Ohio Administrative Code

Rule 3339-16-17 Unmanned aircraft system (drones and model aircraft).

Effective: March 9, 2018

The operation of small unmanned aircraft systems(UAS), including drones and model aircraft, on universityproperty and in university airspace (collectively, universityproperty) is regulated by the federal aviation administration(FAA) pursuant to 14 C.F.R. Part 107 (Part 107) and14 C.F.R. Part 101 (Part 101). This rule seeks to ensurecompliance with those legal obligations, to protect privacy, and to reducerisks to safety and security.

This rule applies to the operation of all UASs onuniversity property by all persons, including, without limitation, universityfaculty, employees, students, contractors, and visitors. This rule also appliesto the operation of UASs on or above non-university property in support ofuniversity-sponsored or university-sanctioned activities.

(A) General requirements applicable to all UASs and all persons operating UASs on university property for any purpose

(1) All UASs operated on university property must have a wingspan of six feet or less.

(2) All UASs operated on university property must weigh less than fifty-five pounds at take-off.

(3) If a UAS weighs more than fifty-five one-hundredths pounds, then it must be registered with the FAA. If a UAS is required to be registered, the FAA-issued registration number must be affixed to the UAS so that the registration number is clearly visible.

(4) The B4UFLY smartphone application must be downloaded and utilized by all persons operating a UAS on university property. The B4UFLY application was created by the FAA to assist UAS operators determine whether there are any restrictions or requirements in effect at the location where they want to fly.

(5) UAS operators must be at least eighteen years or older.

(6) UAS operators that have obtained permission to operate a UAS on university property under this rule must notify and be registered with the Miami university police department at least twenty-four hours in advance of such operation.

(7) Except for public entities (as defined below), any person that is not a university student or employee who wishes to operate a UAS on university property must enter into a written agreement with the university that, among other things, requires such person to:

(a) Hold the university harmless from any claims or harm to individuals caused by the persons operation of the UAS;

(b) Indemnify the university for any damages to property owned or used by the university that are caused by the persons operation of the UAS; and

(c) Obtain a liability insurance policy with at least one million dollars in liability coverage, and add the university as an additional insured under such insurance policy.

(8) Any person wishing to operate a UAS on university property shall be personally responsible for complying with all university policies and all applicable state and federal laws. All persons operating a UAS on university property do so at their own risk.

(9) No person may operate a UAS for purposes of recording or transmitting visual images unless such purpose is approved in writing by the associate provost for research (for university students and instructional staff) or by the director of environmental health and safety offices (for persons who are not university students or instructional staff). If such permission is given, an operator of a UAS equipped with a camera or videorecorder must take all reasonable measures to avoid violations of areas normally considered private, and such UAS may not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include, but are not limited to, restrooms, locker rooms, individual residential rooms, changing or dressing rooms, and health treatment rooms. No UAS shall be used to monitor or record residential hallways, residential lounges, or the insides of campus daycare facilities. No UAS shall be used to monitor or record sensitive institutional or personal information which may be found, for example,

on an individuals workspaces, on computers or other electronic displays.

(B) Operation of UAS for recreational purposes or limited educational purposes

Persons operating a UAS as a hobby or for recreation are required to comply with all of the provisions of Sections 101.41 to 101.43 of Part 101. As used in this rule, the term Recreational Purpose(s) means the pursuit of an activity outside of ones regular occupation that is engaged in for fun, relaxation, or as a means of refreshment or diversion.

Generally, the operation of a UAS by university faculty, staff, or students in their official capacities will not qualify as a UAS operation for recreational purposes. However, a university students operation of a UAS under the following limited circumstances (limited educational purpose(s)) will nevertheless qualify as an operation of a UAS under Part 101, and therefore be deemed an operation for recreational purposes: when a university students operation of a UAS is a component of the students science, technology, or aviation-related educational curricula; or when a university students operation of a UAS is a component of the students other coursework, such as television and film production or the arts.

Note that student operation of a UAS will not qualify as a limited educational purpose if the UAS is operated in support of a faculty members research or other sponsored activity, or the student receives any form of compensation directly or incidentally related to the students operation of the UAS. University faculty may assist students who are operating a UAS for limited educational purposes, provided that the student maintains operational control of the UAS such that the faculty members manipulation of the UASs controls is incidental and secondary to the students (e.g. the faculty member steps in to regain control in the event a student begins to lose control of a UAS, to terminate a flight, etc.). In all other circumstances, faculty operation of a UAS does not qualify as a recreational purpose or limited educational purpose. For further explanation and examples of student uses of a UAS for limited educational purposes, please see the FAAs interpretive memorandum dated May 4, 2016, with the subject line educational use of unmanned aircraft systems (UAS).

(1) Any person wishing to operate a UAS for a recreational purpose or for a limited education purpose must comply with each of the following preflight requirements:

(a) Submit a request in writing to the associate provost for research:

(i) Outlining the proposed flight schedule and proposed flight activity;

(ii) Identifying any person that will be operating a UAS on university property;

(iii) Providing the FAA registration number (if applicable);

(iv) Providing the manufacturer and model number of the UAS to be operated;

(v) Providing all pertinent specifications of the UAS (e.g. weight, maximum range, maximum altitude, whether the UAS has dual controls, whether the UAS has return home programming, etc.); and

(vi) Indicating whether such UAS operation will involve recording or transmitting visual images.

(b) Obtain the written permission of the associate provost for research as to the time, place, and manner of the proposed UAS operation.

(c) UAS operations for a recreational purpose or for a limited educational purpose will be limited to the following areas (each an authorized location):

(i) Chestnut fields (105 W. Chestnut avenue, behind the parking lot).

(ii) Ditmar parking lot (behind Miami university police department and Ditmer parking lot).

(iii) Bonham field/Fryman parking lot

(d) At the direction of the associate provost for research, a person wishing to operate a UAS for a recreational purpose or for a limited educational purpose must reserve an authorized location by contacting the director of special events at Miami recreation.

(e) Once written permission has been obtained from the associate provost for research, provide

advanced notice to all airport operators and airport air traffic control towers (if any) within a three mile radius of the UAS flight path. Any notice should include the proposed flight path, flight date and time, and any information requested by such airport operators and airport air traffic control towers.

(f) Persons operating a UAS on the universitys Oxford campus must notify the Miami university airport and McCullough-Hyde memorial hospital.

(2) Any person operating a UAS for recreational purposes or for limited educational purposes shall abide by the following operational requirements:

(a) Operate the UAS strictly for a recreational purpose or for a limited educational purpose and not for instructional, research, work, compensation/hire, or any other business purpose.

(b) Comply with all applicable parts of Part 101 and operate the UAS in accordance with the safety code promulgated by the academy of model aeronautics; provided, that if there is a conflict between this rule and any requirements found in Part 101 or the safety code promulgated by the academy of model aeronautics, the requirements contained in this rule shall control.

(c) Review and understand all airspace restrictions that may apply to the operation of a UAS, including, without limitation, any temporary flight restrictions, and any restricted or special use airspace.

(d) Operate the UAS at or below two hundred feet. The associate provost for research may grant special permission to operate a UAS up to four hundred feet.

(e) Operate the UAS at or below a ground speed of fifty miles per hour. The associate provost for research may grant special permission to operate a UAS at a ground speed up to one hundred miles per hour.

(f) Operate the UAS at all times within the operators line of sight without visual aids (such as binoculars, telescope, etc.).

(g) Operate the UAS so as to never interfere with manned aircraft, and always yield the right of way

to manned aircraft.

(h) Operate the UAS in class G airspace as indicated by the B4UFLY application.

(i) Avoid operating a UAS in highly populated areas, near high traffic areas, and near public thoroughfares.

(j) Never operate a UAS:

(i) At night or in inclement weather;

(ii) From a moving vehicle;

(iii) Directly over any unprotected human being;

(iv) Over or within one hundred feet of stadiums, sports events, graduation commencement or other ceremonies, or emergency response efforts (e.g. fires, law enforcement activities, etc.).

(v) While under the influence of drugs or alcohol; or

(vi) Inside a building (unless specific permission for such activity is obtained from the associate provost for research).

(C) . General requirements applicable to all persons (other than public entities) operating UASs for any purpose other than for recreational purposes or limited educational purposes

Persons operating a UAS on university property for purposes other that recreational purposes or limited educational purposes are required to either obtain a COA from the FAA or comply with all of the provisions of Part 107. To operate a UAS under Part 107, a person must first pass an aeronautical knowledge test at an FAA-approved knowledge testing center; complete an application for a remote pilot certificate (FAA form 8710-13) and submit it to the FAA; and pass a TSA security background check. A person successfully completing these steps will be issued a remote pilot certificate from the FAA and be considered a remote pilot in command capable of operating a UAS

for non-hobby or non-recreational purposes pursuant to Part 107.

Any person (other than a public entity) operating a UAS on university property for any purpose other than recreational purposes or limited educational purposes must:

(1) Either possess a valid and unexpired remote pilot certificate issued by the FAA, or be under the direct supervision of a remote pilot in command with a valid and unexpired pilot certificate issued by the FAA (provided that the remote pilot in command is available and capable of immediately taking direct control of the UAS at any time during such operation); or possess a valid and unexpired COA issued by the FAA; and

(2) Operate the UAS pursuant to Part 107 or a valid and unexpired COA, and within any limitations set forth in the written permission issued under this rule.

(D) Operation of UASs by university faculty and university students for any purpose other than recreational purposes or limited educational purposes

Any university faculty member or university student wishing to operate a UAS on university property for any purpose other than recreational purposes or limited educational purposes must comply with each of the following requirements:

(1) Submit a request in writing to the associate provost for research:

(a) Outlining the proposed flight schedule and proposed flight activity;

(b) Identifying any person that will be operating a UAS on university property;

(c) Providing the UAS registration number (if applicable);

(d) Providing the manufacturer and model number of the UAS to be operated;

(e) Providing all specifications of the UAS (e.g. weight, maximum range, maximum altitude, whether the UAS has dual controls, whether the UAS has return home programming, etc.); and

(f) Indicating whether such UAS operation will involve recording or transmitting visual images.

(2) Provide the associate provost for research with a copy of either:

(a) The remote pilot in commands valid and unexpired remote pilot certificate, and a list of any operational waivers the remote pilot in command has received from the FAA; or

(b) A copy of the valid and unexpired COA.

(3) Obtain the written permission of the associate provost for research as to the time, place, and manner of the proposed UAS operation.

(E) Operation of UASs for other business purposes

Any university employee that is not a university faculty member; all governmental entities, law enforcement agencies, and public safety agencies (collectively, Public Entities); and any other person wishing to operate a UAS on university property for compensation, hire, or any other business purpose shall comply with each of the following requirements:

(1) Submit a request in writing to the director of health and safety offices

(a) Outlining the proposed flight schedule and proposed flight activity;

(b) Identifying any person that will be operating a UAS on university property;

(c) Providing the UAS registration number (if applicable);

(d) Providing the manufacturer and model number of the UAS to be operated;

(e) Providing all specifications of the UAS (e.g. weight, maximum range, maximum altitude, whether the UAS has dual controls, whether the UAS has return home programming, etc.); and

(f) Indicating whether such UAS operation will involve recording or transmitting visual images; provided, that none of the requirements contained in the immediately preceding sentence will apply to the operation of a UAS by public entities during an emergency.

(2) Provide the director of health and safety offices with a copy of either:

(a) The remote pilot in commands valid and unexpired remote pilot certificate, and a list of any operational waivers the remote pilot in command has received from the FAA; or

(b) A copy of the valid and unexpired COA.

(3) Obtain the written permission of the director of health and safety offices as to the time, place, and manner of the proposed UAS operation.

(F) Sanctions

Any violations of university policies by an individual will be dealt with in accordance with applicable university policies and procedures, which may include disciplinary actions up to and including termination from the university. Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties that operate UAS in violation of this rule. Fines or damages incurred by individuals or units that do not comply with this rule will not be paid by the university and will be the responsibility of those persons involved.