

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

FACILITIES USE PROGRAM

December 9, 2015

**PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION (PHMC)
FACILITIES USE PROGRAM**

I. POLICY

The purpose of the Facilities Use Program is to provide organizations and individuals (hereinafter, the “Facility User”) with a system for using appropriate spaces at the historic sites, museums, and archival facilities assigned to the custody of PHMC (hereinafter, “Site” or “Sites”) for programs and activities that are not necessarily related to the mission of these properties. The following policy and related guidelines acknowledge PHMC’s mission of preservation, stewardship and educational programming along with its commitment of service to the broader community of which it is a part. The Facility Use Program is administered consistent with the provisions of Commonwealth Management Directive 205.14, Amended, *Prohibition of Activities Not Specifically or Directly Connected with the Official Business of the Commonwealth on Commonwealth Property*, dated November 21, 2011.

The History Code (37 Pa. C.S. § 101, *et seq.*) states that PHMC has the power and duty to do the following:

- Control, direct, supervise, manage and annually inspect the State Museum and those field or regional museums and historic sites authorized or created by statute (37 Pa. C.S. § 303(1));
- Based upon accepted professional museum practices, assume the preservation, care and maintenance of historic property, including those historic properties listed in section 702 [of the History Code]; promulgate and enforce rules and regulations for the visitation of historic property by the public; and charge admission fees to historic property at its discretion (37 Pa. C.S. § 303(3)); and
- Rent or lease its historic resources and associated properties for purposes of historic preservation (37 Pa. C.S. § 502(13)).

Per PHMC’s regulations (46 Pa. Code § 1.1, *et seq.*), “meetings, group assemblies, musical or theatrical entertainment or other gatherings” taking place on PHMC property shall be required to have the prior approval of the Property Head (i.e. the museum director or site administrator) before taking place (46 Pa. Code § 1.14).

PHMC will permit organizations and individuals the use of Commonwealth property assigned to its custody, subject to the following guidelines:

1. All facility uses must be balanced with PHMC’s stewardship of its historic resources.
2. All facility uses must adhere to PHMC’s policies, rules and regulations governing activities at its Sites as well as all applicable federal, state and local statutes, rules, regulations and permit requirements, including any site-specific rules for protecting historic structures, landscapes, museum collections and archival materials.
3. The Facility User shall not engage in any activity other than those specifically identified in the applicable facility use agreement; in any political activity (such as campaigning, lobbying or fundraising), regardless of the partisan or nonpartisan nature of the activity; or any activity considered by PHMC as

disruptive or interfering with the normal operation and public visitation of PHMC-sponsored programs. No illegal or unlawful activity may take place at a Site.

4. PHMC Sites may not be used as venues for unauthorized solicitation or fundraising activities by individuals or unauthorized commercial business activities. Fundraising activities carried out by non-profit organizations may be permitted, subject to prior review and approval by the Property Head.
5. The Facility User must pay for the use of Commonwealth facilities, equipment and the services of Commonwealth employees at the rate described by the applicable facility use fee schedule at the Site. The total cost of such services and facility use shall be articulated in the associated facility use agreement.
6. All Facility Users shall be required to maintain applicable liability insurance in the amounts and types specified in the appropriate facility use agreement. A Certificate of Insurance in the required amount(s) is to be submitted to the Commission by the Facility User in advance of the facility use as evidence of the required coverage. All Facility Users shall also be required to agree to indemnify, defend and hold harmless the Commonwealth, its officers, agents and employees.

PHMC reserves the right to determine whether or not a prospective facility use activity is appropriate and/or in the best interests of the public health and safety of visitors, employees and others. Priority order for reserving the use of a Site is as follows:

1. PHMC activities
2. PHMC-sponsored activities
3. Activities for affiliated organizations
4. Activities for non-affiliated organizations

A list of all PHMC Sites subject to this Facility Use Program is presented in the attached Exhibit A.

II. GUIDELINES

A. IMPLEMENTATION

Forms to implement the Facilities Use Program will be provided by the appropriate Bureau staff associated with the covered Sites.

B. FACILITIES USE FEE SCHEDULE

All Facility Users will be charged at rates that reflect the market value for similar venues and services in the area where the facility use activity is to be held. These fees shall be consistently applied in an objective manner. Fees charged shall be based on the full cost of the facilities provided, including, but not limited to, services (including security, custodial, setup/teardown, catering, etc.), utilities, maintenance and departmental equipment depreciation. Rates will be reviewed regularly to assure that they reflect the current costs of use.

C. FACILITIES USE GENERAL PROVISIONS

1. Site-Specific Rules

Facility Users are notified within the appropriate facility use agreements that they are required to comply with the specific rules and requirements of the applicable Site, which are incorporated therein by reference to the agreement and attached as an exhibit to the agreement. Each Site has its own specific guidelines for the use of the property. Site-specific guidelines for the use of that Site's property may include, (but are not limited to): provisions for protection of historic buildings, grounds, exhibits, and collections; safety and security; capacity/occupancy; authorized/prohibited uses ; food, beverages and alcohol use, including catering; signs, decorations, lighting, and sound system use; use of tents; vehicle use and parking; tours of the site as part of a rental; use of fireplaces, kitchens, or other specific spaces; allowing pets; and administrative items related to Site uses. Restrictions on photography of museum collections may also be included in these Site-specific guidelines.

2. Presence of Site Agent

For each facility use activity, an authorized agent of the Site, as designated by the Property Head, must be on the premises for the entire event, including setup and cleanup. The Site's agent will open and close the property, provide direction regarding use of the property, and provide direction in case of emergency. The Site's agent is the final arbiter of all questions regarding the use of the property before, during, and after the event.

D. FILMING

Sites may receive requests for a number of different types of filming. For these guidelines, these types are separated into two categories, large and small-scale filming activities:

1. Large-Scale Filming

Examples of larger-scale filming might include (but are not limited to): filming that more heavily impacts the site, such as filming after hours; filming over multiple days; filming that requires interior access to buildings; filming around historic collections; filming that uses a cast of actors; or filming that requires setting up stage sets and/or the use of props or special effects. This type of filming requires a fully executed Location Release, Filming and License Agreement, along with its required attachments. Requesters of this type are to be advised to plan ahead so as to permit sufficient processing and approval of their request.

2. Small-Scale Filming

Examples of small-scale filming might include (but are not limited to): filming B-roll or scenic shots; filming in areas open to the general public (no special access to buildings and grounds is needed); filming occurring only during site open hours; filming not requiring props or special effects; or publicity filming done by a local television station. In these cases, Sites should complete the appropriate Location Release, General Release of Liability, or Letter of Authorization form(s).

Other than in exceptional circumstances (where total costs exceed \$1,000,000), Sites may not charge location fees for the use of Site property for the purposes of commercial filming (71 P.S. § 240.25A). Sites may only recover actual costs (including staff overtime costs) incurred for the use of state-owned property for the purpose of making a commercial motion picture. This type of filming activity may not be licensed to the supporting nonprofit organization affiliated with the Site.

E. PHOTOGRAPHY

Non-commercial photography of the exterior of site buildings during regular business hours, and which does not interfere with site operations or the enjoyment of the visiting public, is not restricted, but Site entrance fees may be applicable. Professional photo shoots that require any set up of equipment or posing of subjects, use of a portion of a Site, use of interior spaces, use of museum/archival collections or that are of a duration that will affect normal Site operations require a pre-approved facility use agreement and filming location release to be in place before carrying out such activity.

Exhibit A

List of Covered PHMC Sites

The Facilities Use Program is applicable to the following PHMC facilities:

Anthracite Heritage Museum and Scranton Iron Furnaces
Brandywine Battlefield
Cornwall Iron Furnace
Drake Well Museum
Eckley Miners' Village
Ephrata Cloister
Erie Maritime Museum
Landis Valley Village and Farm Museum
Old Economy Village
Pennsbury Manor
Pennsylvania Lumber Museum
Pennsylvania Military Museum
Railroad Museum of Pennsylvania
State Archives of Pennsylvania
State Museum of Pennsylvania
State Records Center
Washington Crossing Historic Park