

## Questions to Ask Before Using Commercial Drones on Construction Sites

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Commercial drones are changing the way we look at construction sites. On balance, the rewards outweigh the risks created by drones when photographing projects, scanning for quality or safety, and documenting progress or conditions.

While drones are reasonably priced and relatively easy to operate, they can expose construction companies to different types of risks. Due to federal regulations and privacy concerns, it's essential that constructors use commercial drones appropriately. Preparation is key, and contractors and subcontractors should consider some essential questions before launching a drone, unmanned ariel vehicle (UAV) or small unmanned ariel vehicle (sUAV) on a project site.

When considering drone usage or ensuring their use at construction sites, there are several key questions that should be addressed by businesses and insurance carriers.

### HAS THE FAA CERTIFIED THE PILOT AND APPROVED THE FLIGHT PLAN?

The Federal Aviation Administration allows drones for commercial use if the drone weighs less than 55 pounds. In addition, businesses must follow Part 107 of the administration's guidelines. There are easy steps to follow, however, to meet the administration's parameters and receive proper regulatory approval to fly a drone at a commercial construction project.

First, it's important to make sure drones are used appropriately. This includes knowing where it is acceptable to fly and what



areas to keep the drone away from. Using the drone in a way that doesn't align with the administration's regulations will result in the company facing penalties or even criminal charges.

While FAA regulations don't permit some operations, such as using multiple small, unmanned aircrafts, operating a drone from a moving vehicle or aircraft, and flying a drone either a half-hour before sunrise or 30 minutes after sunset, it doesn't mean that those scenarios can't happen.

If it turns out that a construction company wants to operate their drone in a manner that isn't specified in Part 107 of the administration's guidelines, the business can simply file a waiver application with the FAA. This is a reasonable request, and it is in accordance with the guidelines.

The next step to meeting the administration's guidelines is to have any employees flying drones become FAA-certified drone pilots. Before employees can start operating a drone at a construction site, they must pass a test to become a drone pilot. The administration requires that drone pilots are at least 16 years old, in a physical and mental condition to safely fly UAVs, and able to read, write, and understand English.

It is also important that whoever pilots the drone passes the knowledge test to become a certified pilot. The test covers different topics, such as regulations related to small unmanned aircrafts and airspace classification. In addition, the test reviews radio communication procedures and aeronautical decision-making and judgment.

Upon completion and passage of the test, the drone pilot and construction company will receive a Remote Pilot Certificate from the administration. This certification is valid for two years. After two years, the drone pilot will need to take a recertification test in order to maintain the two-year certificate.

To fully comply with the administration's restrictions, construction companies should create an account on the FAA's drone website to register their drone with the federal agency. There is a \$5 registration fee, and registration is valid for three years. Once registered, the business should mark its drone with the registration number in case the drone gets lost or stolen.

### **ARE THE COMPANY AND ITS EMPLOYEES TRAINED TO FLY COMMERCIAL DRONES?**

While operating a commercial drone is relatively easy, not all drones are created equally. Drones come in different shapes, sizes and styles, so construction companies should make sure that their employees are not only FAA-certified drone pilots but are also familiar with the controls and functions of the specific drone owned by the enterprise. The last thing a business will want to do is crash the drone or have one of its employees cause damage with it.

It is also a good idea for construction companies to make a plan that explains how it intends to use the commercial drone. This can include specific flight plans it intends to use on construction sites, as well as the type of imagery it plans to take and when and where the visuals will be used. It's also important to give employees time to practice piloting the drone and following the specific flight patterns so they're prepared when using it on a construction site.

### **IS THE PILOT AWARE OF THE SURROUNDINGS AND WHERE TO OPERATE THE DRONE?**

What if a construction company's drone flew too close to someone's property and recorded something it shouldn't have? This could cause severe damage to the company's reputation. Therefore, it's important for a construction company to be aware of its surroundings before flying a drone.

Current regulations don't allow operations of a drone over people who aren't involved in the project or flight, so the drone pilot will need to be familiar with the areas around the construction site and where people may be located. For example, the construction site may be next to a public park or private residence. If the pilot knows this ahead of time, the company and employees can avoid flying the drone in those specific areas.

### **DOES THE CONSTRUCTION COMPANY HAVE PROPER INSURANCE COVERAGES?**

Operating a drone on a construction site may make business more efficient, but it does leave companies open to different risks. Before flying a drone, it is important for companies to check their insurance policies to make sure they have the right coverage. Contractors should check with their insurance broker or agent and share the type of drone and what it is being used for.

General contractors and primary contractors should also check to see whether subcontractors or consultants have coverage for their drone use and whether the contracts with them require indemnity for losses arising out of the use of a drone. Adequacy of insurance limits should also be considered.

The contractor's current policy may exclude the use of drones. If so, the construction company will want to see if they can add more coverage to help protect the business from bodily injury, property damage, and personal and advertising injury.

Drones, as well as other evolving technologies, have the potential to make it easier for construction companies to do their jobs, but this efficiency can come at a risk, which makes managing risk exposures highly important if the construction industry wants to use drones at projects across the country. It's also especially important to work with an experienced insurer that can help get the right coverage for the construction business based on the project, jurisdiction, and industry climate. 



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### About the Author

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Toby Cushing serves as the head of construction within the middle and large commercial business lines at [The Hartford](#). He holds a B.S. in Biology and Chemistry from Houghton College, a Juris Doctor from Quinnipiac University School of Law, Master of Law in Insurance Law from the University of Connecticut School of Law, and studied finance and accounting at the University of Connecticut School of Business

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### About the Article

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