

1. Title

Aircraft Use

2. Rule and Regulation

Sec. 1 Official Use. The U. T. System aircraft or any leased or chartered aircraft will be used only in the scope and conduct or furtherance of official State business and only in compliance with the travel regulations contained in *Texas Government Code Section 2205.001 et seq.* and any other laws applicable to the use of State-owned or leased aircraft. Donor Aircraft, including the gifted use of a passenger seat on a noncommercial flight, used in the scope and conduct or furtherance of official University business is also covered by this Rule.

Sec. 2 Passengers. In accordance with [Texas Attorney General Opinion H-1089](#), the Board of Regents finds that attendance of the spouses of members of the Board of Regents and officials of the Office of the Board of Regents; spouses of the Executive Officers and the Administrative Officers of the U. T. System; and spouses of the presidents of the institutions of the U. T. System at official functions may be in furtherance of official State business. Whether the spouse's attendance is in furtherance of official State business is dependent in part on the nature of the employee's office, the spouse's role, the purpose of the particular trip, and the spouse's connection with that purpose. Examples of instances in which the spouse's attendance is in furtherance of official State business include, but are not limited to, attendance at U. T. System Board of Regents' meetings when there is an official function hosted by an institution and retirement functions honoring long-time key employees of the U. T. System or the institutions.

Sec. 3 Justification for Passenger Use.

3.1 Pursuant to *Texas Government Code Section 2205.036*, U. T. System aircraft or leased or chartered aircraft will be used to carry passengers only when the destination is not served by commercial carriers, the aircraft transportation is the most cost-effective travel arrangement in accordance with *Texas Government Code Section 660.007(a)*, the time required to use a commercial carrier interferes with passenger obligations, a representative of the Department of Public Safety

determines that security concerns for a passenger warrant the use of a state aircraft, the number of authorized passengers traveling makes the use of state aircraft cost effective, or emergency circumstances necessitate the use of state aircraft.

- 3.2 Use of a leased or chartered aircraft, including Texas Department of Transportation (TxDOT) aircraft, will be approved only when the U. T. System aircraft is unavailable.

Sec. 4 Priority for Use. Requests by the U. T. System Board of Regents shall be arranged through the General Counsel to the Board. All other flights of U. T. System aircraft or requests for leased or chartered aircraft, including TxDOT aircraft, will be requested from and approved in advance by the Chancellor or designee. Up until 24 hours before a flight is scheduled to begin, requests for the use of U. T. System aircraft will be approved upon the following order of priority:

1. Chairman of the U. T. System Board of Regents
2. A Vice Chairman of the U. T. System Board of Regents (in order of request)
3. Members of the U. T. System Board of Regents (in order of request)
4. Chancellor and Executive Vice Chancellors (in order of request)
5. Vice Chancellors and other System officers (in order of request)
6. Institutional Presidents (in order of request)
7. Other staff of the U. T. System Administration (in order of request)
8. Other faculty and staff personnel of the institutions of the U. T. System (in order of request)

Sec. 5 Assignment of Aircraft by Chancellor.

- 5.1 During the 24-hour period prior to the beginning of a flight, if the U. T. System aircraft has not been previously scheduled, the Chancellor may assign the U. T. System aircraft to any person on the priority list on a first-come first-served basis without regard to the order of priority.

5.2 If a U. T. System aircraft flight that is scheduled before the beginning of the 24-hour period is cancelled, the Chancellor may assign, as practicable, the aircraft to the person requesting the aircraft that is next in order of priority. If a U. T. System aircraft flight scheduled during the 24-hour period is cancelled, the Chancellor or designee may assign the aircraft to the next person requesting it on a first-come first-served basis without regard to the order of priority.

- Sec. 6 Use by Other State Agencies. In accordance with the expressed intent of the Legislature that State-owned aircraft be utilized by all agencies of the State, use of U. T. System aircraft by other State officials and personnel on official State business is encouraged and will be authorized by the Chancellor on a space available and first-come first-served basis after the individuals on the priority list indicated in Section 4 above.
- Sec. 7 Direction of Pilots. The pilots of U. T. System aircraft will report to and act under the direction of the Office of the Controller. Regents may direct an itinerary or passenger change to an approved flight, provided that the purpose of the flight and the passengers on the flight are in accordance with *Texas Government Code* [Section 2205.036](#). The Chancellor or designee must approve all other requests that would substantially change an approved itinerary or passengers. Notwithstanding the foregoing sentence, the pilot may authorize a change of itinerary or passengers in the event of an emergency.
- Sec. 8 Rates Charged. Excluding compensation for contract pilot services, charges to applicable U. T. System departments and the institutions for use of the U. T. System aircraft shall be equal to the rate approved by TxDOT for comparable interagency aircraft services.
- Sec. 9 Flight Regulations. The U. T. System aircraft shall be operated at all times in accordance with the provisions of the Federal Aviation Administration and U. T. System Flight Operations Procedures, which are in accordance with the Federal Aviation Act (as amended) and Civil Air Regulations. *Texas Government Code*, [Chapter 2205](#) gives TxDOT oversight of specific aspects of maintenance and operations for U. T. System aircraft.

- Sec. 10 Control of Aircraft in Flight. Under Federal Regulations, the pilot of any aircraft is responsible for and is the final authority as to the flight operation of that aircraft. All decisions concerning the flight itself will rest solely with the pilot. However, the pilot should keep the priority person informed.
- Sec. 11 Helicopters. Use of a helicopter in lieu of fixed-wing aircraft is permitted only when use of a fixed-wing aircraft is impractical for the purpose of the flight.
- Sec. 12 Minimum Number of Pilots. With the exception of helicopter flights, two pilots are required for all flights used in conjunction with official University business. This Section is applicable to U. T. System aircraft, leased aircraft, chartered flights, employee-owned or -leased aircraft, and Donor Aircraft.
- Sec. 13 Flight Reservations. All flight reservations for the U. T. System aircraft shall be entered into the U. T. System Aircraft Reservation System. Information must include, but is not necessarily limited to, the following:
1. departure/estimated arrival, date, time, and place,
 2. name of each passenger,
 3. destination(s) including intermediate stops and return information with date and time,
 4. purpose of trip for each passenger, and
 5. benefit to the State and university.
- Sec. 14 Passenger Manifests. For each flight, the pilot will complete a Passenger Manifest showing the following:
1. flight number and duration,
 2. date,
 3. aircraft number,
 4. flight plan,
 5. destination and intermediate stops of flight,
 6. names of pilot and copilot, and
 7. passenger information
 - name of each passenger
 - department or institution
 - signature of each passenger.
- Sec. 15 Record Keeping and Reports. The approved reservation requests forms and post-flight passenger manifests will serve as the official record of flights.

- 15.1 The U. T. System Office of the Controller shall prepare and submit the following reports:
- (a) Travel Log. In accordance with *Texas Government Code* [Section 2205.039](#), the passenger manifests for the month will be sent to TxDOT each month following the month in which travel occurred.
 - (b) Reports to the Board. Passenger manifests for U. T. System aircraft and TxDOT aircraft, employee-owned or -leased aircraft, leased and charter aircraft, and Donor Aircraft flown on behalf of the U. T. System, except for Donor Aircraft provided by a supporting foundation to a U. T. System institution, will be sent to the General Counsel to the Board twice a year in April and October for distribution to the Board's Finance and Planning Committee for review. For Donor Aircraft, passenger and donor names may be omitted consistent with State law, but will be provided, upon request, to the Board, to the Chancellor, the appropriate Executive Vice Chancellor, the Vice Chancellor for External Relations, Communications and Advancement Services, the Vice Chancellor and General Counsel, and/or the General Counsel to the Board.

Sec. 16 Employee-Owned or-Leased Aircraft. No U. T. System employee may operate aircraft owned or leased in the employee's personal capacity in conjunction with official University business unless authorized in writing by the Chancellor or designee.

Sec. 17 Chartered Aircraft. The following steps will be taken when securing charter aircraft.

- 17.1 *Texas Government Code* [Section 2205.035](#) requires advance approval by the State Aircraft Pooling Board for the expenditure of appropriated funds for the rental or lease of an aircraft.
- 17.2 Charter operators must meet U. T. System insurance and operator requirements.
- 17.3 If more than one of the priority persons listed in Section 4 requests the use of the U. T. System aircraft more than

24 hours before the flight is scheduled to begin, the Chancellor will assign the U. T. System aircraft to the person with the highest priority, and will provide leased aircraft or a chartered flight for the use of the person or persons with the lower priority if necessary and feasible.

- 17.4 During the 24-hour period prior to the beginning of a flight, if the U. T. System aircraft has been previously scheduled and an additional request for its use is made by a person on the priority list, the Chancellor will, insofar as necessary and practicable, provide a leased aircraft or a chartered flight for the use of the person making the subsequent request.

Sec. 18 Donor Aircraft.

- 18.1 Usage. Approval to use Donor Aircraft, including the acceptance of a gift of the use of a passenger seat on a noncommercial flight within the definition of Donor Aircraft, in the scope and conduct or furtherance of official University business is conditioned upon the confirmation of the following requirements prior to the acceptance of flight:
- (a) Use of Donor Aircraft must be approved in writing and in advance by the Chancellor or designee following submission of a request using a Donor Aircraft Request for Approval form. In evaluating whether to allow the use of a Donor Aircraft, an individual should first assure that such use does not create a conflict of interest under Regents' [Rule 30104](#). For such travel by U. T. System Administration employees, officers, and institutional presidents, any potential conflict of interest shall be evaluated by the U. T. System Vice Chancellor and General Counsel or designee prior to approval of the use. For other institution employees, the conflict of interest analysis may be performed by the institution's legal counsel and/or ethics advisor. In addition to the conflict of interest review, the Chancellor or designee shall review and approve such proposed travel by U. T. System institutional Presidents and System Administration employees. Presidents shall review and approve such proposed travel of their employees. In every instance, the

decision to approve shall be based upon the totality of the circumstances. The reviewing parties may request additional information to assist them in review. Use of Donor Aircraft provided by a supporting foundation to a U. T. System institution can instead be reviewed for compliance with the Regents' *Rules* and approved pursuant to contracts and memoranda of understanding between the institution and the supporting foundation.

- (b) U. T. System insurance requirements must be met with a minimum of \$1,000,000 per seat/passenger.
- (c) With the exception of helicopters, Donor Aircraft must be multiengine turboprop or jet.
- (d) With the exception of helicopter flights, each flight must have 2 current and qualified pilots.
- (e) The aircraft owner may not serve as pilot or copilot.
- (f) No passenger may enter the cockpit or distract pilots during flight, takeoff, or landing.
- (g) Students must be accompanied by a University staff member for the duration of any flight.
- (h) Donor is not a registered lobbyist.
- (i) Donor flight information (date of flight, aircraft tail number, origin/destination) along with a passenger list and emergency contact for each must be maintained by a responsible University individual on the ground.

18.2 Reporting. For each Donor Aircraft flight, the following will be provided, if applicable:

- (a) Donor Aircraft Request for Approval form will be forwarded to U. T. System Aircraft Operations prior to departure.
- (b) Detailed flight information will be reported as required by Section 17.1 of this Rule.

Sec. 19 Research Exception. Given the unique challenges of certain research-related travel, the provisions of this Rule may be waived by the Chancellor, based upon the prior written request of an institutional president, when compliance with all requirements of the Rule is impracticable. If a waiver is granted, the travel must occur in the safest manner reasonable in the context of the research project and in compliance with applicable law.

Sec. 20 Aviation-related Academic Programs. The provisions of this Rule do not apply to aviation-related academic programs to the extent strict compliance would be impracticable; however, such programs must operate in compliance with applicable state and federal law and safety standards and shall coordinate with the System Chief Risk Officer to determine appropriate insurance requirements.

3. Definitions

Donor Aircraft – aircraft and crew, or individual passenger seat on aircraft, provided at reduced or no cost to transport passengers or cargo to/from a predetermined departure location to a specific destination, including any aircraft and crew provided by a supporting foundation to a U. T. System institution at reduced or no cost. Donor Aircraft does not include a reduced or no cost airline ticket on a noncharter commercial airline flight.

4. Relevant Federal and State Statutes

Texas Government Code [Chapter 2205](#) – Aircraft Pooling

Texas Government Code [Section 660.007\(a\)](#) – Conservation of Funds

5. Relevant System Policies, Procedures, and Forms

Aircraft Reservation System: [U.T. System Aircraft Operations](#)

[Donor Aircraft Acceptance Checklist](#)

6. Who Should Know

All employees

7. System Administration Office(s) Responsible for Rule

Controller's Office

8. Dates Approved or Amended

[Regents' Rules Revision History](#)

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu