

UPDATE ON sUAS OR DRONES: UNDERSTANDING FAA PART 107 AND EDUCATIONAL USE

Effective August 29, 2016 the FAA implemented their first structured laws for commercial Small Unmanned Aircraft Systems (sUAS/UAS) use and titled it Part 107. Prior to that, there was a set of guidelines operators were to abide by, but there were still many gray areas as far as what steps were needed to be in compliance with the FAA – especially for those that operated drones at educational institutions.

While those gray areas still exist, they have been greatly reduced. Here's what school districts and colleges of all levels need to know about FAA Part 107:

- The FAA states that the “educational use” of UAS (drones) could fall under the recreational/hobby category and therefore Part 107 would not apply. However, it was confirmed by FAA representatives that the only example of “educational use” would be a school district/college sponsored course or school club that teaches the building and operation of drones as part of the class/club curriculum. Therefore, any other use would require a school district/college to follow Part 107.
- Another criterion for educational use to qualify as hobby/recreational use is that the operator must not be compensated. Since teachers/faculty and staff are paid employees, they cannot operate drones under hobby/recreation use except for as-needed intervention of student operation. In other words, in most cases, only student operation of drones would qualify for hobby/recreation use.

If your drone operation places you outside of hobby/recreation use and under the laws of Part 107, here are some of the action items you need to be aware of:

- A person operating a UAS (drone) must either hold a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who does hold a remote pilot certificate (remote pilot in command).
 - To obtain a remote pilot certificate, a person must pass an exam at an FAA-approved knowledge testing center, be vetted by the Transportation Security Administration and be at least 16 years old.
- Many of the FAA safe operation guidelines are included in Part 107, including:
 - Aircraft must weigh between .55 lbs and 55 lbs
 - Maximum altitude of 400 feet
 - Daylight-only operations, or civil twilight (30 minutes before sunrise to 30 minutes after sunset)
 - Do not fly directly overhead people

- Do not fly within five (5) miles of an airport or helipad without first communicating with air traffic control (this could include helipads at hospitals and fire/police stations).

Most drone use will fall under commercial use and will need to adhere to Part 107 law, which limits the operation to those ages 16 and older. A school district/college can get students involved by developing a class or club that would qualify as “educational use,” as long as there is a written curriculum as part of the club/class, thus placing it in the recreational/hobby category. For more information on the FAA’s interpretation of “educational use” please view their official statement here:

https://www.faa.gov/uas/resources/uas_regulations_policy/media/interpretation-educational-use-of-uas.pdf

The intention of Part 107 is to clear up any confusion as to what constitutes commercial or recreational/hobby use. The easiest way to understand which category your drone use falls under is to remember the following important items:

1. If the operation of the drone is part of an individual’s job and/or they are being compensated, then it is considered commercial use. Some examples include: using a drone for photography or a job that requires the use of a drone, a school district/college employee who operates a drone to check on the condition of a roof after a storm to get a scenic shot for the school yearbook, or even a teacher operating a drone for a drone class/club.
2. Drone use at a school/college would only fall under the educational parameters if the course is giving instruction to students on how to build and/or operate a small unmanned aircraft system.

Should you have any questions regarding this Bulletin or would like additional information, please contact your Keenan Loss Control Consultant at www.keenan.com or info@keenan.com.

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