

25

100

## STATE SCORE

Scores are on a 100-point scale; maximum points are noted in lower-right corners.

### Factors Helping the State Score

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#### Airspace Lease Law

New York law allows local authorities to lease low-altitude airspace above local roads,<sup>1</sup> which allows local officials to create drone highways above these roadways. However, the law is silent as to whether state officials can lease airspace above state roads.

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#### Sandbox

New York's NUAIR program in Upstate New York offers airspace access to drone companies, is affiliated with the state transportation department, and has a prominent, open invitation to drone companies to test their services.<sup>2</sup>

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5

#### Jobs Estimate

New York is in the top quintile when it comes to the number of drone-related jobs per 100,000 people.

### Factors Hindering the State Score

0

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#### Avigation Easement Law

New York law does not create an avigation easement, which means drone operators may be subject to nuisance and trespass laws, even if their drones do not disturb people on the ground.

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#### Task Force or Program Office

State leaders should consider convening a statewide drone task force or creating a drone program office.

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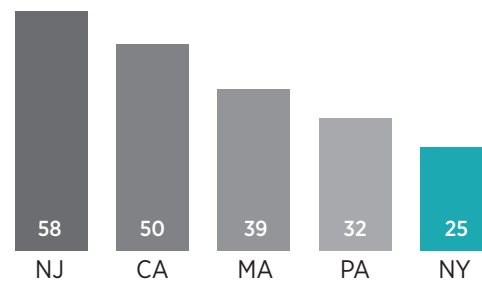
#### Law Vesting Landowners with Air Rights

New York law does not expressly provide air rights to landowners, which raises litigation risk for drone operators.

## Peer State Comparisons by Score

Oklahoma (74)

Commercial drone-readiness scores vary across the nation. To give state leaders and residents insight into how their state compares, we have provided the scores of four state peers. In most cases, these peers are neighboring states. (Top line illustrates the top score in 2022.)



## Definitions

### Airspace Lease Law

States receive points for having laws that allow state and local authorities to lease airspace above public roadways. These laws allow officials in the future to create drone highways safely, away from airports and residential areas.

### Avigation Easement Law

States receive points for expressly creating an avigation easement, meaning that drones (and planes) are free to fly over private property as long as they do not disturb those on the ground.

### Task Force or Program Office

States receive points if they have an active statewide task force or a program office dedicated to commercial drone services.

### Law Vesting Landowners with Air Rights

States receive points for expressly vesting landowners with air rights. This law reduces litigation risk by putting drone operators on notice that drone flights that are too low or disruptive to landowners are not permitted.

### Sandbox

States receive points if they have dedicated state facilities and airspace for commercial drone testing.

### Jobs Estimate

This score is based on the number of drone jobs per 100,000 people; estimated using ZipRecruiter data.

## Notes

1. N.Y. GEN. MUN. LAW § 72-N (Consol. 2020).

2. See “The Multi-Million Dollar Corridor Creates Unparalleled Drone Testing Capability,” NUAIR, November 13, 2019, <https://nuair.org/2019/11/13/governor-cuomo-announces-completion-of-50-mile-drone-corridor/>.