



Considerations for Unmanned Aircraft Systems

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Unmanned Aircraft Systems (UAS) are rapidly moving from strictly military applications to having civilian uses. Entertainment productions, including film, news and sports and live event production are areas that can greatly benefit from the low-cost capabilities offered by UAS. But as with any new technology there are risks that should be considered.

Unmanned Aircraft Systems have the potential to reduce production costs and provide capabilities to entertainment productions which are not easily available through other methods. In addition to the most obvious benefit, aerial videography, UAS can support location scouting, crowd control, traffic management and location security.

Early adopters of UAS could find some ground-breaking savings, but also some major liability pitfalls if proper risk management is not considered and employed.

Possible Risks

The advent and use of such new technology as UAS in the civilian sector raises a plethora of collision and privacy concerns. If a UAS were to crash or collide with an object during use it could potentially damage property on the ground, on another aircraft or on the UAS itself. And it is possible that a collision with a person or into a crowd may result in injuries. Additionally, improper use of video obtained during filming with a UAS could expose a production to privacy allegations and related consequences.

Managing risks such as these requires production management to have:

- A clear understanding of the technology capabilities and limitations.
- A thorough risk assessment.
- A commitment to implementing appropriate risk management practices.
- Expert operators and informed management who will make sound risk-related decisions.

Best Practices

Best practices for safe operation of UAS are evolving as fast as the technology. The following tactics are intended to help mitigate risks associated with operation of unmanned aircraft. Given the rapidly evolving industry, it is especially important to involve experts who are knowledgeable in the most current safety practices when operating UAS.

- Technology Considerations
 - Select systems with safety features such as automatic return home for low battery, lost communications or high winds.
 - Select smaller and lighter aircraft with designs that are less likely to cause damage or injury if involved in a collision
 - Select equipment that matches operational demands for the intended task and has a documented reliable history of operation.
- Select only qualified and experienced operators. Operators should be experienced with both the technology being used and the operations being performed.
- Conduct a risk assessment to identify and analyze operation-specific hazards. The assessment should specifically address risks related to ground collisions, air collisions and privacy breaches associated with use of UAS.
- Conduct test flights without potential exposures.



- Only operate UAS:
 - In direct line of sight of the operator.
 - Below 400 ft. off-ground.
 - Inside class G (uncontrolled) airspace. Operation over densely populated areas including class B airspace is prohibited.
 - At least five miles from airports or locations with aviation activities.
 - During daylight hours or at a well-lit location where aircraft is clearly visible at all times.

Additional Privacy Considerations

Congress, civil liberties organizations and privacy advocates have all identified proliferation of small unmanned aircraft equipped with high-powered photography and video capabilities as a potential threat to Fourth Amendment privacy rights.

In many respects, these privacy issues have been addressed by the entertainment industry for the production of live events and reality shows. The same risk management practices must be followed including:

- Proper notification to the surrounding public that filming is being conducted.
- Obtaining releases where necessary.
- Respecting boundaries between public and private spaces, including airspace over private spaces.

Although the issues are the same, there is far more hype around drones and the privacy issues they present that it is likely any privacy incident resulting from the use of UAS could attract extensive media and regulatory scrutiny.

Privacy, therefore, must be addressed in production project-specific risk assessments. Legal counsel should be involved in the process when necessary.

Like safety rules, privacy laws are shifting rapidly. More than 40 states have debated laws limiting or prohibiting use of UAS. As devices get smaller, more powerful, cheaper and ubiquitous, the debate is only likely to increase.

Several voluntary approaches for addressing UAS privacy have been proposed. These include the Association for Unmanned Vehicle Systems International (AUVSI) Code of Conduct, which calls for a commitment to “respect the privacy of individuals”. These approaches should be considered by productions.

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