

COMMERCIAL PARKING & SPECIAL EVENTS

Film & Photography on State Property



Production Guide

Production Policy Guide

Advance Notice Requirements:

The Texas Facilities Commission (TFC) requires a minimum of three (3) business days advance notice to process production applications. Multiple agencies may be involved and approvals are based on the proposed projects' impact to the property and agency operations. Advanced notice is required to better coordinate site preparation between multiple state agencies.

Insurance Requirements:

It is the responsibility of TFC employees to vet the Location Applications received by the Texas Film Commission for accuracy and for conflicts with any scheduled events on TFC-managed properties and/or conflicts with internal policy.

Production Company must provide current Certificate of Liability Insurance on file for the TFC in the amount and of the type required by the TFC. All certificates must name the State of Texas as the additional insured.

Production Company requesting to film on TFC-managed property must submit the following insurance documentation to the Texas Film Commission:

1) Certificate(s) of Insurance will oblige as evidence of General Liability, as well as Automobile Liability and/or Aircraft Liability as applicable. The certificate(s) must be in U.S. dollars.

The policy(ies) must be endorsed to include: The State of Texas, including its officers, agents, employees and servants is named as additional insured, with respect to liability arising out of the operations related to filming on TFC-managed property. The additional insured endorsement(s) must be submitted with the certificate(s).

Certificate Holder:

The State of Texas
Texas Facilities Commission
1711 San Jacinto Blvd.
Austin, TX 78701

General Liability coverage in an amount not less than \$1,000,000 each occurrence.

Umbrella coverage in an amount not less than \$1,000,000.

Automobile Liability "Owned", "Hired" and "Non-Owned" coverage in an amount not less than \$1,000,000 per each accident.

2) Workers Compensation - Proof of workers compensation in accordance with statutory limits and employers' liability with a limit of \$1,000,000 bodily injury for each accident, \$100,000 bodily injury by disease and \$500,000 policy limit covering all personnel who provide services, is required. In the event that the Production Company is self-insured for Workers' Compensation coverage, it can provide written documentation of this fact on its letterhead, signed by an officer.

Fees:

HB 374(2007) allows for the Texas Facilities Commission to recoup from the Production Company the costs incurred by TFC during production-related activities and/or any costs incurred as a result of damage done to state property during this time period. However, the Texas Film Commission does not charge for its services to facilitate permission to utilize state-owned property for filming purposes (Location Fees).

The Texas Film Commission has a Written Notification of Reimbursable Costs Form in its application packet which TFC may utilize to submit a written request for reimbursement to an applicable Production Company involved in production activity on TFC-managed properties. This document may be used to invoice the production and therefore reimburse the Texas Facilities Commission for costs incurred as a result of on-location production activity. This process is handled by the Commercial Parking and Special Events Division of the Texas Facilities Commission.

Supervision Assignments:

A TFC representative must be on site for the duration of production on TFC-managed property. Additionally, filming and/or photography production activities may necessitate the assignment of inspection and/or law-enforcement personnel. Costs incurred for state employee personnel time may vary depending on the property and use, as required.

Security:

Security officers are not automatically assigned to approved production requests and must be requested by the Production Company in advance. Also, TFC may require the Production Company to have law-enforcement officers present based on the TFC-managed property being used, or due to specific production activities. Failure to comply with security requirements may prevent the production activity from taking place. It is the Production Company's responsibility to contact applicable law-enforcement a minimum of 72 hours prior to production activity to determine whether officers are needed and available, and to determine if local law-enforcement should be involved.

Table of Contents

Commercial Filming & Photography Policy.....	1
Rules and Regulation	1
Film Application Process.....	2
Still Photography Application Process	3
TFC Supervision and Costs	<u>23</u>
Disruption of State Business. Error! Bookmark not defined.	<u>3</u>
Parking.....	4
Utilities.....	4
Damage to State Property.....	4
Walk-Throughs/Scouting	4
Use of State Property	5
Appendix.....	6
Texas Government Code	
Texas Film Commission Location Agreement	
Texas Film Commission Written Notification of	
Reimbursable Costs	

Commercial Filming & Photography Policy

Texas Facilities Commission's Managed Properties

TFC-managed properties may be available for commercial production activity. The purpose of this policy is to provide a unified course of action and to provide clarity for Texas Facilities Commission Employees involved in the oversight of production activity on State property. It is the policy of the State of Texas to allow filming and photography on State property when possible.

Texas Facilities Commission (TFC) policy requires consideration to be given to potential disruption of State business.

To assure protection of the diverse cultural, historic, and natural resources, all commercial production requests involving the use of State properties managed by TFC must be approved through a permitting process initiated by the Texas Film Commission.

The following policies are established by the Texas Facilities Commission's Commercial Parking and Special Events Office as they relate to filming, photography, and production-related activities on TFC-managed State properties.

The authority for the management of commercial filming activities can be found in Title 10 of the Texas Government Code, under Section 2165.008.

Rules and Regulation

Sec. 1 **Authorization to Film.** The Texas Film Commission may facilitate the use of State of Texas property managed by the TFC for filming motion pictures, television, or commercial productions under a Temporary Use of State Property Location Agreement. It shall be at the discretion of the TFC and/or the tenant agency to determine if the request for use shall be granted. Requests to produce a motion picture, television, or commercial production shall be reviewed and considered on a case-by-case basis. The use and safety of the general public, the agency, and their staff; the potential impact to State facilities or property, and the potential for disruption of State business or other scheduled activities; and the subject matter of the film shall be of primary consideration in determining whether to grant a production request.

- Sec. 2 Scheduling.** The TFC's Commercial Parking and Special Events Office, in conjunction with property managers, shall be responsible for ensuring that scheduled time(s) and location(s) for production activity do not interfere with State business or other scheduled activities of the tenant agencies and/or TFC.
- Sec. 3 Insurance Requirements.** The Production Company must provide a Certificate of Liability Insurance providing protection against all liability, to the extent possible, with a minimum of comprehensive general liability, umbrella, property damage insurance, and a Worker's Compensation policy. All insurance must be issued by a company authorized to do business in the State of Texas, naming the Texas Facilities Commission and the officers and employees of each as additional insured. The scope and limits of coverage shall be determined by the Texas Film Commission and the TFC on the basis of the nature and extent of the activities to be conducted by the production company and the property, buildings, or facilities to be utilized.
- Sec. 4 Space Usage Fees.** TFC shall be reimbursed for direct costs associated with personnel, parking, or excess use of State utilities.

Film & Photography Application Process

1. Prior to commencement of production activity at the requested location, the application for a Temporary Use of State Property Location Agreement is submitted to the Texas Film Commission, along with a Certificate of Liability Insurance showing amounts and the types of coverage mandated by the State of Texas.
2. The Texas Film Commission and TFC staff will determine if the request is feasible based on location availability, description of production activity, and the location's capabilities.
3. A draft Location Agreement will be generated by the Texas Film Commission, then the TFC staff verifies that all of the information on the application and Location Agreement is correct and routes the Location Agreement internally for signatures of approval.
4. Once the Location Agreement is routed, the TFC will contact the applicant to inform them whether or not their request has been approved.

Production Sequence of Events

The following list represents the sequence of events generally followed by a Production Company and provided by the Texas Film Commission, listed in the order in which they occur. A Production Company may initiate an inquiry for a photo package without assistance from the Texas Facilities Commission, but, if necessary, a TFC employee may assist with

requests. However, any scouting or production activity which takes place on TFC-managed property and may impact State business, will require a TFC employee to be present. If there is no discernible State business impact from the proposed production activity, the Texas Facilities Commission Commercial Parking and Special Events Office may determine whether the presence of a TFC employee is necessary.

- ▣ Project Inquiry
- ▣ Photo Package
- ▣ Preliminary Scout (with Location Scout, to confirm interest.)
- ▣ Filmmaker Scout (with Production Executives, to approve a Request for Use.)
- ▣ Technical Scout (with various Department Leads, to plan for prep activity.)
- ▣ Prep Activity (set preparations.)
- ▣ Filming & Production Activity
- ▣ Wrap Activity (cleanup and location restoration.)

Disruption of State Business

Production activity must not unduly disrupt normal State business activities. Requests from production companies for temporary, brief closures or interruptions of State business activities will be considered on a case-by-case basis. Filming on TFC-managed property is generally required to occur after normal State business hours or on weekends.

Walk-Throughs/Scouting

Prior to the approval of utilizing State property managed by TFC, a representative from TFC and the Production Company will undergo a formal walk-through of the State property to determine whether use of the property will be feasible for the production request. An additional walk-through may also be performed, upon completion of the project, to assess location restoration and/or any damages.

During the scouting and production phases, TFC staff must be on-site to supervise and to ensure both the safety and the maintenance of State property. Depending on the time and duration of the production activity, either a member of the Commercial Parking and Special Events Office or a property manager will be available for the needs of the Production Company and the safety of State property.

Use of State Property

The following activities may be restricted and/or may require approval on a case-by-case basis:

- 1) Use of animals
- 2) Discharge of blank ammunition and use of any and all black powder weapons
- 3) Mechanical or pyrotechnic special effects
- 4) Stunts
- 5) Amplified music or sound
- 6) Placing of large set dressings
- 7) Filming/photography inside interiors of government administrative or technical work areas
- 8) Film equipment or activities on roadways

The authority to film on State property does not include the authority to film or photograph State employees or individuals on-site.

TFC Supervision and Costs

Authorized production activities will be supervised by TFC staff to assure full compliance with all terms and conditions of the Location Agreement. Personnel time, parking resources, and any additional costs incurred by TFC will be reimbursed by the Production Company after the completion of production activities. Personnel time is \$42.00 per hour for the first 8 (eight) hours per day the Production Company is on TFC-managed property, then every hour thereafter is \$65.00 per hour per day.

Parking

Parking in the Capitol Complex is restricted and limited. TFC will work with each Production Company to accommodate parking as allowable for a fee. The parking fee is currently set at the rate of \$10.00 per space per day (and may be higher during after-hours and weekend special events based on fair market rates). It is the responsibility of the production company to notify TFC of parking, loading, and unloading needs and to request approval for use.

Utilities

If the use of TFC-managed electricity or water access is requested, the TFC will make a reasonable accommodation. TFC shall be reimbursed for costs incurred and associated with the excessive use of State utilities.

Damage to State Property

The Production Company will be liable for all damages to State property as a result of the production activity which occurs during the Production Company's utilization of State facilities. After the extent of damages is assessed, the appropriate amount will be billed to the Production Company by TFC through the Written Notification of Reimbursable Costs Form. This process is handled by the Commercial Parking and Special Events Office of the Texas Facilities Commission.

Appendix

SEC. 2165.008. TEMPORARY USE OF STATE BUILDING OR GROUNDS BY TELEVISION OR FILM PRODUCTION COMPANY.

(a) In this section:

(1) "Office" means the Music, Film, Television, and Multimedia Office.

(2) "Production company" means a film production company, television production company, or film and television production company.

(b) A state agency or other state governmental entity shall allow a production company to use any state building or grounds under the agency's or other entity's charge and control to produce a film, national broadcast, episodic television series, or commercial that is approved by the office and the agency or other entity under Subsection (c).

(c) The office shall review each proposal by a production company to use a state building or grounds. The office may approve a proposal, subject to the final approval of the state agency or other state governmental entity that occupies the building or uses the grounds, if:

(1) the office and the state agency or other state governmental entity that occupies the building or uses the grounds determine, after the office consults with each agency or entity, that the use will not significantly interfere with the conduct of state business;

(2) the production company provides a certificate of insurance covering the production:

(A) in an amount required by the office; and

- (B) that names the state as an insured; and
- (3) the proposal is to produce:

- (A) a film, national broadcast, or episodic television series with a total production cost of \$250,000 or more; or

- (B) a commercial with a total production cost of \$100,000 or more.

- (d) The office shall supervise each use of a state building or grounds by a production company subject to the control and final authority of the state agency or other state governmental entity that occupies the building or uses the grounds.

- (e) The office shall determine the fee to be charged for each day that a state building or grounds are used by a production company. The office may allow each state building or grounds to be used without charge, other than the reimbursement of expenses under Subsection (f), for seven days during each state fiscal year and may determine the allocation of those days. Fees collected under this subsection shall be deposited to the credit of the general revenue fund.

- (f) The production company shall reimburse:

- (1) a state agency or other state governmental entity for any cost incurred by the agency or other entity as a result of the use of a state building or grounds by the company; and

- (2) the state agency or other state governmental entity having charge and control of a state building or grounds for the cost of repairing damage to the building or grounds resulting from use by the company.

- (g) A state agency or other state governmental entity shall notify the production company in writing of any cost subject to reimbursement under Subsection (f). The production company shall reimburse the cost not later than the 21st day after the date on which it receives notice from the agency or other entity.

Added by Acts 2007, 80th Leg., R.S., Ch. [57](#), Sec. 1, eff. September 1, 2007



Commercial Parking & Special Events Office

Texas Facilities Commission

1711 San Jacinto Blvd.,

Austin, Texas 78701

(512) 463-8848 - phone

(512) 236-6179 - fax