



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jeffrey DeCarlo, Administrator



Interim (internal) Policy for the Use of Unmanned Aircraft Systems (UAS)

(As of September 6, 2017)

I. Overview

Unmanned Aircraft Systems (“UAS”), also known as drones, when employed safely and with due respect for privacy, offer an effective means to improve certain Massachusetts Department of Transportation (MassDOT) operations or reduce their costs.

The Interim Policy for the Use of Unmanned Aircraft Systems (UAS) (the “Interim Policy”) is intended to guide MassDOT employees, supervisors, managers, and contracting staff in considering whether, and determining how, to use UAS for MassDOT purposes. The Interim Policy will help the Secretary of Transportation and her Administrators better understand in advance how UAS are used in different parts of the organization and how their use can be optimized to best serve the mission of the organization.

To ensure that use of UAS consistently meets the standards set by the Interim Policy, MassDOT will centralize development of the MassDOT UAS Use Program under the leadership of the Aeronautics Division (“MassDOT Aeronautics”). MassDOT Aeronautics has been working with a team of experts who have studied the use of UAS and can provide resources to help MassDOT employees and contractors adopt best practices for UAS use.

MassDOT Aeronautics will exercise authority over, and bear primary oversight responsibility for, all use of UAS by, or on behalf of, any MassDOT or MBTA division. **No employee or contractor may use UAS for MassDOT or MBTA purposes without prior notification to MassDOT Aeronautics and compliance with this policy.**

II. Scope and Applicability

The Interim Policy applies to all use of UAS to further a MassDOT or MBTA purpose, whether the UAS is operated by an employee, manager, supervisor, consultant, agent, contractor, or otherwise. If you are aware of any contract signed prior to the effective date of the policy that calls for the use of UAS, you are expected to bring that contract to the attention of MassDOT Aeronautics immediately.

III. Policy Statement

The use of UAS for MassDOT or MBTA purposes is permitted only when such use is consistent with the following principles, is conducted in accordance with the specific processes and procedures set forth below, and complies with all other applicable MassDOT and MBTA policies.

A. Purpose

MassDOT shall use UAS to perform MassDOT functions safely, effectively, and efficiently. Use of UAS for any other purpose is strictly prohibited.



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B. Safety

MassDOT shall prioritize safety in the use of UAS. MassDOT shall develop Safety Management Systems to minimize risk.

C. Respect for Privacy

MassDOT will be guided by utmost respect for privacy in using UAS.

Constitutional requirements, including the demands of the First and Fourth Amendments to the United States Constitution, as well as state and federal laws, regulations, and norms protecting privacy, must be met in using UAS for MassDOT purposes.

Use of UAS must be conducted in a manner designed to minimize the risk of unintentional invasions to privacy and to address any such unintentional invasions quickly and effectively. As a precautionary measure, MassDOT will not use UAS to intentionally collect images over private property without prior authorization from the Secretary of Transportation or express permission from the property owner. Any such images that are inadvertently collected must be disposed of immediately.

D. Data Retention and Usage

MassDOT will take due care to protect against unintentional or unauthorized disclosure of information gathered using UAS.

MassDOT will comply with the demands of the Massachusetts Public Records Law and follow public records retention requirements in storing and disposing of MassDOT records generated through the use of UAS.

When using UAS to gather information, MassDOT will document the purposes for which the information is being gathered and take reasonable steps to avoid gathering or retaining more information than is needed to achieve those purposes.

E. Cooperation with Law Enforcement

MassDOT will cooperate with law enforcement by sharing information gained from the use of UAS in limited emergency situations involving imminent and immediate threat to the safety, health, and well-being of an individual or the public based on specific, reasonable intelligence sufficient to necessitate the need to provide such information to law enforcement. Such emergency situations shall include, but are not limited to terrorist threats, Amber Alerts, Silver Alerts, kidnappings, missing persons, and felons actively traveling to or from a crime scene. Although MassDOT will share information gained from the use of UAS in these limited emergency situations, MassDOT will not share personally identified UAS data (as defined below) with law enforcement unless required to do so by law or court order.



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IV. Procedures

A. Use of Employee-Owned UAS

The use of employee-owned UAS for MassDOT purposes is strictly prohibited. All UAS used for MassDOT purposes must be owned by MassDOT or by an authorized MassDOT contractor.

B. Compliance with Law

All use of UAS for MassDOT purposes must comply with State and Federal law, including applicable FAA regulations and guidance. More specifically:

- All UAS used for MassDOT purposes must be lawfully manufactured and sold, as well as properly licensed;
- All waivers, permits, approvals, and other authorizations required by law or regulation must be obtained before a UAS is used for MassDOT purposes; and
- All required notifications must be provided on a timely basis.

MassDOT Aeronautics must confirm compliance with FAA and MassDOT rules and policies, including but not limited to airworthiness of the UAS, licensing, training, notifications, and acquisition of all waivers and approvals, prior to any MassDOT UAS operation.

C. Notification Concerning Collection of Personally Identified UAS Data

“Personally identified UAS data” (“PIUD”) means information collected by a UAS that identifies a particular person. Data that is not linked to an individual’s name or other personally identifiable information and data that is altered so that a specific person is not recognizable is not PIUD.

MassDOT will take reasonable steps to avoid gathering or retaining PIUD unnecessarily.

Where practicable, MassDOT will post notice on its website identifying the general timeframe and area in which it anticipates collecting PIUD prior to collecting such data.

MassDOT will also identify on its website a point of contact to receive privacy or security concerns, including requests to delete, de-identify, or obfuscate personally identifiable information from data collected by a UAS.

D. Use of UAS in Response to an Emergency or in Exigent Circumstances

Nothing in the Interim Policy shall be construed so as to restrict the safe, rapid deployment of an agency-owned or contracted UAS in response to an emergency



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situation to protect life and limb, critical transportation infrastructure, or the environment.

E. UAS Procurement

Any procurement of UAS must comply with Massachusetts law and MassDOT policy.

Any contract or subcontract which calls for the purchase of UAS or the provision of UAS services, whether in isolation or as part of a broader project, must be approved in advance by MassDOT Aeronautics unless the Secretary of Transportation shall direct otherwise in writing.

F. Operational and Training Requirements

Operators flying UAS for MassDOT purposes must comply with all FAA certification requirements for pilots and operators. A record of each operator's compliance with FAA requirements must be on file with MassDOT Aeronautics in advance of any UAS operation.

All UAS flights for MassDOT purposes shall be logged. The log shall include, at a minimum, the following information: date, UAS type/model, UAS owner, UAS registration/identification, location, purpose (project/description of use), and the duration of flight.

Training for MassDOT personnel involved in UAS operations is on a case-by-case basis in consultation with the MassDOT Aeronautics.

V. Review and Update Requirements

When changes are necessary to update this document, inform the Administrator of the MassDOT Aeronautics Division.

VI. Further Resources

For questions or concerns about this policy, contact the MassDOT Aeronautics Division by email Jeffrey.DeCarlo@state.ma.us, or by phone at 617-412-3686.