

Chapter 172-110 WAC

DRONES AND MODEL AIRCRAFT

WAC

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WAC 172-110-010 Scope. These rules govern the use of drones and model aircraft:

(1) By university employees and students operating a drone or model aircraft in any location as part of their university employment or as part of university activities; and

(2) The operation by any person of a drone or model aircraft on or above Eastern Washington University property.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-010, filed 11/23/15, effective 12/24/15.]

WAC 172-110-020 University approval required. The operation of drones and model aircraft is regulated by the Federal Aviation Administration (FAA) and relevant state law. Eastern Washington University is committed to ensuring compliance with those legal standards and reducing risks to safety, security and privacy. The use of any drone or model aircraft either on or above university property or by a university employee or student during a university activity is prohibited, unless prior authorization for such use is obtained from the director of public safety in accordance with this chapter.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-020, filed 11/23/15, effective 12/24/15.]

WAC 172-110-030 Definitions. Throughout this chapter, the following definitions shall apply:

(1) "Eastern Washington University property" includes all buildings, grounds, and land that are owned, leased, occupied, and/or operated by Eastern Washington University.

(2) "Director" means the Eastern Washington University director of public safety or designee.

(3) "Drones" refers to all types of unmanned aircraft systems (UAS) as defined by the Federal Aviation Administration (FAA) and includes any aircraft that is operated without the possibility of direct human intervention from within or on the aircraft and associated elements.

(4) "Model aircraft" refers to unmanned aircraft systems that are used solely for hobby and/or recreational purposes. A model aircraft is capable of sustained flight and must be flown within the visual line of sight of the person operating the aircraft.

(5) "Navigable airspace" means the airspace of the United States above the minimum altitudes of flight pre-

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scribed by the regulations of the FAA, including airspace needed to ensure safety in the takeoff and landing of aircraft.

(6) "Commercial purpose" means the transportation of persons or property or other use of drones for compensation or hire.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-030, filed 11/23/15, effective 12/24/15.]

WAC 172-110-040 University use of drones. The university, in carrying out its educational, research, and service missions, may make use of drones when granted authorization to do so by the FAA.

A university employee or student who wishes to operate a drone as part of their university employment or an official university activity must contact the director. Any use must be approved in advance by the director. The director will ensure the use complies with FAA regulations and university policy. The director, in conjunction with the requestor, will submit any necessary requests for authorization to the FAA.

Any university employee, student, or unit purchasing a UAS (or the parts to assemble a UAS) with university funds or funds being disbursed through a university account, or grant funds, must contact the director to pursue needed approval(s).

Any use or work on UAS technology by university employees and students must comply with the International Traffic in Arms Regulations, Export Administration Regulations, and Office of Foreign Asset Control regulations.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-040, filed 11/23/15, effective 12/24/15.]

WAC 172-110-050 Nonuniversity use of drones. Any-one planning to use a drone on or above Eastern Washington University property for a nonuniversity purpose shall:

(1) Obtain approval from the director;

(2) Provide proof of FAA approval;

(3) Enter into a contract which holds the university harmless from any resultant claims or harm to individuals and damage to university property; and

(4) Provide proof of insurance as required by the director.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-050, filed 11/23/15, effective 12/24/15.]

WAC 172-110-060 Use of model aircraft. Use of model aircraft on or above Eastern Washington University property requires the advance approval of the director and is subject to the following restrictions:

(1) Model aircraft must be kept within visual sightline of the operator at all times;

(2) Model aircraft must weigh under fifty-five pounds unless certified by an aeromodeling community-based organization; and

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(3) Model aircraft must be flown a sufficient distance from populated areas.

Use of a drone for university purposes, including research and instruction, does not fall within this section and must comply with WAC 172-110-040.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-060, filed 11/23/15, effective 12/24/15.]

WAC 172-110-070 Prohibited locations for use of drones and model aircraft. The use of drones and model aircraft is prohibited in 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, in and around residential buildings or facilities, individual residential rooms, changing or dressing rooms, health treatment rooms, campus daycare facilities, and university offices and work areas. Drones and model aircraft may not be used to monitor or record institutional or personal information which may be found, for example, on computer or other electronic displays.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-070, filed 11/23/15, effective 12/24/15.]

WAC 172-110-080 Director of public safety. (1) The director of public safety shall ensure that the use of drones and model aircraft subject to these rules is in compliance with applicable federal and state laws.

(2) The director shall consider ethical issues related to a proposed use of drones or model aircraft prior to approving such use.

(3) The director shall keep the vice president for business and finance informed of any use of drones or model aircraft under these rules.

(4) In responding to a proposed use of a drone or model aircraft, the director may approve the use as proposed, may require modification of the proposal, or may deny the proposal.

(5) The director may deny any proposed use of a drone or model aircraft that he/she determines constitutes a commercial use or is otherwise not authorized under federal, state, or local laws or regulations.

(6) If the director denies a proposed use, the denial may be appealed, in writing, to the vice president for business and finance.

(7) The director shall provide ongoing review of approved drone and model aircraft use.

(8) With the approval of the vice president for business and finance, the director may develop procedures for implementing these rules.

(9) The director may suspend or terminate any use of drones or model aircraft deemed inconsistent with previously approved use, and/or the requirements of federal, state, or local regulations.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-080, filed 11/23/15, effective 12/24/15.]

WAC 172-110-090 Violations. The university may trespass or pursue other legal action against persons who violate this chapter.

Damages resulting from the use of drones or model aircraft shall be the responsibility of the persons or units involved.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-24-049, § 172-110-090, filed 11/23/15, effective 12/24/15.]