

Administrative Policy No. 14.23

Subject: Department of Social & Health Services (DSHS) Drone Use Policy

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Authorizing Source: [Washington State Policy Guidelines for Unmanned Aircraft Systems](#)
[Public Law 112-95, Title III \(b\) – Unmanned Aircraft Systems:](#)
[Federal Aviation Administration \(FAA\) Modernization and Reform Act of 2012, 49 USC Sec. 40101](#)
[49 U.S. Code Subtitle VII](#)
[Code of Federal Regulations Title 14: Aeronautics and Space, PART 107—SMALL UNMANNED AIRCRAFT SYSTEMS](#)
[2007 Federal Register Notice, Unmanned Aircraft Operations in the National Airspace System \(NAS\)](#)
[RCW 9.73.060, Violating Right of Privacy](#)
[RCW 40.14, Preservation and Destruction of Public Records](#)
[RCW 42.56, Public Records Act](#)
[Federal Aviation Administration, Unmanned Aircraft Systems](#)
[Chapter 39.26 RCW, Procurement of Goods and Services](#)
[DSHS Administration Policy \(AP\) 13.08, Purchased Goods & Services](#)
[DSHS Administration Policy \(AP\) 14.07, Control of Capital Assets](#)
[State Administrative & Accounting Manual \(SAAM\) Chapter 35.10](#)

Effective Date: May 1, 2018

Revised:

Approved By: Original signed by Sharon Swanson
Senior Director, Policy & External Relations

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Purpose

The purpose of this policy is to:

- Establish requirements for DSHS employees and authorized vendors to use and operate Unmanned Aircraft Systems (UAS) for building and property inspections and assessments at DSHS-owned and operated hospitals, residential habilitation centers, institutions, and community facilities.

- Establish criteria for public notification of UAS flights.
- Establish criteria for procurement of UAS devices.

Background

The Federal Aviation Administration (FAA) has standardized UAS policies and integrates unmanned aircraft into the National Airspace System (NAS). The DSHS Office of Capital Programs manages more than 500 buildings throughout Washington and requires a low-cost, efficient, and safe method to conduct routine building and property inspections with minimal disruption to facilities, operations, grounds, residents, and staff.

Scope

This policy applies to all DSHS employees and approved vendors. This policy provides direction and regulates when and where DSHS staff and vendors may use UAS in order to monitor and manage state property and assets. This policy's intention is to establish requirements for DSHS employees and authorized vendors to use and operate Unmanned Aircraft Systems (UAS) for building and property inspections and assessments at DSHS-owned and operated hospitals, residential habilitation centers, institutions, and community facilities and not restrict any agreements already in place.

Definitions

Unmanned Aircraft System (UAS) - The unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft.

Unmanned Aircraft (UA) - The flying portion of the system, flown by a pilot via a ground control system, or autonomously through use of an on-board computer, communication links, and any additional equipment that is necessary for the UA to operate safely.

Certificate of Waiver or Authorization (COA) - An authorization issued by the FAA to grant certain entities access for a specific UAS activity. It contains requirements the holder must follow. The FAA issues COAs for both public and civil UAS operations.

Flight - An individual operation of the UAS from takeoff to landing. Each flight must have defined parameters for area of operation, altitudes, flight plan, and length of flight.

Project - Any known or unforeseen circumstance requiring building or property inspection and or investigation to collect information on issues that may require inspection, preventative maintenance, or repairs. A project normally has a specific purpose, timeframe, and defined location. A project may require multiple flights.

Class G Airspace - Class G airspace includes all airspace below 14,500 feet (4,400 meters) MSL (mean sea level) not otherwise classified as controlled. Class G airspace is typically 1,200 feet or less above the ground.

Policy Requirements

A. Use of UAS

A UAS may be used when it provides cost efficiency, improved data quality, or improved personnel safety over an existing method or process. Examples of permitted uses include, but are not limited to:

1. Aerial photography
2. Photogrammetry
3. Building inspections
4. Thermal imagery
5. Geotechnical field investigations
6. Light Detection and Ranging (LiDAR) applications
7. Mapping construction sites and conditions
8. Disaster response and training exercises

Employees are prohibited from using personally owned UAS for DSHS business. All DSHS staff members using personally owned UAS for DSHS business may be subject to disciplinary action.

Employees operating an agency-owned UAS shall comply with FAA and DSHS policies, to include airworthiness of the UAS, licensing, training, notifications, and acquisition of all waivers and approvals prior to any UAS operation.

This policy should not restrict the safe, rapid deployment of an agency-owned or contracted UAS in response to an emergency or urgent situation to protect life and limb, critical infrastructure, and/or the environment such as: fire, building collapse, weather damage, etc.

B. UAS Procurement

The procurement of an agency-owned UAS requires the approval of the DSHS Secretary.

Procurement shall be in accordance with RCW 39.26 and DSHS Administrative Policy 13.08.

All agency-owned UAS, regardless of purchase price, will be tagged as a DSHS asset and maintained in the TRACKS Asset Inventory System.

All UAS and equipment will be stored in a secure locked compartment, cabinet, or room with limited employee access.

C. Contracting for UAS Services

Contracting for UAS services requires the prior approval of the deputy secretary or designee.

Prior to executing any contract for UAS services, DSHS staff must ensure the contract includes clauses covering all of the following requirements:

1. Any contracted UAS used for DSHS business that is of foreign registry, or owned, controlled, or operated by a person who is not a citizen or permanent resident of the United States, the FAA considers the UAS to be a "foreign civil aircraft" as defined in 14 CFR § 375.1. This section requires the non-citizen or permanent resident to apply to the Office of the Secretary's Foreign Air Carrier Licensing Division for permission to operate in the United States.
2. UAS services shall comply with all pertinent FAA and DSHS policies, procedures, requirements.
3. That vendors are insured as required by Administrative Policy 13.13.
4. That all information, imagery, and data collected during UAS operations shall be solely the property of DSHS and subject to public disclosure requirements.
5. That vendors will not be allowed to retain any data collected for any use whatsoever.
6. That the vendor or contractor is solely responsible for and shall indemnify, defend and hold DSHS harmless from any and all damages, injuries and claims that may result from the UAS services performed.

D. Operational and Training Requirements

DSHS employees and UAS service contractors operating a UAS shall meet FAA pilot or operator certification requirements. Agency-owned UAS and all onboard equipment must weigh less than 55 lbs.

All UAS flights will be logged and retained in accordance with all DSHS Retention Policies by each business unit in digital format and saved on that program's server for any public disclosure request. All logs will at a minimum include:

1. Date
2. UAS type/model
3. UAS registration/identification
4. Location
5. Purpose or scope (project/description of use)
6. Duration of flight

DSHS personnel must complete the following steps prior to any operation of a state owned UAS:

1. Read and comply with manufacturer's instructions and operating procedures for each UAS prior to use.
2. Attain all FAA required certification documentation including a COA.
3. Follow the preflight checklist provided by the UAS manufacturer's operation manual to verify airworthiness.

4. Pilots must demonstrate to their Unit Supervisor their competency and their capabilities of vehicle takeoff, control, maneuverability, and landing.
5. Be registered with the FAA (online) if aircraft weight is over 0.55 pounds.

E. Safety Procedures

Employees involved in agency-owned UAS operations shall comply with all DSHS safety policies per DSHS Administrative [Policy No. 9.07](#) DSHS Safety and Occupational Health Program and FAA safety regulations. All flights must comply with the following safety requirements:

1. UAS operations must maintain compliance with any local regulations or lease terms.
 - a. All UAS projects must receive prior written approval by facility administration.
2. Contact local and federal authorities such as local airports, airport control towers, local civil authorities, and FAA, where flight operations will be conducted to verify there are no local flight restrictions or regulations restricting UAS operations in that jurisdiction.
3. If within five miles of any airport, pilots must contact Air Traffic Control (ATC) and attain at minimum verbal approval from the ATC tower prior to any flights.
4. Undergo a pre-flight check to ensure UAS is in condition for safe operation as directed by any manufacturer specifications or instructions.
5. Follow manufacturer safety and operation requirements and instructions.
6. Fly in Class G airspace.
7. Keep the aircraft in visual line-of-sight.
8. Fly under 400 feet.
9. Fly during daylight hours.
10. Fly at or below 100 mph.
11. Yield right of way to manned aircraft.
12. Must NOT intentionally fly directly over people.
13. Must NOT fly from a moving vehicle.

All flight areas will be clearly marked-out with construction road cones, caution flagging tape, and signage that will notify the public of the flight area.

In the case of a DSHS-operated UAS safety-related incident such as fly-away (loss of remotely controlled UAS) or any UAS crash resulting in damage to any person or property, the operator must file a DSHS 03-133 Safety Incident/Near Miss Report with their immediate Supervisor within (24) business hours.

F. Required Safety Orientation and Safety Equipment

1. Any staff involved with the drone program must follow all program-related Safe Workplace Standards [WAC 296-800](#).
2. All UAS-related program hazard assessments and documentation must be completed by DSHS-appointed safety personnel.

3. During all flights, personal protective equipment (PPE) must be worn and include:
 - a. Orange construction vest
 - b. Hardhat
 - c. Communication devices necessary to maintain safe flight operations and clearances.
4. Portable fire extinguishers shall be fully charged and operable, kept in designated places and shall not be obstructed from view or ready access.

G. Necessary safety training for the drone program

Staff working with DSHS owned UAS must complete the following training and orientations:

1. Agency Accident Prevention Program Safety Orientation
2. Personal Protective Equipment identified for UAS operations
3. Fire Extinguisher use
4. First Aid Training

H. Safety Templates and Documents

- [Job Hazard Analysis Worksheet](#)
- [Personal Protective Equipment Assessment](#) Form
- [Employee Safety and Health Training Record](#)
- [DSHS 03-151 Safety Hazard Report](#)

I. Protection of Individual Privacy and Personal Information

UAS operators will limit operations to the specific approved purpose of the project and shall employ reasonable precautions to avoid capturing images of DSHS clients, staff, and the public except those that are incidental to the project.

UAS operations shall be in accordance with the [Washington State Policy Guidelines for Unmanned Aircraft Systems](#), DSHS privacy policies, and the provisions of Revised Code of Washington ([RCW](#)) 9.73.

J. Communications and Community Engagement

The DSHS Office of Communications must be notified by e-mail when an UAS flight is planned.

Recorded aerial video and photos, when applicable, shall be made available upon request for Office of Communications staff to use for public outreach and communications purposes. Working through the Office of Communications, regional or programmatic communications staff can request aerial footage for public outreach purposes if it is necessary to facilitate successful project communications.

All recorded aerial video and photos will be subject to public disclosure.

Per DSHS Administrative Policy 7.01, the Department recognizes, honors, and supports consultation with Tribes on a government-to-government basis, and for planning purposes.

K. Retention and Public Disclosure of Aerial Imaging

Aerial imaging shall be retained in accordance with the Washington State Policy Guidelines for Unmanned Aircraft Systems, DSHS policy, and the provisions of RCW 40.14.

Public requests for UAS aerial imaging shall be processed in accordance with DSHS public records request policy 05-02 and the provisions of RCW 42.56 and/or federal guidelines that supersede state law/requirements.

DSHS will follow all requests and requirements by local, state, or federal law enforcement.