

Memorandum

*Serious drought.
Help save water!*

To: DEPUTY DISTRICT DIRECTORS
Traffic Operations

Date: May 10, 2016



File: 600

From: THOMAS P. HALLENBECK
Chief
Division of Traffic Operations

Subject: **ENCROACHMENT PERMITS FOR FILMING USING UNMANNED AIRCRAFT SYSTEMS**

This memorandum is to inform the districts that companies having Federal Aviation Administration (FAA) approval may use Unmanned Aircraft Systems (UAS) on film sets and for filming purposes within Caltrans' right-of-way. The attached guidelines for using UAS for filming will be revisited when the FAA regulations are finalized.

UAS may be used on freeways, expressways, and conventional highways as long as their use and the filming complies with FAA conditions and Caltrans' permit requirements.

Review and analysis by several Caltrans Divisions (Legal, Traffic Operations, Aeronautics), an industry UAS demonstration, and a question and answer session with several UAS companies form the basis for allowing the use of UAS. Government Code section 14998 et seq. and Executive Order S-15-04 were considered in this decision. The FAA exemptions provide extensive conditions and govern the UAS operations.

Ferdinand Ordon, Statewide Film Coordinator, District 7 Traffic Operations, will communicate this decision to the California Film Commission, and continue to be the point of contact for further coordination.

If you have any questions, please contact Yin-Ping Li, Chief, Office of Encroachment Permits and Engineering Support at (916) 654-5548, or by email at Yin-Ping.Li@dot.ca.gov.

Attachment

Caltrans Encroachment Permit Guidelines for Companies Filming with Unmanned Aircraft Systems

- c: Steve Takigawa, Deputy Director, Maintenance and Operations
- Jeanne Scherer, Deputy Chief Counsel, Legal Division
- Gary Cathey, Chief, Division of Aeronautics
- Kris Kuhl, Assistant Chief, Division of Traffic Operations
- Yin-Ping Li, Chief, Office of Encroachment Permits and Engineering Support, Division of Traffic Operations
- District Permit Engineers
- Ferdinand Ordon, Statewide Film Coordinator, District 7 Traffic Operations

Caltrans Encroachment Permit Guidelines for Companies Filming with Unmanned Aircraft Systems

- A. A Caltrans encroachment permit is required whenever filming activities are being conducted on a State Highway. When using an Unmanned Aircraft System (UAS), a filming permit, Caltrans encroachment permit, and Federal Aviation Administration (FAA) documents are required on set at all times while on Caltrans rights-of-way. Non-compliance shall be cause for termination of activity. Caltrans and/or the California Highway Patrol (CHP) must report all non-compliance to the California Film Commission (CFC).
- B. The production company must hire from a list of UAS operators that have received an exemption or authorization from the FAA. No member of the production company may operate a UAS unless authorized by the FAA.
- C. The permit application must include the following:
- 1) The use of UAS must be specifically stated on the permit application and include the company name of the UAS operator.
 - 2) The FAA exemption or authorization for using UAS on set or for filming, including all conditions.
 - 3) The UAS Operator's written Plan of Activities (POA).
 - 4) Insurance requirements:
 - i. Minimum \$2 million for each person/occurrence for bodily injury and \$2 million for property damage for each occurrence specifically covering UAS/drones use. This is a minimum and Caltrans may request additional insurance on a case-by-case basis.
 1. If UAS coverage is added to a general liability policy, there must be a separate endorsement (a separate attachment) showing proof of UAS coverage.
 2. If UAS coverage is provided by an aviation-specific insurance carrier, then a separate policy endorsement showing UAS coverage is not necessary, as the entire policy covers UAS use.
 - ii. For both types of insurance covering UAS use, provide to Caltrans a separate endorsement naming as Additional Insureds the State of California and its officers, agents, and employees. This will be on a separate attachment from the proof of UAS insurance coverage and/or general liability insurance coverage.
 - iii. Written proof of UAS insurance coverage must be provided to Caltrans before issuance of the encroachment permit. Caltrans does not accept as evidence of insurance an ACORD form.
- D. Use of UAS and filming activities on State highway rights-of-way must comply with FAA rules and regulations. Use of UAS and/or filming activities will not be permitted if public safety is jeopardized as determined by a CHP or Caltrans representative.
- E. The UAS must be operated within an area closed from public access. Guidelines to specific types of highway closures are defined in the Tripartite Agreement between the CHP, Caltrans, and the CFC.

- F. The permittee must provide properly functioning communication equipment on-site, and in sufficient quantity, to appropriate personnel involved in the operation of UAS, the CHP, and Caltrans.

- G. All use of UAS and filming activities involving the use of UAS requires an encroachment permit classified as a Filming Special (FS) permit. Caltrans may provide monitoring of traffic control and integrity of the State highway facility. After initial on-site inspection, and by mutual agreement, Caltrans may defer to the CHP to monitor the remaining activities without further Caltrans involvement. A fire safety officer will provide monitoring of the UAS activity.