

RESEARCH SUMMARY

Drones, Airspace, and the Sharing Economy

Commercial drone industry advocates assert that laws that ignore landowners' rights to exclude drones from the low airspace above their land are crucial to the industry's success in the United States. In "Drones, Airspace, and the Sharing Economy," Troy A. Rule proposes a different approach that would respect landowners' existing airspace rights while also accelerating the efficient and equitable deployment of commercial drone technologies across the country.

PROPERTY RIGHTS VERSUS DRONE INDUSTRY PROGRESS: A FALSE CHOICE

Drone technologies have the potential to transform delivery services in ways that would benefit millions of Americans, and powerful corporations such as Amazon and Walmart have been working to turn this potential into a reality. However, as recent court rulings have affirmed, landowners are legally entitled to exclude objects from the low airspace immediately above their land. Many drone industry advocates argue that the nation cannot respect long-standing private airspace rights without thwarting the mass deployment of commercial drone technologies.

Rule argues that it is possible to respect existing property rights while also unleashing the nation's fledgling commercial drone industry. In particular, digital airspace sharing platforms could open up much of the nation's low airspace by enabling landowners to license their airspace to drone users for cash. These platforms would align the interests of landowners and drone companies, affirm long-standing property rights, and allow landowners to generate income by licensing out their space for drones.

A BETTER WAY FORWARD FOR ALL

Rule's proposal is a technology- and market-based alternative to top-down federal regulation. However, facilitating it would require coordination at the federal, state, and local government levels. Some immediate benefits under this proposal include the following:

- *Protected property rights and greater market certainty:* By enacting laws that affirm and more clearly define landowners' property interests, legislators and regulators could nurture the emergence of private airspace sharing platforms capable of opening up commercial drone activity in much of the country's low airspace.
- *Empowered landowners and greater equity:* By empowering landowners to keep drones out of the airspace above their land or to lease temporary access to that space to supplement their income, airspace sharing platforms would allow the economic value resulting from new drone uses in low airspace to spread among millions of individual landowners rather than flow almost entirely to large corporations.

- *Public acceptance*: By clarifying and respecting existing property rights, laws that promote digital airspace sharing platforms could create the economic incentives, public buy-in, and legal certainty needed for US commercial drone services to finally take flight.