

Proposition: 12-16/17

Title: A Proposal to Adopt New Rule 16.20 - Unmanned Aircraft Systems, for the Administrative Rules and Procedures of NMSU

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Proposed Committee: University Affairs

Assigned Committee:

Prior Approvals:

First reads at UAC, ADC, and ADAC. The Review and Comment period ended on 21 October 2016.

Rationale:

The purpose of Rule 16.30 – Unmanned Aircraft Systems (aka “Drones”) is to establish the mechanism for the integration and safe operations of UAS as part of the academic, research, and public safety; to ensure the protection and safety of university students, employees and guests; and to maintain privacy rights of those on university premises.

The Rule addresses academic programs for students and participant, addresses the requirements for faculty to use this new tool for education of students; use of this tool to conduct research, and focuses on safety. Additionally, this rule addresses use by the University of UAS for infrastructure inspections, commercial operations by the university or contractors, and recreational use of UAS on university properties.

Proposal:

Rule 16.20 – Unmanned Aircraft Systems (aka “Drones”)

PART 1: PURPOSE

The following regulations are established to provide mechanisms for the safe operation of UAS as part of academic, research, and public safety; to ensure the protection and safety of university students, employees, and guests; and to maintain privacy rights of those on university premises.

PART 2: DEFINITIONS

For purposes of this Rule, the following Definitions will apply:

- A. Drone: This is a lay term frequently used to describe an unmanned aircraft system.
- B. Federal Aviation Administration (FAA): The federal body with licensing and regulation authority over operation of aircraft in public airspace, to include the registration and licensing of aircraft and pilots.
- C. Pilot: The person responsible for all aspects of the flight, to include the control of the unmanned aircraft system. The pilot must have appropriate licensure as may be required by federal aviation laws, regulations, and rules.
- D. Unmanned Aircraft System (UAS): This is the compilation of all people, parts, and equipment necessary to fly an unmanned aircraft system. This includes the pilot, spotters, remote control

transmitters, collision avoidance sensors, and the actual aircraft. Both remotely operated fixed wing and rotary wing aircraft systems are included in this definition.

PART 3: RULES AND PROCEDURES FOR USE OF UAS WITHIN THE NMSU SYSTEM

- A. Authority to Fly UAS: An unmanned aircraft system shall not be flown from, land on, or be flown within, property or facilities owned or controlled by the Board of Regents unless it fits within one of the following authorized categories, and is flown in accordance with the criteria established.
- a. **Academic programs as a student/participant**: This category applies when the UAS is used in furtherance of teaching students enrolled in educational programs at the university. The Dean of the College or Community College Vice President for Academic Affairs, with concurrence of Community College President where the program is housed must approve the use of UAS for each course where the UAS are utilized; approvals may be renewed on a semester by semester basis in the same manner as for the initial approval. The Rule Administrator will maintain a list of pre-authorized locations, listing the requirements for use of each, to facilitate the approval of each request associated with an academic program. Students enrolled in these courses may be authorized by the appropriate faculty member or academic administrator to construct and/or to fly an unmanned aircraft as a “recreational” user in accordance with current rulings by the FAA, so long as they are not benefitting monetarily from such operation. Students in classes utilizing UAS shall receive appropriate instruction on safe operation prior to being allowed to pilot an unmanned aircraft. It is recommended that students learn how to adequately control an unmanned aircraft inside an appropriate building prior to being allowed to fly outside as part of the course, and that flying take place in designated locations. Authorization for students to utilize UAS only extend to the specific class or program activities authorized, and do not grant a right to fly outside of those parameters. Anyone requesting to use a location other than a location pre-authorized on a semester by semester basis for a course or program, must receive advance permission on a daily basis by completing a Campus Activity Request form. *See Section B. below.*
 - b. **Teaching**: Faculty utilizing UAS as part of their teaching duties (either to demonstrate to students, or to teach the students how to build or fly) must be properly licensed through the Federal Aviation Administration and hold a certificate of authorization appropriate to the aircraft being operated if they operate the controls on an unmanned aircraft that is being flown outside. If an unmanned aircraft is flown inside a building, the faculty member does not need to have a license from the FAA, but must have demonstrated skill and proficiency in the safe operation of the unmanned aircraft. *See Section B. below.*
 - c. **Research**: Researchers who operate UAS indoors must do so in a manner that ensures safety for anyone in the area and that does not create a hazard for life safety systems (e.g., fire sprinkler heads that might be hit and damaged). Researchers who operate UAS outdoors must either meet the requirements for operation as a recreational user (as defined by the FAA), or must have the appropriate pilot license and certificate of authorization. Prior to utilizing UAS in research activities, written authorization must be received from the Vice President for Research. Such authorization must be specific to the research project, and does not extend to other projects or uses.

- d. **Public Safety:** UAS may be utilized by properly trained and credentialed members of the university police and fire departments when used to ensure public safety, manage an emergency, or investigate an incident. During any such operations, safeguards shall be in place to ensure the safety of those in the area, as well as to minimize violations of privacy. Public safety personnel operating UAS on behalf of the university shall be required to complete an appropriate training program that has been vetted and approved by the Physical Science Laboratory subject matter experts.
 - e. **Infrastructure Inspection:** UAS may be utilized for the inspection of university facilities and infrastructure upon the written authorization of the Associate Vice President for Facilities and Services, and in coordination of the Physical Science Laboratory. The safety and licensing requirements applicable to each circumstance must be met.
 - f. **Commercial:** Commercial operation of UAS (where there is any form of financial remuneration or compensation as a result of the operation) may only take place when written permission has been granted by the Rule Administrator, as well as the Director of Campus Activities, the Physical Science Laboratory, and the manager(s) of any facility where the flight operation will take place. All FAA requirements must be met prior to commercial flight being authorized.
 - g. **Recreation:** Recreational use of UAS, other than as noted above for students/participants of a sanctioned university class or program, are not generally allowed on or over lands owned and controlled by the Board of Regents. A request for permission to fly recreationally for a single date may be made by submitting a request to the Director of Campus Activities, who will coordinate with the appropriate university officials to review the request. Individuals flying under such permission are restricted to the scope and terms of the authorization, and may be required to demonstrate proficiency, insurance coverage, air worthiness, and a safety plan prior to being allowed to conduct a flight.
- B. **Procedure to Request Authorization:** A request to fly an UAS for one of the above reasons must be made in writing to the Director of Campus Activities, utilizing the Activity Request Form. This is in addition to any other requirements noted for the specific categories. Requests should be made at least 10 business days prior to the planned activity.
- C. **Coordination with PSL Required to Apply to FAA:** Certificate of Authorization: When a certificate of authorization from the FAA may be necessary for a university student, faculty, or staff member, it shall be coordinated with the Physical Science Laboratory. No application may be submitted to the FAA on behalf of the university nor any of its subunits unless such coordination has taken place and approval for the application has been received.
- D. **Restrictions on Purchase of UAS with NMSU Funds:** No UAS, nor component thereof, may be purchased with university funds until an analysis has been completed to determine whether existing university aircraft or equipment can meet the need. Any aircraft purchased with university funds shall, upon receipt, be submitted for inspection to the Physical Science Laboratory subject matter experts for a safety evaluation and registration. All registrations submitted for aircraft purchased with university funds shall list the owner as "Board of Regents, New Mexico State University". Regardless of the dollar amount of the purchase, the acquisition of an UAS with university funds

must be reported to the Director of Purchasing in order to obtain risk management coverage prior to any operation of the UAS.

- E. Exceptions to Application of this Rule: Requests for any exception from this Rule's requirements may be submitted in writing to the Director of Campus Activities, who will grant or deny the request in a letter decision to the requesting party, after consultation with the appropriate administrators from the Physical Science Laboratory, subject matter experts as necessary, facility managers, and Rule Administrator. Requests will be evaluated on a case-by-case basis. Exception requests which are granted will be for a specific period of time, and will be documented. The Determination issued by the Director of Campus Activities may be appealed in writing to the Executive Vice President and Provost, who will issue a final Decision after review of the written materials submitted by the requesting party and by the Director of Campus Activities.