

Drones - Unmanned Aircraft Systems (UAS)

State agencies and employees benefit from the use of drones or Unmanned Aircraft Systems (UAS). Benefit examples include infrastructure inspection, environmental compliance, natural resources monitoring, wildlife protection and research, hunting and anti-hunting monitoring, disaster relief, and law enforcement activities. A common advantage of using drones is the reduction of risk to staff normally performing these tasks. However, drone usage exposes the agency and operator to a whole new set of risks including third-party damage, injury and liability.

Risks to Agencies

- Public and employee(s) personal injury
- State property repair or replacement costs
- State property damage
- Third-party property damage
- Civil penalties and fines
- Agency risk charge increases



State's Insurance Coverage

See the links below for more information on the Oregon Department of Administrative Services (DAS) Risk Management Self-Insurance policies.

Property Coverage — State owned UAS may be covered by the state's [Property Self-insurance Policy Manual](#), subject to all terms and conditions.

Liability Coverage — Liability for coverage related to acts or omissions regarding agency mission critical UAS use is available under the state's self-insurance [Agency Liability Policy Manual](#). Coverage for individuals authorized in UAS operations as an official duty at the state's direction and control is available under the state's self-insurance [Employee Liability Policy Manual](#).

Workers' Compensation Coverage — Employee injuries caused by UAS in the workplace is covered by workers' compensation.

Risk Control Evaluation - Six Factors

Before and while using an UAS, at a minimum, evaluate these six factors:

- What benefits does a UAS provide and how does it support your agency mission?
- What can go wrong, who could be harmed and what could be damaged?
(FAA Risk Assessment Information - See [Chapter 2](#) & [Appendix A](#))
- Does your agency have a UAS operation plan & policy?
- Have "go/no go" factors been established? (Sample [Checklist](#))
- Is the UAS FAA registered and operator FAA certified?
- Where is the UAS operational area and is prior approval needed prior to operation?

Federal Aviation Administration Safety Guidelines

The Federal Aviation Administration offers this information and safety guidelines:

- FAA smartphone app offers current location maps and flying information - [B4UFLY](#)
- Fly below 400 feet. Remain clear of surrounding obstacles
- Keep the UAS within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Do not fly within five miles of an airport
- Contact airports and control towers before flying into their air space
- Do not fly near people or stadiums
- Do not be careless or reckless with your UAS —fines are levied for endangering people or other aircraft
- Watch out for and respect "No Drone Zones"

RiskWise



A Guide to Controlling Risk

Drones - Unmanned Aircraft Systems (UAS)

- Risks to Agencies
- State's Insurance Coverage
- Risk Control Evaluation - Six Factors
- FAA Safety Guidelines
- Oregon State Laws and UAS
- Public Operated UAS Registry
- Additional Resources, Links, and Information

Published April 2016

Revised August 2020

Oregon State Laws and Unmanned Aircraft System (UAS)

Before operating an unmanned aircraft system in Oregon, review and adhere to [ORS 837.300 - 837.998](#). Included below is a brief summary of how the UAS statutes are organized, including examples of what can be found within each section.

- ORS 837.310 - 837.345 apply directly to law enforcement activities and define how UAS may and may not be used by law enforcement during those activities, such as:
 - * A law enforcement agency may operate and disclose information acquired through the operation of an UAS if: a warrant is issued, there is probable cause, an individual has given written consent, it is used for search and rescue activities, it is assisting an individual in an emergency, a state of emergency is declared by the Governor under ORS chapter 401, it is related to a criminal investigation, or used for training.
- ORS 837.360 - 837.362 describes use restrictions; exceptions for educational institutions; civil penalties; registration; fees; and rules for public bodies to use and operate a UAS. A few examples include:
 - * A public body may not operate an UAS in the airspace over the state of Oregon without registering the UAS with the Oregon Department of Aviation; civil penalty may be imposed of up to \$10,000.
 - * A public body shall establish policies and procedures for the use, storage, accessing, sharing and retention of data resulting from the operation of the UAS.
- ORS 837.365 - 837.374 defines offenses and illegal uses of UASs. This includes:
 - * A person commits a Class A misdemeanor if operating an UAS capable of firing a bullet, projectile or otherwise operating an UAS as a weapon.
 - * A person commits a Class A violation if operating an UAS directing a laser at an aircraft while it's in the air, to crash into an aircraft while it's in the air or to prevent takeoff or landing of an aircraft.
- ORS 837.375 - 837.998 covers civil remedies; preemption of local laws; exemption of armed forces; and penalties.
 - * A person lawfully occupying real property in this state may bring an action against any person or public body operating an UAS flown over the property if the operator has flown the UAS over the property on at least one previous occasion and notified the operator not to fly the UAS over their property. However, a person may not bring an action against the operator if the UAS is in the process of taking off, landing or lawfully in a flight path for landing at an airfield.

Public Operated UAS Registry



A public operator of an UAS must complete a Certificate of Waiver or Authorization with the Federal Aviation Administration and register with the Oregon Department of Aviation.

- The Federal Aviation Administration requires a public operator to complete a [Certificate of Waiver or Authorization \(COA\)](#) that permits public agencies and organizations to operate a particular aircraft, for a particular purpose and in a particular area (60 to 90 days to process).
- ORS 837.360 - A public body may not operate a drone in the airspace over this state without registering the drone with the Oregon Department of Aviation ([Oregon Aircraft/Drone Registration Form](#)).

Additional Resources, Links and Information

- DAS Risk Management [Risk Assessment Toolkit](#)
- Federal Aviation Administration:
 - [Public Safety and Government Safety Guidelines](#)
 - [Public Safety and Law Enforcement Toolkit](#)
 - [Drone Safety, It's the Law](#) Webinar and other UAS [Webinars](#)
- Oregon Department of Aviation [UAS Information](#)
- National Police Foundation — [Building and Maintain a Successful Public Safety UAS Program](#) Guide (includes a lessons learned section)
- NFPA [Standard 2400](#) — Standard for Small Unmanned Aircraft Systems (sUAS) Used for Public Safety Operations

[\[https://www.oregon.gov/das/Risk/Pages/PubsToolsRes.aspx\]](https://www.oregon.gov/das/Risk/Pages/PubsToolsRes.aspx)

DAS RISK MANAGEMENT

www.oregon.gov/das/Risk/Pages/index.aspx

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