Campus Unmanned Aircraft System (Drone) Policy

Responsible Executive: Vice Chancellor-Administration
Responsible Office: Campus Police (UCPD)
Contact: Special Events Lieutenant
          (510) 642-6760, police@berkeley.edu

Policy Statement

To maintain the safety, security, and privacy of the Berkeley campus community and to ensure compliance with applicable laws, unmanned aircraft systems (also known as drones, unmanned aerial vehicles, model airplanes, quadcopters, or flying robots, but for clarity’s sake referred to henceforth as drones) will be used on campus in accordance with the conditions set forth in this policy. This policy does not apply to use of drones in off-campus locations such as field stations and other areas within the University’s Natural Reserve System. In those areas, the relevant field station or reserve manager will approve any proposed drone use in compliance with applicable laws and policies.

Scope of Policy

This policy affects everyone who uses or wishes to use a drone on campus.

Why We Have This Policy

Over the last few years, drones have become more widely available. As their technology improves and their price decreases, their use is likely to grow. The Berkeley campus has an obligation to study, research, teach about, and use drones as part of its mission, but also recognizes that drones may create a distraction in a teaching and learning environment, as well as safety, security, and privacy risks. This policy is intended to balance the use of drones for teaching, research, public service, and campus business purposes against the need to respect the campus’s longstanding regard for quiet, safety, and personal privacy.
Although the Next Review Date at the top of this page is set for 2023, the campus recognizes that rapid changes in regulation and technology are likely to require revisions of this policy prior to that date.
Procedures

Requirements Applicable to All Uses of Drones on Campus Property

Everyone who operates a drone on campus property must adhere to the University of California Unmanned Aircraft System (Drone) Policy, which includes the following requirements:

1) Obtain approval from the appropriate aviation agency and operate in compliance with all applicable regulations and rulings. To fly drones within the United States National Airspace System, the pilot and the drone must register with the Federal Aviation Administration (FAA). The FAA registration number (and AMA number, if applicable) must be on the drone. Use of drones outside the United States National Airspace System may be subject to different licensing and registration requirements; it is the responsibility of the owner/pilot to comply with those requirements.

2) File a UAS Flight Request Form with the University of California, Berkeley Police Department (UCPD) and Risk Services, or with the Systemwide Designated UAS Authority, at least seven business days in advance of any on-campus outdoor flight (see Appendix A).

3) Operate in a manner that protects public safety, the right to privacy, civil rights, and civil liberties.

4) Maintain sufficient liability insurance coverage.

5) Within three business days of the flight, provide a post-flight report to the UCPD or to the Systemwide Designated UAS Authority (see Appendix B). The post-flight report must include, at a minimum, the following information:
   a. Date and time(s) of all flights
   b. Name of pilot(s) conducting flights
   a) List of drones flown (preferably tied to the pilot who flew them)
   b) Details of any accidents or violations

Any accident that results in injury or property damage must be reported to the UCPD (510-642-6760) immediately.

Indoor operation of drones is not subject to FAA registration or licensing requirements and is therefore exempt from 1) above, but is subject to 2), 3), 4), and 5). Indoor commercial and recreational use of drones is prohibited.

Once operation of the drone is approved, the operator must follow the requirements of this policy, any conditions required by the approval, and all applicable laws and regulations.

The operator must have a copy of the approval at all times during the activity and, upon request, must present the approval to any University official or representative.
The operator must follow University privacy best practices at all times, including, but not limited to, the following:

- The drone may not be used to monitor or record activities where there is a reasonable expectation of privacy.
- The drone must not be used for unapproved recordings of any campus events or performances, or for any unlawful purpose.

Official University Use of Drones

Campus units must use drones for business purposes only, i.e. to further the mission of education, research, and public service or to fulfill a business need.

University-owned drones are insured by the University. Campus departments must contact Risk Services at risk@berkeley.edu to secure coverage prior to flying the drone.

Departments using non-University-owned drones or hiring non-University drone operators for a University business purpose must confirm prior to the commencement of flight that the drone owner and/or pilot has at least $1 million in commercial general liability insurance for use of the drone.

Indoor use of drones for education, research, public service, or a campus business purpose is permitted. Areas dedicated to indoor drone use must be inspected annually by Environment, Health & Safety (EH&S) for safety. Areas not dedicated to indoor drone use must be reviewed by EH&S for safety prior to any drone flight; EH&S may deny use of the indoor space for drone flights if it believes such flights represent a threat to safety or property.

Note to those flying drones outside the US National Airspace System: certain drones may be export controlled. All international drone use must be reviewed and approved by the campus Export Control Officer. All drone use by international students must also be reviewed and approved by the campus Export Control Officer.

The UCPD and other first responders are exempt from this policy when using drones to respond to an emergency or to events that may reasonably be expected to lead to bodily injury or property damage.

Commercial Use of Drones

Commercial use of drones on campus is prohibited unless approved in advance by the Public Affairs Director of Broadcast Communications, the UCPD, and Risk Services. To minimize disturbance to the campus mission, commercial users will be limited to flying drones over campus property during low-occupancy periods such as early weekend mornings. Exceptions to this restriction will be considered on a case-by-case basis and will require considerable evidence that the non-weekend morning use is in the best interests of the University.
Commercial drone users (including those providing drone services to a campus department) must adhere to the following requirements:

Prior to commencement of any on-campus flight, commercial users must sign a written agreement that defends, indemnifies, and holds The Regents of the University of California harmless from any third party claims alleging damage, injury, or other harm arising from or related to the commercial user’s operation of drones over campus property. In addition, commercial users must show proof of liability insurance ($5 million preferred) via a certificate of insurance that includes the following:

- Names The Regents of the University of California and its directors, officers, employees, servants and agents (collectively, the “Indemnified Parties” and individually, the “Indemnified Party”) as additional insureds, as their respective interests may appear
- States that the operator’s insurance shall be primary without any right of contribution from any other insurance available to The University.
- Includes a cross liability or severability of interests among Indemnified Parties, providing that the insurance shall operate in all respects as if a separate policy had been issued covering each party insured.
- Includes a waiver of subrogation in favor of the Indemnified Parties.

Recreational Use of Drones

Recreational use of drones on campus is restricted to:

- Registered Student Organizations (RSOs) and their campus-recognized faculty or staff advisors, and
- University of California courses (including senior projects) in which building and/or flying drones is a part of the curriculum.

RSOs whose activities include drone use must include the promotion of safe, lawful, and educational use of drones. Drones may be operated only by currently-registered University of California students, current staff, or current or emeritus faculty.

Recreational use of drones is restricted to designated areas of the Richmond Field Station, the Clark Kerr Campus Track, and the La Loma Recreational Field. Recreational drone users may operate drones no higher than 400 feet above ground level at the Richmond Field Station, no more than 200 feet above ground level at the Clark Kerr Campus Track, and below 20 feet (fence height, and within the bounds of the fences) at the La Loma Recreational Field. At all locations, drones may be used for recreational purposes only from 6 am until sunset. No one may operate drones for recreational purposes at the Clark Kerr Campus Track or the La Loma Recreational Field.
Field on football game days, graduation days, or during any other significant event at Memorial Stadium or the Greek Theatre.

Drones may not be used for recreational purposes anywhere else on campus unless approved in advance by the UCPD and Risk Services.

In addition to the requirements pertaining to all users of drones on campus property, recreational drone users must adhere to the following:

- Maintain sufficient liability insurance coverage (at least $1 million per occurrence). Sufficient coverage may be obtained through membership in the Academy of Model Aeronautics.

- Deploy spotters at Richmond Field Station to assure that non-participants do not enter the operations area while drones are in use. At the Clark Kerr Campus Track and the top floor of the La Loma Recreational Field, recreational drone users must post signs at least two feet high saying “drones in use, enter at your own risk” (or words substantially similar) at entrance points and must deploy spotters to assure that non-participants do not enter the immediate operations area while drones are in use. Spectators should remain outside the site fence lines.

- Use a flight management system for all flights involving drones that weigh more than half a pound. Data logs must include a method for promptly transmitting to the UCPD reports of any bodily injury or property damage caused by a drone.

**Consequences of Policy Violations**

University faculty, staff, and students operating drones in a reckless, unsafe, or irresponsible manner, or in violation of federal law, the University of California Unmanned Aircraft System (Drone) Policy, or this policy, will be subject to disciplinary action under the appropriate code of conduct, personnel policies, or collective bargaining agreement.

Non-University drone users operating in an unsanctioned, reckless, unsafe, or irresponsible manner, or in violation of federal law, the University of California Unmanned Aircraft System (Drone) Policy, or this policy, may be subject to enforcement by the UCPD, revocation of permission to fly over campus property, and a ban on further flights over campus for up to five years, depending upon the severity of the violation.
Responsibilities

UCPD:
- In partnership with Risk Services, takes administrative responsibility for this policy, interprets the policy for the campus, and revises the policy as necessary.
- Evaluates applications to fly drones over campus for compliance with applicable regulations and policies and for impact on public safety, privacy, civil rights and civil liberties.
- Enforces the policy.

Risk Services:
- In partnership with the UCPD, takes administrative responsibility for this policy, interprets the policy for the campus, and revises the policy as necessary.
- Evaluates applications to fly drones over campus for compliance with applicable regulations and policies and for impact on public safety, privacy, civil rights and civil liberties.
- Provides insurance coverage for campus-owned drones.

Facility Managers at Richmond Field Station (College of Engineering), Clark Kerr Campus Track (Intercollegiate Athletics), and La Loma Recreational Field (Recreational Sports):
- Review and approve requests for use of their sites for drone operation.
- Convey observed or reported violations of this policy to the UCPD.

Campus Privacy Officer:
- Reviews requests for uses of drones involving the collection, use, dissemination, or retention of system-recorded data (except as required for flight management system logging) including, but not limited to, photography, recorded or live-feed video, sound recording, infrared and thermal imaging, radar, and interception of Wi-Fi, text, cell phone, and other electronic transmissions.

Sponsored Projects:
- Reviews and approves all campus use of drones internationally, and all drone use by international students for University purposes regardless of location, for compliance with export control regulations.

Public Affairs:
- In partnership with the UCPD and Risk Services, reviews and approves commercial use of drones.
Web Site Address for This Policy

http://campuspol.berkeley.edu/policies/drones.pdf

Glossary

**Campus:** Any indoor and outdoor spaces owned or leased by UC Berkeley.

**Commercial Use of Drones:** Use of drones in a manner related to buying, selling, or otherwise providing goods or services.

**Drone:** a pilotless aircraft. Also known as an unmanned aircraft system (UAS), unmanned aerial vehicle (UAV), model aircraft, flying robot, or quadcopter.

**Model Aircraft:** an unmanned aircraft system as defined under Section 336(c) of the FAA Modernization and Reform Act of 2012.

**Reckless Manner:** behavior that exhibits disregard of or indifference to consequences in circumstances that may create danger to the safety of others, even if no harm is intended or ensues.

**Recreational Use of Drones:** Use of drones for personal interest or enjoyment.

**Unsafe Manner:** behavior that creates danger to others even if no harm is intended or ensues.

**US National Airspace System:** the airspace, navigation facilities, and airports of the United States of America, along with associated information, services, rules, regulations, policies, procedures, personnel, and equipment.

Related Documents and Policies

FAA Website on Unmanned Aircraft Systems:
https://www.faa.gov/UAS/

FAA Model Aircraft Rules:
https://www.faa.gov/uaos/media/model_aircraft_spec_rule.pdf

University of California Unmanned Aircraft Systems Policy:
http://policy.ucop.edu/doc/3500671/Drone

University of California Unmanned Aircraft Systems Website:
University of California Unmanned Aircraft Systems Policy Guidance Document:

University of California Unmanned Aircraft Systems Privacy Best Practices:

University of California Unmanned Aircraft Systems Insurance Requirements:
APPENDIX A

University of California, Berkeley Unmanned Aircraft System Flight Request Form

(To be submitted to Risk Services at risk@berkeley.edu)

We will need to see a comprehensive flight plan, preferably using Airmap or a similar program. The flight plan must include the proposed date and times of flight.

Requests to fly over campus indiscriminately will not be approved. Your team should select specific flight routes to specific landmarks, locations, or subjects. To the degree possible, your flight path must stay over areas with clear visibility to other UASs, pedestrians, and vehicles and be designed to minimize the risk of injury or damage. This usually requires the following:

- Additional team members for crowd control to make sure no one walks into the areas of flight.
- No flying over streets, buildings, or utility poles
- No flying beyond 500 feet of the operator

Here are the documents you will need to submit along with your flight request:

- Each Pilot’s UAS License
- Aircraft Registration(s)
- Proposed Flight plan, annotated map preferred
- Safety plans for
  - Aircraft operations
  - Crew management
  - Crowd control
APPENDIX B

University of California, Berkeley Unmanned Aircraft System Post-Flight Report

(To be submitted to UCPD at police@berkeley.edu within three business days of flight)

Name of Entity Conducting Flight(s):

Date of Flight(s):

Start and End Time of Flight Period:

List all Pilots Who Flew a Drone:

List all Drones Used Including Information Regarding Manufacturer, Make, and FAA Registration Number (name of pilot should be included):

Any accidents or suspected legal/regulatory/policy violations? If so, list in detail: