April 7, 2016 and approved by the President on May 31, 2016.

California State University Long Beach Policy on Unmanned Aircraft Systems

1.0 Policy Rationale

The Federal Aviation Administration (FAA) has jurisdiction over all navigable airspace in the United States. The FAA's primary mission is to ensure the safe and efficient oversight and management of the national airspace system. All aircrafts, whether manned or unmanned, are subject to FAA rules and regulations, and violations carry severe federal penalties. Additionally, both the Department of State and the Department of Commerce (ITAR/EAR) regulate export control over various forms of unmanned aircraft systems (UAS) as defined by the FAA.

California State University Long Beach (CSULB) must comply with FAA requirements, state law, and any other locally applicable laws or regulations regarding UAS. Inherent risks in the operation of such equipment require additional insurance provisions and policy considerations. CSULB will follow established procedures required to ensure compliance with those legal obligations and to reduce risks to safety, security, and privacy.

The FAA allows public universities to operate UASs for governmental research functions. In order for a University to operate a UAS for governmental research purposes, they must apply for and be granted a Certificate of Authorization (COA) from the FAA. COAs are granted to the University, not to individuals. Furthermore, in order to be eligible for a COA, the unmanned aircraft must be used for a non-commercial purpose.

To obtain a COA from the FAA, CSU applicants must first obtain a *letter of declaration* from the Chancellor's Office – Office of General Counsel (OGC). This letter must accompany any COA application (and serves as a substitution for the letter from the State Attorney General). Individuals may not directly request a letter of declaration from the OGC; it must be requested by a campus UAS Evaluation Board. *The purpose of this Policy therefore is to provide CSULB personnel the structure to request a letter of declaration from the OGC.*

Additionally, CSULB must comply with Long Beach Airport Flight Regulations. The entire CSULB campus resides within the Long Beach Airport control airspace. The FAA has established the airspace surrounding Long Beach Airport as a Class D airspace, which requires all aircraft pilots to maintain two-way communication with the control tower when operating within a 5 mile radius at an altitude of 2,500 feet or less above the ground. Two-way communication with the Long Beach Airport control tower must be established before entering the Long Beach Airport airspace. Because any UAS is subject to FAA regulation, no flight should take place unless prior approval is obtained from the Long Beach Airport administration.

Currently, the FAA considers the use of an unmanned aircraft for educational or training purposes to be commercial in nature and has indicated it will not grant public use COAs for educational or training uses.

2.0 Scope

This policy applies to any individual operating UAS in FAA airspace as part of their University employment or as part of University activities.

3.0 Unmanned Aircraft Systems Evaluation Board Role and Composition

3.1 The Unmanned Aircraft Systems Evaluation Board (UASEB) is responsible for the oversight of CSULB-UAS operations in cases where a COA is required by the FAA. Any UAS activity in FAA regulated airspace must be reviewed and approved by the UASEB. This oversight provides a minimum level of assurance that the all University UAS operators are aware of the permitting requirements (i.e., FAA), cognizant of safety and privacy considerations, and prepared and capable of operating the UAS safely and responsibly.

OGC is involved only in providing the public declaration letter, not the subsequent application to the FAA. A COA application to the FAA will be completed by the applicant and must be submitted for each aircraft to be operated in a specific air space. ORSP is responsible for coordinating the submission of and serving as the formal custodian for all COAs.

3.2 The CSULB UASEB membership ensures that the interests of the various stakeholders are represented and is comprised of the following:

- Associate Vice President for Research & Sponsored Programs, or designee (chair, ex officio);
- Police Chief, or designee;
- Director of Environmental Health & Safety, or designee;
- Risk Management, or designee;
- College Dean, or designee; and
- Two faculty members and two alternate faculty members

Faculty members will be elected by the Academic Senate and serve a two year term. Alternate faculty members will serve whenever a regular member is faced with a conflict of interest and thus must recuse themselves from the deliberations.

4.0 The procedures and the application for approval from the UASEB can be found in Attachments A and B. The attachments that follow are documents that are part of the policy but that may be modified by the Executive Committee of the Academic Senate in consultation with the UASEB.

Definitions:

- COA: Certificate of Authorization
- FAA: Federal Aviation Administration
- OGC: Office of General Council
- ORSP: Office of Research and Sponsored Programs
- UAS: Unmanned Aircraft Systems
- UASEB: Unmanned Aircraft Systems Evaluation Board

Attachment A - Protocols and Procedures for COA Application Request

Internal Request for a COA Application

1. Prior to submitting the Internal Request for a COA Application, it is strongly recommended that the applicant review the FAA's most recent UAS FAQ and information online at: <http://www.faa.gov/about/initiatives/uas/>.
2. It is the responsibility of the individual applicant seeking a COA to provide all the pertinent information required by the UASEB. The Associate Vice President for Research and Sponsored Programs (or designee) is the point of contact regarding technical guidance on questions related to the Internal COA Application request process. Applications are to be submitted to ORSP.
3. Both the applicant and the campus should ensure that proposed UAS operations:
 - Comply with applicable laws, government regulations, and University policies;
 - Do not pose a threat to health, safety, privacy, or 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.
4. Internal COA Applications being sought for airspace over land not owned by the University require the applicant include letters of agreement as applicable from the external party that specifies their consent to the proposed activity which may include legal responsibilities and/or obligations of all of the involved parties. The letter of agreement should be attached to the request for the public declaration letter.
5. The Internal COA Application request is to be submitted to the UASEB for review for approval.

Procedures for Approval from the UASEB

1. Any CSULB affiliated personnel intending to fly a UAS in FAA-controlled airspace must submit an Internal COA Application (Attachment B) request to the UASEB. UAS usage requires a COA from the FAA. The COA request from CSULB must include a public letter of declaration from the OGC. The UASEB will formally review and approve Internal Applications seeking a COA.
2. Individuals engaging in UAS activity will complete the CSULB COA Application (Attachment B) request and submit to the UASEB.
3. The CSULB COA Application request contains the following:

- i. Purpose, nature (e.g. research, instruction, or other), and goals of the work to be undertaken;
 - ii. Need for UAS;
 - iii. Type of vehicle(s)/equipment to be utilized and the manner in which it/they will be operated, airworthiness;
 - iv. The identity of pilot(s) or other remote operator(s), requisite qualified visual observers, and appropriate trainings of those identified;
 - v. Dates/schedule of activities to be undertaken;
 - vi. Locale(s) and flight plan for operations and study area summary;
 - vii. Data to be collected for the purposes of the proposed project;
 - viii. Provisions for security of the equipment (both during and outside of operation) and of any sensitive data collected;
 - ix. Provisions for managing associated risk, including appropriate insurance considerations (see Risk Management);
 - x. Sources and nature of financial support, if appropriate;
 - xi. Communications plan for notifying local landowners and/or police agencies, as appropriate, in the overflight radius of planned operations each time a UAS is flown;
 - xii. Written affirmation that the UAS mission will be used only for noncommercial, research purposes;
 - xiii. Proposals for flights in airspace over land not owned by the University should provide contact information for involved parties; and
 - xiv. Proposals for flights in airspace over land not owned by the University should include letters of agreement that specify acknowledgement.
4. UASEB will review the protocol and notify the applicant of the UASEB approval within ten (10) working days of receipt.
 5. Upon approval by the UASEB, the UASEB Chair will request a public declaration letter from the OGC.

Request for a Public Declaration Letter from OGC

Requests for a public declaration letter to accompany a COA application to the FAA will only be considered once the Internal COA Application request has been reviewed and approved by the CSULB UASEB. Once approved, the request for a letter of declaration will be forwarded to the OGC. The request will include assurances that the applicant is a part of the state government, and that the UAS will be used as a "public aircraft" for a "governmental function" and will not be used for "commercial purposes." The request will include the full COA Application request and associated documentation per section 5.1. Request will be facilitated by the ORSP. The request will be submitted to the OGC within five (5) working days of UASEB approval.

Request for COA from FAA

COAs are held by the University, not by individuals. ORSP is responsible for coordinating the submission of and serving as the formal custodian for all COAs. A **COA application to the FAA** will be completed by the applicant and must be submitted for each aircraft to be operated in a specific air space.

UAS Registration, Acquisition, and Insurance

1. ORSP will retain copies of each COA permit.
2. Following COA approval and prior to beginning operations, appropriate insurance coverage must be obtained for registered UAS. Information on obtaining insurance can be obtained from Risk Management.
3. All UAS must be registered with ORSP. All UAS and system component acquisitions are to be processed via requisitions and registered with the ORSP upon receipt.

Proof of COA Permit/Complaints and/or Accidents

1. Whenever a COA application is approved by the FAA, the pilot or remote operator are to be in physical possession of a copy of the valid authorization permit for such operation and prepared to display the permit upon request from law enforcement or other appropriate authorities.
2. Any complaint against authorized COA activity or any accidents or damage related to COA activity must immediately be reported to the Associate Vice President for Research and Sponsored Programs (or designee) and any other relevant parties in accordance with campus policies and procedures.

Definitions:

- COA: Certificate of Authorization
- FAA: Federal Aviation Administration
- OGC: Office of General Council
- ORSP: Office of Research and Sponsored Programs
- UAS: Unmanned Aircraft Systems
- UASEB: Unmanned Aircraft Systems Evaluation Board

Attachment B - Unmanned Aircraft Systems COA Request Application

This application is intended to be utilized to facilitate the review by the Unmanned Aircraft Systems Research Evaluation Board (UASEB) of **research** using unmanned aircraft systems. UASEB approval must be obtained and a Certificate of Authorization (COA) awarded prior to the commencement of any UAS related **research** flights. Please complete the following application and submit it to the Office of Research and Sponsored Programs. Please review the CSULB UAS Policy prior to completing the application.

CSULB must comply with Long Beach Airport Flight Regulations. The entire CSULB campus resides within the Long Beach Airport control airspace. The FAA has established the airspace surrounding Long Beach Airport as a Class D airspace, which requires all aircraft pilots to maintain two-way communication with the control tower when operating within a 5 mile radius at an altitude of 2,500 feet or less above the ground. Because any UAS operation on University property is considered to be public use and therefore is subject to FAA regulation, no flight should take place unless prior approval is obtained from the Long Beach Airport administration.

Currently, the FAA considers the use of an unmanned aircraft for educational or training purposes to be commercial in nature and has indicated it will not grant public use COAs for educational or training uses.

Date: _____

Project Name: _____

Applicant: _____

Telephone: _____ Email: _____

Department: _____

Funding Agencies Supporting this Research: _____

Key Project Personnel (include anyone who will be present during research flights, as well as anyone with access to the data after the research flights): _____

Proposed Research Dates: _____
(research beginning date) (research completion date)

Anticipated First Research Flight Date: _____

Project Description:

Type of Software to be Utilized in Handling, Management, and Use of Research Data

In the space provided, please provide a thorough description of the intended handling, management, and use of the research data and the software systems that will be used to support this work.

Equipment and Data: Management and Security

Management and security of equipment and data must be considered both during and following the UAS operation. Please provide a detailed description of the type of data you will be recording during UAS operations and provisions for security of equipment, both during and outside of operations. Include a listing of all research personnel who will have access to the equipment/data during UAS operations. If you will be keeping any research data beyond the UAS operation, please provide a detailed explanation including where and how data will be stored, how long data will be stored, who will have access to the data, and how data will be destroyed.

Altitude Range for UAS Operations: _____ FEET AGL TO _____ FEET AGL.

Location of Operations i.e., coordinates (If multiple, list all locations): _____

Provisions for managing associated risk, including appropriate insurance considerations:

Communications plan for notifying local landowners and/or police agencies, as appropriate in the overflight radius of planned operations each time a UAS is flown:

* Please attach any MOUs or agreements

By signing this application, you are verifying that the information provided on this UASEB COA Request Application and attached information is accurate and that the project will be completed as indicated. In addition, you are affirming that the UAS mission will only be used for **non-commercial, research purposes**.

Signature of Applicant

Date

UASEB REVIEW:

Approved

Conditional Approval (modifications required)

Disapproved

Conditions:

UASEB Chair

Date